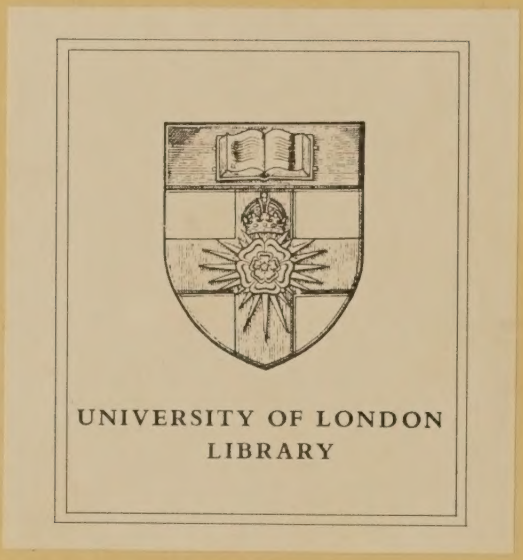
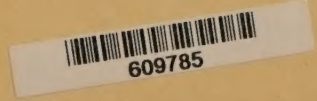
THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

PARL. PAPERS
FOR REFERENCE ONLY.




609785

REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS;

FORTY-SEVEN VOLUMES.

—(24.)—

HABITUAL OFFENDERS (SCOTLAND).

SESSION 1.—5 *February* 1895——6 *July* 1895.
SESSION 2.—12 *August* 1895——5 *September* 1895.

VOL. XXXVII.

1895.

REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS:

1895.

FORTY-SEVEN VOLUMES:—CONTENTS OF THE

TWENTY-FOURTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° at the *foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

HABITUAL OFFENDERS, &c. (SCOTLAND):

[C. 7753.] Report from the Departmental Committee on Habitual Offenders, Vagrants, Beggars, Inebriates, and Juvenile Delinquents. p. 1

[C. 7753-I.] Minutes of Evidence, with Appendix and Index. 65

DEPARTMENTAL COMMITTEE ON HABITUAL OFFENDERS, INEBRIATES, &c. (SCOTLAND).

REPORT

FROM THE

DEPARTMENTAL COMMITTEE

ON

HABITUAL OFFENDERS, VAGRANTS, BEGGARS, INEBRIATES, AND JUVENILE DELINQUENTS.

[*THE MINUTES OF EVIDENCE, APPENDICES, AND INDEX ARE PUBLISHED SEPARATELY.*]

Presented to both Houses of Parliament by Command of Her Majesty.

EDINBURGH:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
By NEILL & Co., Old Fishmarket Close.

And to be purchased, either directly or through any Bookseller, from
JOHN MENZIES & CO., 12 Hanover Street, Edinburgh, and
90 West Nile Street, Glasgow; or
EYRE & SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
HODGES, FIGGIS, & CO., Limited, 104 Grafton Street, Dublin.
1895.

[C.—7753. *Price 6d.*]

MAIN FEATURES OF INQUIRY.

A.—Habitual Petty Offenders apprehended, convicted, fined, or imprisoned for (1) Drunkenness, accompanied by incapacity or disorderly conduct; (2) Breaches of the Peace and Petty Assaults; (3) Prostitution; (4) Vagrancy and Begging; (5) Petty Thefts, with Sentences of 14 days and under.

B.—Vagrants, Beggars, Tinkers, and Gipsies.—Their habits and mode of living. Experience in other countries.

C.—Habitual Drunkards of Poorer Classes seldom or never coming under cognisance of the police—The Habitual Drunkards Act, 1879, and the Inebriates Act of 1888—Procedure antecedent to admission to Licensed Retreats—The element of compulsion—Maintenance by friends, Church, philanthropic, or other agencies—Period and conditions of detention in Licensed Houses or Retreats—Experience in other countries.

D.—Well-to-do Habitual Drunkards.—Habitual Drunkards Act, 1879, and Inebriates Act of 1888—Element of compulsion—Licensed Retreats—Period of detention, &c.—Experience in other countries.

E.—Result of Detention of Voluntary Inebriates and Habitual Petty Offenders in Asylums, Homes, Shelters, licensed and unlicensed, in this country—Period of detention—Employment—Maintenance.

F.—Juvenile Delinquents.

[Witnesses, when cited to appear, were supplied with the foregoing.]

WARRANT APPOINTING THE COMMITTEE.

WHEREAS representations have from time to time been made to me by influential bodies, to the effect that there is a large and increasing number of Habitual Offenders, Vagrants, Beggars, and Inebriates in Scotland, and that the existing powers of dealing with such persons, especially with a view to a permanent remedy, are inadequate; and whereas I consider that it is desirable, in the public interest, that a full inquiry into this subject should be instituted,—I accordingly hereby appoint a Committee consisting of:—

Sir Charles Cameron, Bart., M.D., M.P. (*Chairman*);
Lieut.-Col. A. B. M'Hardy, R.E., Prison Commissioner for Scotland;
R. Farquharson, Esq., M.D., M.P.;
Col. Sir Colin Scott Moncrieff, R.E., Under-Secretary for Scotland;
John Dove Wilson, Esq., LL.D., Professor of Law, Aberdeen University;
J. F. Sutherland, Esq., M.D., Medical Officer, Glasgow Prison;
Miss Flora C. Stevenson, Hon. F.E.I.S., Member of the Edinburgh School Board;

to inquire whether the number of such persons is increasing, and into the cause of such increase; and further, to suggest such remedies as may, while deterrent, be likely to bring about their reformation and to prevent further additions to their numbers, due regard being had to the cost of any remedies which may be suggested, and to the practicability of their being carried into effect. And I appoint Dr Sutherland to be *Secretary* to the Committee.

(Signed) GEORGE OTTO TREVELYAN,
Her Majesty's Secretary for Scotland.

SCOTTISH OFFICE, WHITEHALL,
19*th June* 1894.

To the above remit was subsequently added by the Secretary for Scotland, on 23rd November 1894, the following:—

And also to inquire into the number of male and female Juvenile Offenders sent to prison in Scotland, the offences for which they are committed, and the extent to which such committals could be lessened, and to report generally on the subject.

SYNOPSIS OF REPORT.

	Subject.	Page.
	INTRODUCTORY,	i
1.	HABITUAL OFFENDERS,	ii
	Statistics from Burghs and Counties,	,,
	Increase in Drunkenness and allied Offences,	iii
	Commitments to Prison,	,,
	Increase of Confirmed Offenders,	iv
	Causes of Increase,	,,
	Influence of Legislation and Police Administration,	,,
	Differences between Scottish and English Law and Administration,	vi
	Difference in Law and Administration in Scotland,	vii
	Commitments for Prostitution,	viii
	Inefficacy of present system of dealing with Habituals,	x
	Option of Fine or Imprisonment,	xii
	Basis of Definition of Habitual Offender,	xv
	Prisoner-Paupers—Census of Prisons and Poorhouses,	xvi
	Weak-minded Habituals,	xvii
	Treatment of Habitual Offenders,	,,
	Labour Settlements,	xix
	Licensing out,	,,
	Selection of Labour,	,,
	Liberation on Licence,	xx
	Committal to Poorhouses,	xxi
	The True Principle of Law as to Decent Paupers,	,,
	Troublesomeness and Costliness of Present System,	xxii
	The Housing of Labour Settlements,	xxiii
	Prisons and Poorhouses available,	xxiv
	Probable number of Habitual Offenders,	,,
	Finance,	xxvi
	Value of Male and Female Labour,	,,
	Financial Position of Scheme (Balance Sheet),	xxix
	AGRANTS AND BEGGARS,	xxxi
	Tinkers and Gipsies,	,,
	Education of Gipsy Children,	xxxii
	Professional Vagrants and Beggars,	xxxiii
	The Working-man Tramp,	,,
	Hardships of the Present System,	xxxvi
	Permanent Organisation for Relief Works,	,,
3.	JUVENILE DELINQUENTS,	xxxvii
	Imprisonment to be avoided,	,,
	Whipping of Juveniles,	xxxviii
	Reformatory and Industrial Schools,	xxxix
	Success of Reformatory Work,	xl
	Administration of Reformatory and Industrial Schools,	xliv
	Orphan Homes of Scotland,	xlv
4.	HABITUAL INEBRIATES,	,,
	Habitual Offender Inebriates,	,,
	Inebriates within the meaning of Inebriates Acts,	xlvii
	Queensberry Lodge and House,	xlviii
	Brownsland Home,	xlix
	Isolated Inebriates,	l
	Inebriate Patients in Lunatic Asylums,	,,
	Secret 'Cures,'	li
	Want of Compulsory Powers,	liii
	Committal at instance of Friends and Procurator-Fiscal,	,,
	Every Retreat to be Licensed,	liv
	Scottish Retreats to be Administered from Scottish Office,	lv
	Recommendations as to Habitual Inebriates,	,,
	Temperance Legislation,	lvi
5.	RÉSUMÉ,	lvii

DEPARTMENTAL COMMITTEE

ON

HABITUAL OFFENDERS, &c. (SCOTLAND).

REPORT.

TO THE RIGHT HONOURABLE

SIR GEORGE OTTO TREVELYAN, BART., M.P.,

H.M. Secretary for Scotland.

SIR,

A Your remits to the Committee call our attention to habitual offenders, vagrants, beggars, and inebriates in Scotland, and direct us to enquire 'whether the 'number of such persons is increasing and into the causes of such increase, and to suggest 'such remedies as may, while deterrent, be likely to bring about their reformation and to 'prevent further additions to their numbers, due regard being had to the cost of any 'remedies which may be suggested, and to the practicability of their being carried into 'effect;' and also 'to enquire into the number of male and female juvenile offenders 'sent to prison in Scotland, the offences for which they are committed, and the extent to 'which such committals could be lessened, and to report generally on the subject.'

B In pursuance of our enquiries and the consideration of our report, we have held 38 sittings. Of these, 27 were devoted mainly to the examination of 151 witnesses, whose evidence is reported. These comprise 1 senator of the College of Justice, 4 sheriffs, 13 provosts and magistrates, 10 chief constables of burghs, 8 chief constables of counties, 8 poor-law officials, 1 representative of the Scottish Local Government Board, and 1 of the Scottish Lunacy Board, 6 medical superintendents of asylums, 17 prison officials, 3 members of School Boards, 6 physicians and medical experts, 4 solicitors, 13 clergymen of all denominations, 3 representatives of Prisoners' Aid Societies, 20 of refuges and asylums of all sorts, 3 Industrial and Reformatory School Officials, delegates from the Perthshire Committee on Tinkers and Vagrants, delegates from the Salvation Army, a representative of the Charity Organization Society, a female convict and a male ex-convict. Besides this we visited 35 institutions, including 8 prisons, 3 police offices, 10 reformatories and industrial schools, 7 Magdalene asylums, 1 orphans' home, 1 inebriates' home, 1 children's shelter, night and industrial refuges, and other institutions, a list of which we give elsewhere (p. ix., Minutes of Evidence).

C In the course of these visits your Committee interviewed a very large number of officials and inmates, including scores of prisoners of all classes, adult and juvenile, convicts and police cases, as well as many habitual inebriates and inmates of Magdalene institutions. The circumstances in which these interviews took place (in prisons, police cells, reformatories, and elsewhere) rendered it impossible for the statements made to be taken down by a shorthand writer, but in the course of them many facts were elicited which have largely influenced your Committee in arriving at their conclusions.

D Besides this your Committee have obtained a large number of statistical returns and memoranda,[1] and they have availed themselves of published official reports of responsible committees and departments on the various branches of their enquiry.[2]

[1] See Appendix.

[2] Reports—Prison Commissioners, Inspector of Reformatories, Judicial Statistics, Select and Departmental Committees, &c., &c.

PART I.—HABITUAL OFFENDERS.

A Cases of drunkenness, breach of the peace, assault, vagrancy, begging and importuning, account for seventy-one per cent. of the total apprehensions and citations in Scotland.[1] A large portion of the balance is accounted for by offences against local police regulations, and the remainder consists of indictable offences for which the sentences are so long as to prevent any rapid increase in the number of re-convictions. The average duration of confinement of criminal prisoners in Scotland, excluding convicts at Peterhead, during the five years ending 1893 was under 14½ days[2]; and when we remember that this includes long sentences as well as short, it will be seen that an opportunity for repeated conviction is afforded in the case of the habitual petty offender which is wanting in that of the more serious criminal, and it is therefore to the class of petty offences that our investigations have practically been confined.

Sutherland, Appendix I.

Donaldson, Appendix VII.

B *Petty-offender Statistics.*—In Scotland the number of arrests and convictions,—including forfeited pledges and cases dealt with by fine, imprisonment or admonition,—for drunkenness, breach of the peace, assault, vagrancy, importuning and petty theft has since 1875 increased, though not proportionately to the increase of population.[3] From the police returns furnished to us it appears that the number of arrests and convictions for these offences in the whole of Scotland, in the years to which the figures relate, were as follows :—

Appendix X.

Year.	Arrests, &c.	Convictions, &c.	Population as estimated by Registrar-General.	Percentage of Convictions, &c., to Population.
1875	101,182	92,783	3,514,744	2·64
1885	90,873	83,221	3,856,307	2·15
1893	108,603	100,310	4,093,959	2·45

C The same returns show, however, that this increase occurs in the case of counties only, and that in the burghs, although there is an increase in 1893 as compared with 1885, there is practically no increase in numbers as compared with 1875. As divided between counties and burghs the figures are * :—

Counties.

Year.	Arrests, &c.	Convictions, &c.	Population as estimated by Registrar-General.	Percentage of Convictions, &c., to Population.
1875	14,275	12,493	2,003,154	0·90
1885	18,029	15,738	2,163,207	0·91
1893	21,823	19,955	2,148,104	1·12
		Burghs.		
1875	80,710	76,052	1,511,590	5·03
1885	68,269	63,504	1,693,100	3·75
1893	81,160	75,500	1,945,855	3·88

D Pushing the analysis further we find in the smaller burghs that the percentage of convictions to population since 1875 has been practically stationary, while in the larger,

* The division between counties and burghs, which is made in the Judicial Statistics, has necessarily been followed in this Report, though it is in some respects unsuitable for the purpose. The division which these statistics make does not correspond with the division of the population into rural and urban, or with the division between the territory of the county common law and that of the burghal statute law on the subject of petty offences. What are classed as burghs in the statistics are only those burghs which have entirely separate police establishments, and make separate statistical returns. All the larger burghs are in this position, but the small burghs returned as such in the statistics, are only a comparatively small proportion of those actually existing. It thus happens that a large number of burghs, which hold courts and administer law special to burghs, but which are policed by the counties in which they are situated, are massed in the county statistics, so as to make it impossible to distinguish what number of the offences, which are recorded as belonging to the counties, belong properly to them, or belong to burghs massed with them. A return has been made of the burghs which are thus included in slump with counties, and will be found in Appendix XCIII. It will be observed that it includes burghs, such as Wishaw, which are much larger than some of the burghs making separate returns.

A although, as before, 1893 shows a slightly increased percentage of convictions to population on 1885, it exhibits also a largely decreased percentage on 1875. Dividing the cases between the smaller and the larger burghs, the figures are as follows :—

Small Burghs.

(Including Ayr, Partick, Perth, Hamilton, Kilmarnock, Kirkcaldy, Inverness, Dumbarton, Stirling, Dumfries, Dunfermline, Hawick, Airdrie, Port-Glasgow, Johnstone, Arbroath, Renfrew, Alloa, Galashiels, Rothesay, Forfar, Montrose, Brechin, Broughty-Ferry).

Year.	Arrests, &c.	Convictions, &c.	Population as estimated by Registrar-General.	Percentage of Convictions, &c., to Population.
1875	11,380	9,724	338,189	2·87
1885	12,480	11,339	401,066	2·82
1893	13,955	13,015	446,231	2·91

Large Burghs.

(Including Glasgow, Edinburgh, Dundee, Aberdeen, Leith, Greenock, Govan, Paisley).

Year.	Arrests, &c.	Convictions, &c.	Population as estimated by Registrar-General.	Percentage of Convictions, &c., to Population.
1875	69,330	64,871	1,173,401	5·52
1885	55,789	52,165	1,292,034	4·03
1893	67,205	62,485	1,499,624	4·16

B *Increase in Drunkenness and Offences arising therefrom.*—A carefully prepared diagram, to be found in the Appendix to this Report,[1] showing the number of apprehensions and citations for breach of the peace, drunk and incapable, and disorderly conduct, and in another colour the growth of the population since 1880, proves that the main factor in this increase is an augmentation of drunkenness and offences arising therefrom. Reference to this diagram shows that the number of apprehensions and citations for these offences increased from 80,855 in 1880, when the population was 3,637,000, to 98,427 in 1893, when the population was 4,050,000. Not only do these figures show an absolute increase of 17,572, or 21 per cent., in thirteen years, but an increase beyond that proportionate to the increase of population (10 per cent. between 1881 and 1893) to the number of 9,487 a year. The arrests for the offences specified reached their maximum in 1890, between which year and 1893 they have declined by nearly 8,000, which is so far encouraging; but still the serious significance of the net increase of the percentage of arrests from this cause to the population of Scotland in 1893 as compared with 1881, is shown by the fact that it amounts to more than one-fifth of the total arrests for similar offences in the London Metropolitan district at the present time.

[1] Sutherland, Appendix IV.

C *Commitments to Prison.*—On analysing the number of commitments to prison in Scotland we find[2] (*a*) that the number of commitments to prison in Scotland for petty offences has steadily increased from 26,000 in 1875 to 32,000 in 1885 and 35,000 in 1893, and (*b*) that the number of commitments to prison for other offences has decreased since 1875, being in that year over 17,200, against 14,000 in 1885 and 15,600 in 1893.

[2] Appendix XIII.

D It thus appears that the number of commitments for drunkenness, breach of the peace and assault, vagrancy or begging, prostitution and petty theft, in 1893 constituted more than two-thirds of the whole number; and, as petty offenders constitute the class among whom the greatest number repeated convictions occur, one would naturally expect a corresponding increase in re-commitments to prison.

Increase in repeated Commitments to Prison.—We find that in 1884 the number A
of re-commitments within the year was 14,305, that it then fell considerably, rising again in 1890 to 14,742, and reaching 15,255 in 1893. Although these figures show an actual increase in the number of habitual offenders, as indicated by re-commitments to prison within twelve months, it is gratifying to note that that increase is not proportionate either to the increase of petty offences or to that of the general population in the interval. Had it been proportionate, according to either of these standards the number of re-commitments would have been some 400 greater than was actually the case.

Increase most marked among Confirmed Offenders.—Prison statistics further B
prove that it is amongst the most incorrigible class of offenders that the increased re-commitments have principally occurred. This is very clearly brought out if we compare the tables of re-committals to prison, published in the Annual Reports of the Prison Commissioners. Taking the five last years, we find that the total re-committals in Scotland, once and oftener, and the re-committals of those who had been ten times or oftener previously in prison, stood in the years 1889–90 to 1893–94, as follows:—

Year.	Total Re-committals.	Re-committals, Ten Times and oftener.
1889–90	15,783	2469
1890–91	15,060	2494
1891–92	14,677	2674
1892–93	15,911	2714
1893–94	16,532	2816

The increase in the total re-commitments was therefore 749 or 4·7 per cent.; C
while the increase of the more hardened offenders was 347 or 14 per cent.

Causes of Increase.—In considering the causes of the increase of petty and D
habitual offenders in Scotland several facts require to be borne in mind. For instance, the number of commitments to prison of offenders under 16 years of age has diminished by 471 in 1893 as contrasted with 1861. This is doubtless due to the institution of Reformatory and Industrial Schools and the enactment of compulsory education, which, apart from other considerations, deprives juvenile delinquents of much of the opportunity previously afforded for wrong-doing. Another cause is doubtless also an improvement in public sentiment, which renders magistrates reluctant to commit such cases. To this we believe to be due a considerable portion of that diminution in the ratio of petty offences to population which is noticeable in the case of larger burghs.[1] In the case of the counties and smaller burghs the same causes would, of course, exert an influence in the same direction, but there they have been much more than counteracted by the creation of new offences through the erection of populous places into Police Burghs and by the increased energy of police administration.

[1] See *ante*, p. iii.

Influence of Legislation and Police Administration on number of Offenders.— E
The potency of these two causes in influencing the number of arrests and convictions is not generally sufficiently appreciated. To illustrate it, take the case of Glasgow.[2] In 1866 the principal Glasgow Police Act was passed. Under the Act in vogue prior to its passing, the drunken cases with which the police had to do were classified as drunk and incapable and drunk and disorderly, but the coupling of drunk with disorderly was found to lead to miscarriage of justice when the drunkenness could not be proved. The Act of 1866 therefore omitted the drunkenness in disorderly cases, and charged the disorder simply. The last complete year in which the old Act was in force was 1866, and the number of convictions, admonitions, and pledges forfeited in that year in cases of drunk and incapable, drunk and disorderly, assaults, and disorderly, amounted to 15,656. The first complete year under the new Act was 1868, and in that year the number of convictions, admonitions, and forfeited pledges in cases of drunk and incapable, assaults, and disorderly rose to 16,226. This increase of 570, we may take it, was due chiefly to the change of law. But prior to 1866, and for seven years afterwards, the custom was for the lieutenants in charge of the various police offices to discharge when sober those drunks who could not leave a pledge, as not worth the trouble of bringing before the magistrate. In 1873 the magistrates gave orders that this system should be discontinued, and that every person who did not leave a sufficient pledge should be brought before them. 1873 was the last complete year during which the old system was in force, and in that year the number of convictions, admonitions, and pledges forfeited in cases charged as drunk and incapable,

[2] Appendix LXXXI.

A assault, and disorderly amounted to 24,324, while the 'drunks' discharged without leaving pledges numbered 29,963. The old system continued for the greater portion of 1874, and 1875 was the first complete year under the new. The result of this purely administrative change was to increase the number of convictions, admonitions, and forfeited pledges, from 24,324 in 1873, to 38,133, and to increase the number of recommitments to prison by 5800 over the figures at which it had stood in the previous year (1874).[1]

[1] Donaldson, Appendix LV.

B *Case of Perth.*—Again we may take the case of Perth. In that city, without any special change in the law, the number of arrests, which during the administration of one Chief Constable had been between 500 and 600, sprang up on the appointment of his successor to over 1000. The only reason the new Chief Constable could give was the change in the management of the police. The people, he admitted, were not more drunken or disorderly, but those who were allowed to escape before were dealt with now.[2]

[2] Q. 7357–8.

C *Cases of Govan and Partick.*—Another illustration of the extent to which the number of arrests is influenced by diversity of police administration is to be found in the case of Glasgow and Govan. These police areas are contiguous, and a stranger passing from one to the other would not recognise where the one ended and the other commenced. In Glasgow the number of arrests and citations for all offences is about 84 per 1000 of the population; in Govan it is but 40. But in 1873 the ratio of arrests in Govan was 105 per 1000.[3] In 1883 it had fallen to 73·39. In that year a new Chief Constable was appointed, and the total number of apprehensions in 1884 fell to 57 per 1000; in 1885 to 41; in 1886 to 34; and in 1887 to 31. Since that date it has fluctuated between 38 and 51 per 1000, and in 1893 was 42, or exactly half the percentage of Glasgow. An attempt was made to explain the difference by an alleged superiority of the Govan population, but the fact that in 1893 the number of convictions for petty theft in Govan was in proportion to its population[4] more than 30 per cent. greater than in Glasgow, detracts from the satisfactoriness of this explanation, and compels us to fall back upon the admission of the Chief Constable of Govan[5] that the percentage of apprehensions 'depends entirely upon the management of the police force.'

[3] Q. 8789.

[4] Appendix X.

[5] Q. 8879–80.

D While it is right to state that in no instance did we find any prisoner in a police office whose condition and appearance did not afford strong presumptive evidence in justification of his arrest, we must state our conviction that a judicious management of the police tends to diminish the percentage of arrests to population, and we commend to attention the following extract from a memorandum (to be found in our Appendix) by the Chief Constable of Partick relating to arrests in his district[6]:—'Having had 'experience in five different Police Forces during the last 23 years, *I must say that the* '*more efficient the management of a Police Force is, and the more the Police keeps in* '*touch with the Public, the fewer will be the apprehensions.*'

[6] Appendix LXXII.

E In Scotland the Magistrates are indirectly elected by the inhabitants of the different localities, and where any peculiarity in the 'management of the police' is based on definite instructions from them, we may assume that it accords with popular sentiment. Where, however, it results simply from the idiosyncrasy of the local Chief Constable, as appears often to be the case, we think it but proper that attention should be called to it, in order that if it be commendable the example may be held up for imitation, and if it be the reverse, the attention of the local Magistrates may be called to it.

F We therefore recommend that the Inspector of Constabulary should, as part of his duty, inquire into local peculiarities of police administration, and where they seem to him to call for notice, should report on them to the Secretary for Scotland.

G If this were done, although it could not bring about uniformity in the 'management of the police' throughout Scotland, it would tend to discourage those extreme departures from it, to which the fact of so much being left to the unsupervised discretion of individual Chief Constables at present gives rise.

H *Conclusions.*—In response to the question propounded in the first portion of your remit, your Committee have to report—

(1) That the percentage of convictions to population for graver offences in Scotland has for many years shown a continuous decrease.

A (2) That the number of convictions for petty offences has within the same period gone on increasing at a rate considerably in excess of that of the increase of population.

(3) That the number of habitual offenders, as indicated by those imprisoned more than once within twelve months, has increased, but that the ratio of increase is less than either that of the population generally or that of convictions for petty offences.

(4) That there has been a disproportionately large increase in the number of confirmed petty offenders, as indicated by persons re-committed to prison ten times and upwards.

(5) That the increase in the number of convictions, &c., for petty offences is not due to a falling off in the character of the population, but is due (*a*) to the effect of legislation in increasing the number of petty offences; (*b*) to the adoption of Burgh Police Acts in populous places, and (*c*) to increased vigilance on the part of the Police.

Differences between Scottish and English Law and Administration.

B Although at first blush the fact that 38 persons per 1000 are annually apprehended or cited in Scotland against 25 in England, and that 12·3 per 1000 are annually imprisoned in Scotland against 5·6 in England, would seem to indicate the existence of a far greater amount of crime in Scotland than in England,[1] your Committee see no reason to believe that such is the case. In Scotland the system of public prosecution operates in the case of all offences, petty or serious, whereas in England it is resorted to only in that of the serious crimes, petty offences being there prosecuted either by the police or by private individuals. The committals to penal servitude, where the systems of prosecution adopted render a fair comparison possible, are proportionately almost identical in the two countries, being per hundred thousand of population in Scotland 2·4 against 2·3 in England.[2] In indictable crimes where the public prosecutor intervenes in a large number of cases that in England would be left to private prosecution, the proportion of convictions to population is as one would expect greater, being per hundred thousand of the population 46 against 32 in England. That the crimes and offences treated in the English prisons are of a much more serious nature than those treated in the Scotch, is shown by the fact that in the case of Scotch prisoners 40·2 per cent. had sentences of one month or under, against 21·4 of the English. And on the other hand, of prisoners undergoing sentences of three months and over the percentage in England was 34·4 against 21·2 in Scotland.[3]

[1] Appendix E.—Col. M'Hardy's letter, 1st Dec. 1893.

[2] Appendix F.—Col. M'Hardy's letter, 7th Jan. 1892.

[3] Col. M'Hardy's table—Appendix F.

C *The Offence of Drunkenness in England and Scotland.*—By much the greater portion of the apparent excess of crime in Scotland over that in England is due to drunkenness and offences arising therefrom. Thus in 1892 the number of persons charged with drunkenness, breach of peace, and petty assault in Scotland, was upwards of 103,000, whereas in England, with more than seven times the population, it was under 254,000.[4] This would at first sight seem to indicate the existence of a much greater amount of drunkenness in Scotland than in England, but that by no means follows. The fact is that the law and the practice of the police in the two countries are so different as to render any comparison based on police statistics utterly misleading. Here, for example, is a description of the practice in London extracted from the evidence which Mr. de Rutzen, police magistrate at Westminster, gave before the Departmental Committee of 1892 on the Treatment of Inebriates.[5]

[4] Appendix E. M'Hardy's letter 1st Dec. 1893.

[5] Minutes of Evidence of that Committee, Q. 223 and 224.

D 'In a great many years' experience I have never known the police to take anybody 'to the station for being drunk and incapable, unless incapable, in the sense of either 'lying down dazed, asleep, either in the middle of the street, or in the gutter, or on the 'pavement, and so forth. And the mode in which they are dealt with now is, they 'are taken to the station to be taken care of; as soon as they become sober the police 'are obliged to let them out, and my experience is that there is not one in twelve 'whom a magistrate sees after they are let out from the station. The police have the 'power to summon, it is true, but the persons detained probably have given either a 'false address or a false name, and nothing more is ever heard of them. . . . The only 'excuse for taking them to the station is the same excuse that you might have if you 'found a person drunk outside your door, to take him in for fear of being run over; 'and in the same way the police only take a drunken person to the station and detain

A ‘ him there until he is fit to go, and bind him over in recognisances to appear next day. ‘ Drunken people having found out that there is no kind of power to enforce attendance, ‘ never make any appearance at all, and therefore, one after another, when the name is ‘ called, the magistrate marks “no appearance,” leaving it entirely to the police to take ‘ steps by summoning, which they do not do, and perhaps cannot do in one case out of ‘ a hundred, or ten or a dozen, as the case may be.’

B Contrast this with the practice in Scotland. In Dundee in 1865 there were 1231 arrests for Drunkenness, Drunk and Incapable, and Disorderly Conduct; in 1875, 1656; in 1885, 1169; and in 1893, 1615. Every one of these 5671 arrests is recorded as having resulted in fine, imprisonment, admonition, or forfeiture of pledge.[1] In Edinburgh in 1893, out of 2206 persons arrested for the offences specified, 15 only appear to have been acquitted; the rest resulted in fine, imprisonment, admonition, or forfeiture of pledges.

[1] Appendix X.

C *Differences between Scottish and English Poor Law.*—Your Committee also had to keep in view the differences between the Scottish and the English Poor Law systems. On the one hand, as brought out by Mr M‘Neill, and as fully dealt with by us afterwards (p. xxi, C), the Scottish Poor Law system is one of outdoor relief, with the poorhouse only as an auxiliary or as a check. On the other hand, the theory of the Scottish Poor Law, differing on this point totally from the English, absolutely denies relief, not only to all able-bodied persons themselves, but to those persons dependent upon them, who if they were in employment, they would be held to be able to maintain. In Scotland the relief of the able-bodied and of their dependants is left to the charity of public bodies and private persons. This theory is one which Parochial Authorities find it difficult to carry out in its strictness, but we have accepted it as one which is not to be altered, and we have framed our suggestions so as to make the minimum of interference with it.

D *Differences in Prison Administration.*—It is also to be remembered that there is a considerable difference in the details of Prison Administration in Scotland and England. For instance, in Scottish prisons there are no tread-wheels or other mechanical means of inflicting what is known in England as first-class hard labour. Sentences involving hard labour are comparatively rare in Scotland, while in England they form the great majority; and it may thus have come about that the need for mechanical appliances has not been strongly felt in Scotland: nevertheless the tread-wheel and crank have both been tried in Scotland, and abandoned many years ago as improper instruments of punishment.

E The Scottish prisoner is therefore engaged entirely in industrial labour, some kinds of it—as for instance, oakum picking—being unfortunately not satisfactory in their results either as means of reformation or as giving good financial returns; but the profitable employment of prisoners has always been a difficult question, and every effort is made to find suitable and remunerative labour for them.

Difference in Law and Administration within Scotland.

F *In cases of drunkenness.*—In Scotland itself, while the law on the subject of drunkenness is uniform throughout the Counties, however much its administration may differ, both law and administration differ to a bewildering extent in the different Burghs. In the Edinburgh Police Act, for example, there is one definition of a Drunk and Incapable, and he is liable to a maximum penalty of 40s. or 1 month’s imprisonment; in the Glasgow and Greenock Police Acts there is a wider definition, but the maximum penalty is 40s. or 14 days. In the Burghs under the operation of the Burgh Police Act, or which have (like Dundee) adopted the same provisions on this point, the punishment is 40s. or one month, and in the case of habitual drunkenness a sentence of 14 days’ imprisonment without the option of a fine may be inflicted. Under the Greenock Police Act a man committed as drunk and incapable may, after 6 previous convictions for the same offence, be sent to jail for 60 days, while in the Counties he may get drunk as frequently as he pleases at a maximum penalty of 5s. or 24 hours. In Police Administration too there is the greatest diversity. In Glasgow, drunk-and-incapables, or other petty offenders, are, on becoming sober, liberated from the police cells on leaving pledges of 5s. or 7s. 6d.; and having done so they depart and hear no more of the matter. Those who cannot leave pledges are brought before the Magistrate and dealt with very summarily, especially on busy mornings (Mondays for example), when they are

brought up, and plead guilty or are dismissed in batches. In this way out of 33,998 A
arrested as Drunk or Disorderly, 2488 escaped without fine or imprisonment, admonition or forfeited pledge. In Edinburgh, on the contrary, those released on pledge are only allowed to go on condition that they shall appear before the Court next morning, and if they fail to present themselves their pledges are forfeited and they are proceeded against by summons, and the system is so thoroughly enforced that, as has been mentioned, only 15 out of 2206 arrested in 1893 are unaccounted for under the heads of Conviction, Admonition, or Pledge forfeited. But in Edinburgh, instead of the prisoner being dealt with at once, he only receives immediate sentence if he pleads guilty. If he pleads not guilty his case is remanded for 24 hours for the convenience of the police. The habitual petty offender, knowing this, only refrains from pleading guilty when a Magistrate reputed for his severity happens to be on the Bench, and then he does so in hope of getting off more easily before another Magistrate next day. An innocent novice, however, arrested on Friday afternoon, without friends or money, and ill-advised enough to plead not guilty on Saturday morning, might, and no doubt occasionally does, under such a system subject himself to 48 hours' extra incarceration in the police cells. In
[1] Q. 13,808. Cupar and other burghs in Fife,[1] on the other hand, so careful are the authorities to avoid the unnecessary detention of untried prisoners that Magistrates are appointed to visit the police office on Sundays and discharge or remand as, after hearing evidence, they think fit —an excellent practice which might with advantage be extended. In Paisley a different system prevails. Drunkenness in that town was up till 1892 (when Paisley came under the Burgh Police Act) dealt with under the provisions of the Public Houses Act, 1862. In the words of the Chief Constable of the Burgh:—'Prior to
[2] Q. 11,316-7. 'the passing of this last Act our powers were limited.'[2] It was only 5s. or 24 hours 'then, and it was not worth while paying the fare of a man or woman to Glasgow, and 'a cab from the station to Duke Street, to get them washed and turned out next 'morning. We therefore turned them out next morning when they were sober, or if we 'could get 5s. out of them we took it. We did not try fining. It was no use.' The new Act, as we have stated, increased the 5s. or 24 hours penalty to 40s. or 30 days, but the old tradition remains, and in 1893, out of 922 persons arrested in Paisley as drunk and incapable or disorderly, only 298 were accounted for by convictions, admonitions,
[3] Q. 11,364. or forfeited pledges, while 624 were, again to quote the Chief Constable,[3] 'turned adrift 'when they got sober as not worth taking before the Court. . . . We do not take a 'man before the Court if we can help it, because a man might be ruined if it was found
[4] Q. 11,329. 'that he came before the Police Court. We study these things in Paisley.'*[4] We have gone somewhat into detail on this branch of the subject because we desire to make clear the vast extent to which difference of Police Administration in different localities must affect the significance of criminal statistics so far as petty offences are concerned, rendering comparisons between those of different localities in Scotland almost as impossible as between those of Scotland and England.

Habitual Offenders vary their Offences.—One fact it is important to bear in B
mind in dealing with the whole question—the habitual offender, as a rule, does not confine himself to one offence. The greater number of his convictions may be for breach of the peace, or even for incapable drunkenness, but generally, in the case of males, other charges, such as obscene language, begging, malicious mischief, theft, or robbery, sooner or later appear on the record; and in the cases of females, importuning generally figures among
[5] Appendix LII. the charges. Thus a return of female offenders[5] brought before the Dundee City Police Court more than four times during the year 1893 gives the record of 79 women. Among these women were only seven whose repeated appearances were due to one charge —that charge being in three cases breach of the peace and assault, in two, drunkenness, and in the two others, importuning. Of the remaining 72, who during the year 1893 had between them been apprehended 550 times, the charges on which they had been arrested were in 238 cases breach of the peace, in 174 drunkenness, in 169 importuning, and in 5 petty theft.

Commitments for Prostitution.

[6] Appendix XIII. The number of commitments for petty offences of females to prison in Scotland[6] in C
1893 was 15,206; of these, 3100 commitments, or over one-fifth of the whole, were

* The exceptional leniency of the Paisley police force does not seem to have blinded them to the fact that the increased fine which could be imposed under the Burgh Police Act inferred a legitimate increase in the pledge that could be exacted in suitable cases. The customary pledge had accordingly been raised to 5s. 6d. or 7s. 6d., and in the case of a prisoner with £1 in his possession the Chief Constable told us that he would make it 10s.

A for prostitution. This is such a startling proportion that we feel bound to consider the state of the law and that of the police administration which gives rise to it.

B *Scottish Law as to Prostitution.*—At common law in Scotland 'loitering or importuning,' the offence with which prostitutes are charged, is not a crime, and it is not punishable outside burghs which come under the provisions of the Burgh Police (Scotland) Act or of Local Police Acts. To constitute the offence under the Burgh Police Act the person must be (1) a common prostitute or street-walker, and (2) must either 'loiter 'about,' or 'importune passengers for the purpose of prostitution,' and the maximum penalty prescribed is 40s. fine or one month's imprisonment. In most of the special Police Acts the offence and penalty are the same, but in Edinburgh the penalty ranges to £5, or in the discretion of the Magistrate, imprisonment not exceeding 60 days.

C In police administration and magisterial treatment the greatest diversity prevails in this class of cases. In Glasgow we were informed that women arrested for the first time, when brought to the police station, are dismissed by the Lieutenant with a caution. If again arrested they are brought before the magistrate; the evidence adduced against them being that of two constables, who swear that they have known them for so long as common street-walkers, and that on the previous night between such and such an hour, and in such and such a street, they saw them accost a certain number of men. The evidence of the persons importuned is never forthcoming, and that of the constables is described as almost invariably identical.[1] Of the 2421 cases arrested in 1893, 2214 were dealt with by admonition, fine, or imprisonment, pledges not being accepted in these cases, and the maximum penalty of 40s. or 30 days being imposed in a very large number of instances. In 1894, 1831 of these women went to prison, 778 of them for 30 days or a month.[2] In Glasgow the average sentence of these women was 21¾ days, and the cost of their maintenance to the country, over £2180. In Edinburgh, on the other hand, although the maximum penalty is fixed at 60 days without the option of a fine, the administration of the law on the subject is much more lenient. In that city Sheriff Rutherfurd shares the jurisdiction of the Bailies in cases of the sort, and he refuses to inflict more than 5s. or 24 hours for the offence, even in the case of repeated convictions. He holds that many of the sentences passed under Police Acts would, if challenged in the Court of Session, be quashed as oppressive, and his views have influenced certain of his colleagues on the Bench. In that city, too, according to the Chief Constable, the police are instructed not to arrest women for loitering, and only to arrest them for solicitation when they persist in it after a warning given on the same night. The result is that the ratio of arrests for 'loitering or 'importuning' in Edinburgh in 1893 was only 13 per 10,000 against 36 in Glasgow.[3] Of the 351 women arrested in 1893, 337 were convicted and dealt with by admonition, fine, or imprisonment.[4] In 1894, 370 were committed to the prison or police cells. Their average term of imprisonment (including 33 sentences of four weeks or a month, one of 40, and another of 60 days), was 7 days.[5] Respectable witnesses, familiar with the aspect of both cities by night, described the condition of the Edinburgh streets in point of decency as quite equal to that of Glasgow. In Dundee, where the law on the subject is the same as that under the Burgh Police Act, the ratio of arrests for 'loitering and importuning' to population is 20 per 10,000; the number of women taken up on the charge being 335, of whom every one was in 1893 accounted for by fine or imprisonment, admonition, or forfeited pledge. In 1894, 252 women went to prison, 74 of them for a month, and the average sentence was 19 days. In point of decency the streets of Dundee did not compare so favourably with what was observed in Edinburgh and Glasgow. In Aberdeen, where the law is the same, the ratio of arrests for 'loitering 'and importuning' was but 10 per 10,000, or 120 in all, of which all but five were, in 1893, accounted for by fine, imprisonment, admonition, or forfeited pledges; in 1894, 100 women were sent to prison, their average sentence being 11½ days, and the highest sentence 14 days. Notwithstanding the exceptionally small ratio of arrests, and the shortness of the sentences, the streets of Aberdeen in point of decency seem to compare favourably with those of any other Scottish city.

[1] Temple, Q. 10,807.

[2] Appendix LXXIV.

[3] Sutherland, Appendix I.

[4] Appendix X.

[5] Appendix LXXIV.

D *Wide-Spread Desire to Reform.*—Your Committee interviewed a number of these unfortunate women in gaols and refuges, and the story which they reiterated with striking uniformity was that once they were known to the police as prostitutes they 'had no chance,' but were 'run in' whenever they appeared; that it was no use pleading not guilty, as two constables were ready on oath to justify their arrest. Many

of their cases were very sad, one prisoner, for example, telling us that she had taken to A
the streets because she was beaten by her husband for refusing to prostitute herself
for his gain in a brothel kept by his mother. The sacrifices to which many of these
women submit in their effort to escape from their wretched existence are convincing
proof of the earnestness of their purpose. In the Magdalene asylums[1] in which so
many of them find refuge, they voluntarily undergo close confinement for periods of
12 to 24 months, labouring hard at laundry or other work, and in many cases supporting
the institutions in which they are immured by their toil, their monetary remuneration,
postponed to the end of the term of voluntary confinement, amounting to about £3 a
year, including the value of their outfit. This they do in the hope of being restored to
the paths of honest labour. Of those whom we interviewed many were young, the
victims of one false step or of unfortunate domestic circumstances, and when spoken to
kindly they were easily moved to tears. It does seem a pity that so many girls and women
should in our gaols be submitted to a treatment which appears with each committal but
to render them more reckless and abandoned. In their case, according to the evidence of
those most active in their reclamation, drink is not usually the primary cause of their
fall, but it is resorted to in order to sustain them in their repulsive life, and, reacting,
confirms them in their degradation.

[1] Appendix XX.

Inefficacy of Present System of dealing with Habitual Offenders.

One result of the diversity of the law regarding petty offences in Scotland, and B
the still greater diversity in the method of police administration, is that it affords an
exceptional opportunity of judging as to the comparative efficacy of a number of different
systems for the repression of the class of offences with which we are called on to deal. It
was therefore most significant that, with one accord, the witnesses connected with the
administration of the law and police throughout Scotland testified to the utter
inefficacy of any of the systems adopted to cope with the evil of the habitual offender.
They told us that the short sentences of imprisonment imposed, practically only allowed
prisoners time to recruit their health, impaired by previous dissipation, and sent them
back to the world ready and eager for another bout. Not only so, but we received from
representatives of all classes, magistrates, clergy, as well as parochial and police authorities,
the strongest assurance that public opinion in Scotland was ripe for action being taken
by the Legislature to inaugurate a better system of dealing with habitual offenders.

The Question of Longer Sentences.—Many witnesses advocated increased powers of C
imprisonment. Now this proposal raises several questions. In the first place, would
the police and the magistrates, if entrusted with extended powers, generally avail
themselves of them? When your committee came to the case of towns where the
punitive powers of the magistrates had been greatly extended by the provisions of
the Burgh Police Act of 1892, we found that in many instances, as in that of
Paisley already referred to, little or no use had been made of these new powers
in the ordinary run of cases, and that they had only been taken advantage of in
one or two very exceptional instances; again, Aberdeen, although like other towns
empowered to adopt the provisions of the Burgh Police Act on the subject of
drunkenness, has not thought proper to do so. As a matter of fact, in all but a small
percentage of cases, penalties much under the maximum are inflicted, and when
heavy penalties are awarded, it is generally either in consequence of some peculiar
sensitiveness of local feeling (as in the case of the 30-day sentences on women for
solicitation in Glasgow), or in consequence of some individual crotchet of the sentencing
magistrate or some seasonal coincidence, as in the case of known offenders, who in
the latter part of December are often sent to prison for a fortnight instead of the
customary five or seven days, with the avowed object of withdrawing them from the
temptation of the New Year's festivities. On the whole, however, the punishment meted
out to petty offenders, even where they may have been repeatedly in the hands of the
police, is in the vast majority of cases very much less than that authorised by law at
present, and the fact that a new power of imprisonment without the option of a fine,
authorised by the Burgh Police Act in the case of repeated convictions for drunkenness
has, so far as your Committee could learn, during three years remained a dead letter—
leaves it open to doubt whether, if heavier penalties were authorised, they would be
imposed except in very rare instances.

General Adequacy of Present Sentences.—As to the deterrent effect of the present D
sentences it seems clear that in the great majority of cases they are sufficient for their

A purpose. In Glasgow, for instance, in the year 1893, the number of persons arrested or cited for various petty offences was over 34,000, while the number of those who were re-arrested within the year was 4328.[1] In the case of over 29,000 the fact of their arrest and the loss of the pledge forfeited, or the disgrace of their appearance in Court and the fine or punishment to which they were subjected was apparently a sufficient caution. Of the remainder the great proportion owe their second arrest to drunken habits, and among them were about 500 men and women[2] who were apprehended five times or upwards during 1893, and doubtless many more who should be classed as habitual offenders in respect of previous convictions within twelve months. To deal with these habitual offenders the present system is admittedly inadequate, but for casual offenders, who constitute nearly 90 per cent. of the whole, it seems to require no strengthening.

[1] Appendix IX.

[2] Appendix XI.

B *Do heavy Penalties repress repeated Offences?*—As to the third question, whether the simple increase of penalties tends to lessen the number of habitual offenders, some most instructive figures will be found in an Appendix which continues down to date statistics as to recommittals drawn up thirty years ago, and for which we were indebted to Mr. David M'Laren[3]. From these it appears that of 32,017 persons committed to Edinburgh, Glasgow, and Dundee prisons during the years 1861, 1862, and 1863, 10,135, or 31·6 per cent., were recommittals within the same year. While of 106,367 committed to the same prisons in the years 1891, 1892, and 1893, 33,666, or again 31·6 per cent., were recommittals within the same year. The percentage of recommittals was the same, therefore, in the two series of years, but in the former series the average imprisonment was over 30 days, while in the latter it was under 15. These figures prove that the shortening of imprisonments by one-half has not increased the number of recommittals, and would seem conversely to show that to double the present sentences would not diminish it.

[3] Appendix LXIII. —David M'Laren.

C This conclusion is emphasized by another set of statistics prepared by the Secretary to the Prison Commissioners, and given in our Appendix.[4] These figures show that whereas in all the prisons in Scotland the percentages of recommitments within a year for the decennial periods ending 1873, 1883, and 1893, were 31, 30, and 29 respectively; the average imprisonment had in the interval progressively decreased from an average of 30½ days in the decade ending 1873, to 20½ days in that ending 1883, and 15½ days in that ending 1893. These figures are the more suggestive when it is remembered that the shorter average imprisonment in the latest decade rendered it possible for a man to be twice as often recommitted during a year as he could have been under the longer imprisonments of the first decade. We have also had testimony from a large number of experienced witnesses supporting the view that long sentences of imprisonment effect no good result.

[4] Appendix LV.

D We may summarise our conclusions on this branch of the subject, thus :—

(1) That penalties, much smaller than the maximum of those competent under existing laws, are sufficient in the great majority of cases to deter from repetition of the offence, and that therefore any general increase in the severity of penalties is uncalled for and to be deprecated;

(2) That although the number of confirmed petty offenders appears to have increased, the number of recommitments to prison has decreased coincidently with the shortening of the average term of imprisonment.

E With reference to the first of the above conclusions we have one single exception to make. As we have said, in Counties and in one or two Burghs, 24 hours' imprisonment is the highest penalty competent for the offence of being drunk and incapable. We consider it very undesirable that any person should be sent to gaol except with a view to a substantial punishment. A 24 hours' confinement in all probability enables him to realise that his night in prison has passed more comfortably than the previous one in a police cell, and that, with a recovered appetite, prison fare is not unpalatable if somewhat frugal. In many cases, moreover, a sentence of four-and-twenty hours' imprisonment does not involve a night's detention.[5] The Governor of Aberdeen prison, for example, told us that he received a good many prisoners on short sentences 'for 24, for 6, and for 4 hours,' and that those sentenced on Saturdays to 24 hours are sent to prison and liberated on the same evening between six and seven o'clock. This involves considerable trouble, and so little of punishment, that we think increased powers to be called for in this particular case. While believing that penalties considerably less than those contained in the Burgh Police (Scotland) Act would sufficiently meet the case—we suggest later on a modification

[5] Q.7766 *et seq.*

of some of the penalties which it lays down—that Act embodies the general law on the subject of drunkenness in Scotland, and its provisions are to a large extent identical with those of the Police Acts of the larger Burghs. To extend its provisions would therefore be a step towards the most desirable end of uniformity in the Scottish law as to petty offences, and in the counties, both magistrates and police, would, we are sure, use its powers with moderation. A

We therefore recommend that those sections of the Burgh Police (Scotland) Act, 1892, which relate to drunkenness (modified as afterwards explained) should be extended to the counties, and that in all cases prisoners whose sentences do not involve a night's detention should not be sent to prison but detained in police cells. B

Option of Fine or Imprisonment.

Before passing from the question of punishment we have to call attention to another matter. In Scotland, in the case of petty offences, the repealed Lindsay Act and the various Local Police Acts and the Burgh Police Act which follow its drafting, prescribe in almost every case a money penalty, and that penalty, under the Scottish Summary Jurisdiction Act and the Burgh Police Act is enforceable by a scale of specified equivalent periods of imprisonment. The result is that, if the prisoner has the money, he, and not the magistrate, exercises the option as to whether he shall go to prison. There are certain exceptions to this rule, as in vagrancy and begging, punishable under the Burgh Police Act by 30 days', and if repeated by 60 days' imprisonment without option; the case of persons thrice previously convicted of being drunk and incapable within twelve months, whom under the same Act a magistrate may sentence to imprisonment for 14 days without the option of a fine, persons six times previously convicted as drunk and incapable, whom under the Greenock Police Act the magistrate may sentence to 60 days' imprisonment, or importuners, who in Edinburgh may be sent to prison for the same term, without the option of a fine. Such provisions, however, are exceptional, and in the majority of cases the magistrate has no authority in dealing with police offences to impose imprisonment without the option of a fine. This, we think, is wrong in principle. It enables the rich offender to get off without imprisonment, however frequent his offence, while his poorer fellow, it may be convicted for the only time in his life, has to go to prison. This inequality we propose to remedy by allowing the magistrate, in dealing with cases aggravated by previous convictions, to impose imprisonment without the option of a fine. C

Imprisonment in Default of Fine.—But there remains another anomaly. In our Appendix will be found details of the sentences imposed on 461 prisoners admitted to Glasgow and Barlinnie Prisons during the week ending March 25th, 1895, and the money in their possession when admitted.[1] Among the females we find one, with a sentence of 15s. or 14 days, who had 8s. in her possession; another, sentenced to 10s. 6d. or 7 days, who had 4s. 5d.; a third to 7s. 6d. or 5 days, who had 2s. 6d., and so on. Among the males was one sentenced to 40s. or 14 days, who had 18s. 11½d.; another sentenced to 42s. or 30 days who had 10s. 8½d.; a third to 21s. or 14 days who had 10s. 3½d., and so on. Some of these prisoners, or their friends, by pawning their effects or borrowing money, may have raised the amount of the fine and obtained their release, but unless that is effected within the first day or two after committal it is almost never done; so much so that the Governor of Greenock Prison informed us that within a year he could only recall one case where it had occurred—that, namely, of a woman committed for 30 days, in default of payment of a fine of 40s., whose husband died during her imprisonment, and his life being insured, her friends borrowed the 40s. on the security of the funeral benefit, and paying the fine, after she had been locked up for 21 days, set her free to attend the funeral. Had that woman, when convicted, possessed 40s. she would not have gone to prison at all, and would possibly have experienced a more improving and reforming influence in ministering to the wants of her dying husband. But being moneyless at the time of her conviction, she had ultimately to expiate her offence by payment of the full fine imposed and three weeks' imprisonment into the bargain. Now the law, in imposing a fine as the penalty for an offence, and prescribing imprisonment only in default of payment, evidently meant to mitigate and not to aggravate the punishment, for it authorises magistrates to give time for the payment of the fine, to require securities for it, or to order its payment by instalments. Owing either to some defect of machinery in the Act which confers this power, or to intentional or unintentional disregard of its provisions, so D

[1] Appendices LXXXVI. and LXXXVII.

A far as Police Courts in Scotland are concerned it is practically a dead letter. The result is that a considerable number of prisoners are sent to prison only to be liberated after a few hours' detention on payment of the fine, and a large number of others, who cannot scrape together its full amount, are kept in prison at the public expense for the full term of the alternative sentence. In order to inform ourselves as to the proportion or prisoners incarcerated in default of payment of fines, we had a return compiled showing the actual numbers of them in the various Scottish prisons at midnight on March 28th, 1895.[1] The result showed that they numbered 678 out of a total of 1951 prisoners, and that they constituted 24 per cent. of the male, 62 per cent. of the female, and close on 35 per cent. of the total prison population.

[1] Appendix LXXIII.

B *Fines Paid after Admission to Prison.*—As we have said, in a few cases fines are made up and paid within the first day or two of the prisoners' committal. These, in the case of Police Court fines, are handed over to the Local Police Authorities, and in that of Sheriff Court fines, are accounted for to the Treasury. Police Court fines amount to by far the larger portion, and Sheriff Court fines so paid constitute so small an amount, that for the sake of simplifying the reform which we are about to propose, we suggest that both should be dealt with in the same manner, and that instead of being surrendered to the local Police Authorities or the Treasury, as the case may be, all fines paid after a prisoner's admission to prison should be paid to the Governor of the Prison, to be by him accounted for as we shall hereafter explain. The result of this would be to prompt local magistrates to avail themselves of powers which they possess to recover fines without committing the prisoners on whom they have been imposed, and to discourage the practice which very generally prevails of sending men and women to prison without allowing them reasonable opportunity to raise money.

C *Combination of Fine and Imprisonment.*—We further propose that prisoners committed in default of payment of a fine should be permitted to work out their sentences by a combination of fine and imprisonment, and that it should not be necessary for them, having worked out half their term of imprisonment, to remain in prison for the full term unless they pay the entire fine, but that they should be liberated on any day of their imprisonment on payment to the Governor of such proportion of their fines as the term of imprisonment still to be undergone bears to the entire sentence. We are informed that this system was at one time prevalent in Scotland, but that it was given up because it was found to be illegal, but so far as the Committee is concerned, it is but fair to give the entire credit of the suggestion to Mr Napier, Governor of Greenock Prison, in whose letters in our Appendix will be found a detailed description of the manner in which his proposal could be best worked out. The fines recovered, and which are at present altogether lost, would, for administrative reasons pointed out by Mr Napier, be paid to the Governors of Prisons, and we propose that they, together with all full fines paid to them, should be accounted for as hereafter explained.

D *The Greenock Experiment.*—In order practically to test the effects of Mr Napier's suggestion, your Committee placed £5 at his disposal to be applied in paying the balance of fines in cases where prisoners could raise a part but not the whole. Mr Napier received the £5, and instructions to apply it in illustration of his scheme, on March 20th, 1895. On March 25th he sent in his report, which will be found in the Appendix.[2] W. J. C., a case of assault, committed for 5 days in default of payment of 7s. 6d., had, after 3 days in prison, succeeded in raising 3s., and the balance of 4s. 6d. being provided out of the fund, he was liberated and 2 days of his imprisonment saved. J. S., a case of assault, committed for 10 days in default of payment of a fine of 20s., after 5 days' imprisonment raised 10s., and the balance being paid out of the fund, 5 days' imprisonment was remitted. E. M., another case of assault, committed for 20 days in default of payment of a fine of 40s., after 5 days' imprisonment raised 30s., and the balance being paid out of the fund, got 15 days remitted. At a cost, therefore, of 24s. 6d. to the fund, 43s. was collected in the shape of fines paid, which would never otherwise have been got, and the State was saved 22 days' maintenance of a prisoner in jail. During the 5 days that this experiment was being carried on, 42 prisoners were confined in Greenock Prison in default of payments of fines. Mr Napier thought it would be waste of money to continue the experiment, as, to secure it full justice, it would be requisite that the system should be generally known; but he expressed his belief that if it were known that less than the fine imposed would be accepted, 'a large number of prisoners, probably a half, would take advantage of it.' Even at the rate shown by the actual results of the experiment, the saving in Greenock Prison was at the annual rate of 1606 days' (or 4·4

[2] Appendix LXXX.

years') maintenance of a single prisoner, or at the rate of 4·4 prisoners for one year. A Greenock Prison, however, contains only $\frac{1}{27}$th of the total prison population of Scotland, and assuming the actual results of the Greenock experiment to apply to the entire prison population, the adoption of our recommendation as to allowing persons committed to prison in default of payment of fines to work out their sentences by a combination of imprisonment and fine, would result in a saving to the State of the cost of the permanent maintenance of 118·8 prisoners, and the collection of over £4,200 per annum of fines at present not recovered; and for the reasons stated by Mr Napier, we consider that this estimate is much under what the actual figures would prove when the system was once fairly at work and generally understood.

This concludes what we have to say on another branch of the subject, as to which B our recommendations are:—

(1.) That in all cases of drunkenness, disorderly conduct, breach of the peace, petty assault, vagrancy, begging, or solicitation, aggravated by previous convictions, where not already punishable by imprisonment, police magistrates should be empowered to inflict imprisonment without the option of a fine, such imprisonment, however, in no case to exceed that prescribed by the Burgh Police (Scotland) Act (amended as hereafter proposed), for the particular offence, or the equivalent term of imprisonment in default of payment prescribed in that Act as the alternative of a fine in offences for which a pecuniary penalty only is at present enacted.

(2.) That the Burgh Police Act should be amended by enacting that no police magistrate should in the case of the offences just specified, notwithstanding anything contained in the table of equivalent fines and imprisonments in that Act or in the Summary Jurisdiction (Scotland) Act, be authorised to impose a maximum term of imprisonment exceeding 14 days whether with or without the option of a fine;

(3.) That in all cases in which a prisoner is committed to prison in default of the payment of a fine, the prisoner should be released at any period of his detention, not solely on payment of the whole fine imposed as at present, but on the payment of such proportion of that fine as the number of days' imprisonment still to be undergone bears to the entire sentence of imprisonment in default of payment;

(4.) That all fines paid by prisoners after their admission to prison should be paid to the Governor of the Prison, and by him remitted to the Secretary for Scotland as the administrator of a special fund, supported by such payments, and to be appropriated to uses hereafter described;

(5.) That in all cases of persons brought before Sheriffs charged with being habitual offenders, where the offence charged is by statute punishable by fine, and only by imprisonment in default of payment according to the scale laid down by the Summary Jurisdiction or other Act, the Sheriff should be empowered at his discretion to impose imprisonment not exceeding that which would have been competent had the fine not been paid.

The effect of these amendments of the law would be— C

(*a.*) To enable police magistrates to inflict short sentences, and Sheriffs full sentences, of imprisonment, in cases where they thought imprisonment deserved;

(*b.*) To do away with the invidious anomaly under which inveterate offenders possessed of money or monied friends, meriting in the opinion of the judge 30 days' imprisonment, can go free on payment of 40s., while the casual but moneyless offender, whose friends may have to starve themselves in order to raise a 7s. 6d. fine, may have to undergo 4 or 5 days' imprisonment, in addition to the payment of the whole fine imposed while they are scraping together its amount; and

(*c.*) To prevent the possibility, except on the responsibility of a trained Sheriff, of such excessive sentences as 60 days for begging or vagrancy or repeated drunkenness; or 30, 40, or 60 days for importuning, hurriedly proved by the uncorroborated evidence of two police witnesses, who in hardly any case have other than visual evidence to rely on. These long sentences may be necessary now when there is no other means of dealing with habitual offenders, but if, as we shall propose, three successive commitments to prison within twelve months sufficed to bring habitual offender before a Sheriff armed with the full powers, there would no longer be any reason or excuse for them.

Basis of a Definition of Habitual Offenders.

A Before attempting to formulate any scheme for dealing with habitual offenders, we have first to determine the basis on which any definition of an habitual offender should be founded. If we go on that of a certain number of convictions, we are at once brought face to face with the great diversity of practice in different parts of Scotland—(1) as to records of previous convictions, and (2) as to liberation on deposit of a 'pledge.'

B *Proving Previous Convictions.*—The diversity of practice as to records of previous convictions has arisen within the last few years. Under Lord Kingsburgh's Act, Sec. 67, in case of jury trials it was enacted that the system which has long prevailed in England should be extended to Scotland, and that, in cases aggravated by previous conviction, evidence on that point should be withheld until after the jury had found the prisoner guilty, when it should be given only for the purpose of guiding the judge as to the sentence to be pronounced. The 71st section of the Act which extends the same principle to police-court cases is somewhat obscure, and the result is that the public prosecutors in some towns, as in Glasgow for example, use every precaution to prevent the fact of previous convictions being brought before the magistrate until the prisoner has been found guilty, while in others, as in Edinburgh, the police as systematically prove previous convictions as part of their case. Mr Dewar, the Chief Constable of Dundee, who appears to have looked into the law of the subject very closely, handed in some weighty opinions,[1] from which it would seem that in point of law there is something to be said in favour of the Edinburgh system. From a practical point of view too it is doubtful whether it is possible in some cases to withhold from the presiding magistrate a knowledge of previous convictions. The point, however, should be decided one way or the other—if necessary by legislation—as it is obviously too important, and bears too directly on the rights of the subject, to be safely left to the determination of the police authorities in each locality. We must add that it seems to us most desirable that, if previous convictions are to be used for the purpose of aggravating the punishment, they ought, at the proper stage of the case, to be regularly proved. There is an extensively entertained doubt, which should be removed by legislation is necessary, whether this can be done; and magistrates and police are often found trusting to their recollections and impressions on the point,—which undoubtedly seems to us to be an objectionable practice.

[1] Appendix LXXXVIII.

C *Diversity of Practice as to Pledges.*—As has been already mentioned, a very large number of persons arrested for petty offences are in every part of the country liberated on pledge. But in some places, as in the City of Edinburgh, in Fifeshire and elsewhere, it is held that this pledge is simply bail, that the prisoner is bound to appear for trial, and that if he fails to do so his pledge should be forfeited in consequence of his non-appearance, and proceedings taken to bring him before the magistrate for trial for his offence. In the majority of towns, on the other hand—in Glasgow, Dundee, and Paisley for example—a pledge is exacted which the Inspector in charge at the police office considers would cover the probable fine that would be inflicted in each case. No inconvenient questions are asked, and, when the case is called, forfeiture of the pledge takes the place of the fine, and the offence is considered to have been purged. So well understood is the system that we were told of frequent offenders whose practice was to be present in Court if they thought there was any chance of getting off with a smaller fine than the amount of their pledge, and to answer to their names or not according as the sentences which they saw given in similar cases convinced them of the hopefulness or the futility of recovering half-a-crown from the deposit they had left with the police.

D Although the theory of the system pursued in Edinburgh is evidently the correct one, we had no complaints regarding the opposite practice elsewhere, and we may take it that in a rough and ready manner it suits the local circumstances and requirements.

E It is quite obvious, however, that any definition of habitual offenders based on the number of convictions would work very unequally in two places—in one of which every offence is followed up and noted, while in the other a prisoner can four times out of five escape any record of his offence by giving a false name or address and forfeiting his pledge. It is clear, therefore, that it would be very difficult to formulate any equitable scheme for dealing with habitual offenders based solely on convictions, the record of which is often most imperfect, and which, when correctly recorded, may be hidden away in the archives of different police authorities. What in practice seems to us to be

required is a plan which will deal with those inveterate offenders for whose case the penalties at present in use are found to be of no avail. In Scotland, under the various Police Acts in force, the penalties prescribed for drunkenness, disorderly conduct, breach of the peace, and importuning—offences which make up the great majority of those with which we have to deal—are fines, with imprisonment only in default of payment. As a matter of fact, however, the finances of habitual offenders generally soon fall into such a state that the greater number of them have to go to prison. Thus, in Scotland in 1893, about 1068 persons were apprehended five times and upwards within the year,[1] and 669 were imprisoned five times and upwards within the year, while the number of those imprisoned four times and upwards within the year[2] was 1083, or almost the same as that of persons apprehended five times and upwards. The prison records are not absolutely accurate,* but they are the most accurate we possess, and might easily be made more so. By taking the number of imprisonments as our basis we should, if allowing a certain number of habitual offenders to escape, at least make certain of dealing with those who at present are the most troublesome to the police authorities, and whose maintenance in prison most heavily taxes the national exchequer. The 1083 persons imprisoned four times or more during 1893 comprised 238 men and 845 women, and accounted for 6569 commitments, or close on 13 per cent. of the total commitments for the year. In the case of these Habituals, and especially in the case of the women, the universal testimony is that the repeated imprisonments do them no good. Many of them when not in prison are to be found in the poorhouse, and when out of prison they occasion a great amount of trouble to the police, and are a source of serious moral contamination to those with whom they come in contact.[3] If, then, some scheme could be devised by which they could be dealt with, and by which they could effectively be kept out of mischief, and educated in habits of industry and self-control, a very important object would be gained.

A

[1] Appendices XI. and XII.
[2] Appendix XV.
[3] Boyd's Reports, quoted by M'Laren.

Adult Reformatories.—The suggestions of many witnesses, the example of our own Reformatory and Industrial School system, and the experience of various foreign countries, and notably the United States, suggest the establishment of institutions to which habitual offenders might be sent on their discharge from prison, and where their treatment, extending over a considerable period, would be purely reformatory, its object being to train them in such a manner as to enable and encourage them, when sent forth into the world, to fall back into the ranks of honest workers.

B

Prisoner-Paupers.—Any plan for such a purpose to have a reasonable prospect of success must be framed with a careful regard to the classes of persons with whom it is proposed to deal. There is, for example, a large class which seems to oscillate between the prison and the poorhouse. In Scotland it need hardly be said the law does not entitle the able-bodied to relief, but a large number of habitual offenders are not able-bodied, and of those who are another large proportion know that by feigning obscure symptoms and alleging illness they can compel the medical officer of the parish either to certify them as fit subjects for temporary relief, or to undertake a very grave responsibility in case of real illness assuming a serious character.

C

With a view of forming an estimate of the number of habitual offenders who fluctuate between prisons and poorhouses, your Committee have procured returns[4] showing the number of men and women in the ten largest prisons in Scotland, on 17th September 1894 and on 15th January 1895, recognised by Poor Law Officers as ex-inmates of the poorhouses to which they were attached, and showing also the number of inmates of fourteen poorhouses on the same dates, recognised by prison officials as ex-prisoners. The result was to disclose in the prisons on the first occasion 212, or 9 per cent. of ex-paupers out of a population of 2341 ; and on the second 164, or 8·8 per cent. out of 1861 ; in the poorhouses on the first occasion 279, or 5·1 per cent. ex-prisoners out of a population of 5431 ; and on the second 568, or 8·7 per cent. out of 6833. As the prison officials only visited the poorhouses in their own towns and the Poor Law Officers the local prison, it was only in cases where the district of poorhouse and prison happened to coincide that recognition could be effected, and the figures obtained so far understate the extent of give-and-take which occurs between prisons and poorhouses

D

[4] Appendix XIX.

* In Edinburgh prison, for example, we found a female prisoner who, we were told, had been twenty or thirty times in prison. Dr Sutherland, a member of our Committee, and medical officer to Glasgow prison, recollected her as having been nearly a hundred times in that prison, and on being interrogated the prisoner admitted that it was so. The Edinburgh prison authorities did not know anything of the previous Glasgow record.

A in this class of inmate. In a large number of cases their history is that they go into the poorhouses for a short time, get tired of its monotony, leave it, beg, get drunk, and are sent to prison, on their discharge from which they repeat the same round of life.

B *Weak-minded Habitual Offenders.*—Another class who bulk largely among habitual offenders is that of weak-minded persons. Thus, in Greenock prison there was, and probably is imprisoned, a woman of over seventy, who, when she leaves the poorhouse, which she regards as a pleasanter abode than prison, proceeds to steal in the most open fashion, and so strong is her propensity that even when in gaol if an opportunity occurs she will appropriate her fellow-prisoners' oakum or knitting. At first she was constantly under punishment, but for long her mental weakness has been recognised, and her offences against prison discipline are, as far as possible, overlooked. Again, in Edinburgh, we met a man who had borne an excellent character as a soldier, but who had had a sunstroke, and since his discharge had taken to swindling lodging-house keepers. Whenever he left prison he took lodgings, lived in them as long as he was permitted, and then changed his quarters until again arrested and imprisoned. He could not work, he said, as he had a mission to watch over the conduct of persons frequenting public parks, and as that brought in no income he could not pay his landladies. Another case of the sort was that of a woman whom we found in Edinburgh prison awaiting trial, but who had been several times previously in prison, and when out of it had been twice in a lunatic asylum.

Proposed Treatment of Habitual Offenders.

C *Instruction as to Financial Considerations.*—In your remit to us we are directed in any remedies we may suggest to have due regard to their cost, as well as to the practicability of their being carried into effect. This instruction we have kept steadily before us, and we feel that it would be useless to propose any scheme involving a large initial expenditure on brick and mortar, or to recommend what, after all, must be regarded as an experiment and judged by results, on the extended scale which would be requisite to afford it the fullest prospects of success. A person who having been twice in prison within twelve months is arrested for a third offence within that period may fairly be regarded as affording *prima facie* evidence that he ought, if again convicted, to have his case looked into with a view to his being dealt with as an habitual offender; but the number of persons in Scotland who were imprisoned twice or oftener during 1893 amounted to many thousands. With each extra commitment during the year the number falls rapidly, being for persons committed four times and over 1083, and for those committed six times and over 419. Now, as the 419 are responsible for 3744 commitments, or 7 per cent. of the whole, and the 1083 for 6569 commitments, or 13 per cent. of the whole, it would clearly be a very great public gain to deal with even the smaller category of cases; but it is equally clear that they would, from a reformatory standpoint, present a very hopeless material to work upon as compared with the thousands committed twice or thrice during the year.

D *Proposals for Definition and Treatment.*—In seeking for a manageable number, we would suggest that it might be found in those who, having been imprisoned three times within twelve months, are again within that period brought before a magistrate. What we propose is

> That this class of prisoners should no longer be dealt with summarily by the police magistrate, but should be remitted to the Sheriff, whose duty it would be to try them for the offence charged, and also to determine whether or not they should be classed as habitual offenders. In respect of the offence itself, we propose to retain existing penalties, but recommend that the Sheriff should in all cases be empowered to inflict imprisonment without the option of a fine. If he considered the evidence as proving that the prisoner is an habitual offender, he should be authorised to add that finding, and to order his name to be recorded in a Register of Habitual Offenders where it should remain for say thirty months, and to warn the prisoner of the effect of this addition to his sentence, which would, if our recommendation were adopted, be this—that if at any time while his name remained on the Register he was again charged with an offence, he would again be dealt with by a Sheriff, the option of a fine in this case being abolished, and that in addition to his sentence the Sheriff should have power to order on discharge from prison his detention in an adult reformatory for a period of not less than twelve and not more than thirty months.

A Further, we propose that in the case of registered habitual offenders apparently of weak intellect, or not able-bodied, or whom the Sheriff might deem better suited for reception and detention in a poorhouse, the Sheriff should have power, either directly, or on the expiration of any sentence of imprisonment which he might impose, to order their reception and detention in a poorhouse, subject to the same conditions as if they were ordered to be received and detained in a reformatory.

B And that in all cases the Sheriff should have power, instead of committing an habitual offender, to release him after passing sentence, on his entering into a recognizance, with or without securities, and during such period within the thirty months as he may direct, to appear and submit to the sentence pronounced when called upon.

C *Object of the Recommendation.*—Before explaining the details of our proposal we wish to make perfectly clear its object. As we have shown, in Scotland lengthy sentences of imprisonment have not been found more efficacious in preventing re-commitments to prison than shorter ones, and we agree with the Lord Advocate that 'while 'short sentences may not be so punitive . . . they do not bring about the 'listlessness, helplessness, deprivation of energy and capacity for earning a living, 'which so often result from long sentences.'[1] We therefore deprecate lengthy imprisonments for petty offences. The tendency of the time is in favour of shorter sentences. Within the last 30 years the average term of imprisonment has progressively decreased by about a half, and it would be still less than it is were it not for the heavy sentences pronounced on repeated offenders whom magistrates, in default of other remedies, often send to prison for the maximum term. In many cases these long sentences are a matter of local accident. In Glasgow,[2] 778 women were in 1894 sentenced to 30 days each for loitering and importuning; and the average sentence in 1831 of such cases sent to prison was $21\frac{3}{4}$ days. Had they been convicted on the same charge in Edinburgh, they would have got off with an average of 7 days. It serves no public interest to crowd our gaols with prisoners who, with every re-admission, and with every day's imprisonment, become more callous to their punishment. The one object which these heavy sentences achieve is temporarily to clear the streets of a demoralising and troublesome element of the population. But this we propose to deal with much more effectively in another manner, and, that having been done, we are of opinion that the power of inflicting such heavy sentences as we have quoted should be confined to Sheriffs, and that the maximum penalties laid down in the Burgh Police Act as competent to be inflicted by police magistrates in the case of begging (60 days), drunkenness (30 days), and importuning (30 days), might with advantage be greatly reduced. and we have already recommended an amendment of that Act to that effect.

[1] Appendix G, Minute of Lord Advocate in reply to Col. M'Hardy's letter of January 7th, 1892.

[2] Appendix LXXIV.

D In every town we were told that there are 50, or 100, or 500 persons who are responsible for a very large proportion of the offences and disorder that prevailed, and that, if we could effectively grapple with these, the police force might be materially reduced. It is with this class that our recommendation is designed to grapple. In order to restrict the experiment to persistent and troublesome offenders, we have based our selection, not on the number of convictions, a correct record of which it would be often impossible to obtain, but of imprisonments which can be easily verified. To prevent injustice being done by the inclusion of persons of whose spontaneous reform there are reasonable hopes, we propose that the Sheriff shall decide whether or not a prisoner brought before him is an habitual offender, and that he may, if he thinks fit, liberate him on recognizances to come up for punishment when ordered. In the case of persons pronounced to be habitual offenders, there is, as we shall show, good reason to hope that a considerable number would be pulled up by the warning; and in every case we propose to allow the Sheriff a wide discretion in dealing with them, such as would enable him to select the most merciful and most hopeful method of securing society against further offences at the hands of those with whom he deals.

E We propose that the particular offence with which the habitual offender is charged should be punished with imprisonment before his committal to a Reformatory in order that the punitive part of his sentence should be absolutely distinct from the reformatory, the object of which would be to dissever the inmate as far as possible from every association suggestive of crime.

A '*Labour Settlements.*'—To assist this object, we recommend

That the institutions for the reception of habitual offenders should not be designated Reformatories but Labour Settlements; that in those Settlements the inmates should be put to such labour as they are capable of; that so far as practicable such labour should be in the open air; that in selecting the labour care should be taken to employ the inmates at such remunerative work as would give them the best prospect of employment after liberation; and that every effort should be made to encourage the co-operation of charitable and temperance associations and selected visitors in the moral improvement of the inmates, both during their detention and after their liberation.

B These Labour Settlements we propose to place under the control of the Secretary for Scotland, who should have power to frame rules for inmates and officers (any infraction of which should constitute a statutory offence), to liberate inmates unconditionally or conditionally, or to send them out on licence to approved institutions or persons in the same manner as is at present done with the inmates of juvenile Reformatories.

C *Licensing out.*—This last suggestion we regard as a most essential one; and it is in view of the probability of its being largely made use of that we have ventured to recommend that the period of commitment to a Labour Settlement should be for so long a period as 30 months. In average cases it might be quite safe to allow an inmate to depart much sooner, but it would strongly tend to assist him in resisting any tendency towards relapse if he knew that he was under control, and could be sent back to work in a Labour Settlement on the occurrence of the smallest irregularity. In the case of women of the prostitute class, too, it would enable the machinery of Magdalene Asylums to be utilised, and a large number of cases to be dealt with by private institutions which at the present moment, without any compulsory or other powers, effect a vast amount of solid reclamation work. We believe that a number of this class of women sent to such Asylums on licence from Labour Settlements would prove amenable to their good influences, and would be permanently reclaimed.

D *Enforcement of Discipline.*—In Labour Settlements the means of maintaining discipline would require to be effective. The machinery which we propose is similar to that laid down in the Inebriates Acts, under which the Home Secretary is empowered to make rules, any infraction of which constitutes an offence rendering the offender liable to penalties prescribed by those Acts. Under such rules the officer in charge might, as in the case of prisons, be authorised to inflict minor penalties; while, as in the case of prisons, punishments for more serious offences would be meted out by order of visiting Magistrates. On the other hand, inducements to work, such as allowances of tea and tobacco, gratuities on liberation, and remission of period of detention, should be freely offered.

E *Selection of Labour.*—As to the sort of labour in which inmates might be engaged, we have already laid down the general principles which, in our opinion, should guide its selection. It is of the utmost importance that it should as far as possible be selected with a view to the class of work for which each inmate had an aptitude. We have no wish to suggest that a labourer who through his bad conduct found himself an inmate, should, at the expense of the country, be taught a trade which on his liberation would place him at an advantage over his well-behaved fellow; but the man who had learned a trade, even imperfectly, would evidently be able to contribute more towards his maintenance by working at it during his detention, and would also have a better chance of earning a living when dismissed, if perfected in that trade, than if employed on unskilled work. We should therefore hope to find, as in Wakefield prison[1] which we visited, workshops where skilled labour of various sorts would be employed for the good of the community, and any surplus production of which could be appropriated for use in Government institutions. Unskilled labour is already utilised in a number of our Scottish prisons, notably at Barlinnie, and opportunity for its employment would, of course, require to be an important factor in the selection of the site of a Labour Settlement. In all cases, what should be aimed at is real and useful hard work, and all such punitive and unremunerative employments as picking oakum should be excluded.

[1] Appendix LXXXIV.

F *Employment for Women.*—Women constitute a majority of over two-thirds of habitual offenders, and although your Committee have on every opportunity sought suggestions as to suitable employment for them, the result has not been very encouraging.

as most of the remunerative manual employments in which women are engaged are branches of industries in which men are also employed, and could not be suitably carried on in Homes intended for women only. In prisons, sewing, knitting, cleaning, washing and cooking, make up the principal useful work to which female prisoners can be put; while in Magdalene Asylums the almost invariable industry in which they are employed is washing. In addition to these, fruit market and poultry farming have been suggested as likely to afford a useful and healthy employment, and where land was available occupation for a number of them could be found on that. An interesting memorandum on that subject by Professor Wright will be found in our Appendix.[1] A large number of female habitual offenders have been employed in mills; and as a profitable means of utilising their labour and fitting them when discharged to earn their living, we would suggest the establishment of a small factory where blankets, sheeting and cloth for use in Labour Settlements and other Government Institutions could be manufactured. Such a factory exists in Wakefield prison, but those employed in it are males. In our opinion, such work would be admirably suited for females who have commenced life as mill-workers. In the Salvation Army Refuges a number of women are employed in binding Bibles and Prayer-Books for the Salvation Army, and as a great many books are used in prisons, there would seem to be an opening for similar employment in Female Labour Settlements. As to laundry work and domestic service, we should expect that a large number of female settlers would, under judicious regulations, find their way into these occupations through transfers under licence to the various asylums which at present deal with women of very much the same class.

[1] Appendix XXXV.

A

Susceptibility of Women to Reformatory Treatment.—Although women seem to lose their self-respect and become utterly reckless more readily than men, it is encouraging in dealing with them to know that they are, in the vast majority of cases, more easily governed, in their better mood more earnestly desirous of restoration to an honest life, and more susceptible to humanising influences. We arrived at this opinion after interviews with many female inmates of Magdalene and inebriate institutions—interviews at which no official or fellow-inmate was allowed to be present, in which the frankest statement of opinion was invited, and in most of which the women interviewed appeared genuinely grateful for the assistance they were receiving for the purpose of enabling them to abandon their former life. But one illustration, which by itself proves the remarkable aptitude for reclamation possessed by women is afforded by the fact, to which we shall have to recur later on,[2] that in Scotland the percentage of female prisoners who have been inmates of Reformatories to the total persons living who have been discharged from these institutions since their commencement, is nearly 3½ times less than the analogous percentage in the case of males.

[2] See Table, p. xxxiv.

B

That hopeful material to work on is to be found even in apparently the most abandoned was shown by the case of a woman, who, with her husband, was described to us by the Inspector of St Cuthbert's Parish[3] as a typical pest, oscillating between prison and poorhouse, and causing a great amount of trouble. That woman we afterwards came across in Edinburgh prison, and Canon Donlevy, the chaplain who visited her, assured us that on one occasion he procured a situation for her at a farm in the country, that she remained there six months working steadily and well, and that she owed her relapse to a pardonable desire to revisit her husband, whom she found in Edinburgh, and with him she returned to her old mode of life. So convinced was Canon Donlevy that there was at bottom something good in the woman, that he expressed the intention of endeavouring to find another suitable place for her on her discharge.

[3] Q. 3817.

C

Liberation on Licence.—Our proposal to send out settlers on licence to approved persons is an adaptation of a system adopted in connection with juvenile Reformatories, where young men and women are in a large number of cases licensed out to approved employers before the expiration of their term, with a view of gradually accustoming them to their freedom; and it is analogous to the system under which criminal lunatics detained during Her Majesty's pleasure are on their recovery allowed their freedom, on some approved person undertaking their charge and the duty of reporting their conduct to the authorities from time to time. In dealing with Labour Settlers, such a provision would not only be suitable for cases like that of the *protegée* of Canon Donlevy, to whom we have just referred, but it would enable well-conducted settlers to be utilised for public works, such as the building of fishing harbours, the reclamation or planting of waste land, &c., under the charge of an approved person, who might be a trustworthy warder or retired petty officer accustomed to responsibility and control.

D

Committal to Poorhouses.

A It will have been observed that in the case of habitual offenders apparently of weak intellect or not able-bodied, or whom the Sheriff may deem better suited for reception and detention in a poorhouse, we recommend that the Sheriff should have power, either directly or on the expiration of any sentence of imprisonment which he might impose, to order their reception and detention in a poorhouse, subject to the same conditions as if they were ordered to be confined in a Labour Settlement. The object of this is to enable that class of cases to be dealt with who are unfit for the discipline of Labour Settlements, or who have passed an age at which there is reasonable hope of their conversion into useful citizens. Had your Committee not been instructed to have a strict regard to financial considerations, they would probably have suggested special institutions for dealing with this class, but any financial margin that can be looked for is so small compared with the demands which might, were it larger, with advantage be made upon it, that we believe that in suggesting the use of the poorhouse for this class of cases we have made the only practicable suggestion open to us. Two objections may be urged against our proposal: (1) That the inmates of Scottish poorhouses consist in large number of decent poor, whom it would be unfair to associate with habitual offenders; and (2) That it would be unfair to the parish ratepayers to cast upon them the burden of maintaining habitual offenders.

B *Question of Fairness to Decent Paupers.*—As we have already mentioned, on September 17th, 1894, fourteen, and again on January 15th, 1895, sixteen of the largest poorhouses in Scotland were visited by officers from prisons in their vicinity, who took a note of the ex-prisoners whom they recognised among the inmates. The number recognised was, of course, below the actual number; for an Edinburgh, Dundee, or Aberdeen prisoner, however well known, lodging in a Glasgow poorhouse, would pass unnoted, and *vice versa*. But the result on the last occasion was that 8·7 of the total population were recognised as having been in jail, and the average of the two visits showed 6·9 per cent. of ex-prisoners among the inmates. Among them were, doubtless, many of the very worst type of habitual offender, men and women who had been scores and even hundreds of times in both prison and poorhouse, of whom one Inspector of Poor after another gave us lists of instances. Any evil which might result from the introduction of the habitual offender into our poorhouses therefore already exists. It may, however, be neutralised, and is, we believe, largely avoided, by a proper classification of the inmates. Habitual offenders would, of course, at first be classified apart, and would, where admitted at all among the ordinary inmates, be only so admitted on good behaviour. They would be all the while under a sterner set of rules—which we suggest should be drawn up by the Local Government Board, with the approval of the Secretary for Scotland, and which, when so approved, should have the same statutory force as in the case of Labour Settlements—and they would, if at all turbulent or troublesome, be at once relegated to the stricter discipline of the probationary class. As a matter of fact, however, when deprived of drink, habitual offenders are readily amenable to discipline. Of 568 ex-prisoners found in the sixteen poorhouses[1] on 15th January referred to, whose conduct is reported on, we find that it was 'good' in 464 cases, or nearly 81 per cent. of the whole, and 'fair' in 71 more, or nearly another 12 per cent., leaving only 33 cases, or 5·8 per cent. of 'bad,' 'indifferent,' 'troublesome,' or 'discontented' cases, of whom only one is returned as 'very bad.'

[1] Appendix XIX.

C *The true principle of Law as to Decent Paupers.*—The real answer to this objection, however, is to be found in the evidence of Mr Malcolm M'Neill,[2] who spoke as representing the Scottish Local Government Board, of which he is one of the ablest and most experienced officials. The poor law of Scotland, he told us, is not one of in-door but of out-door relief. Parochial authorities do not nowadays use the poorhouse for all and sundry, but only for selected cases, as suggested by the Local Government Board, and there is a growing tendency among them to board out the respectable poor. Parochial authorities have learned and are learning the true use of the poorhouse, which paupers in Scotland have always shown the greatest reluctance to enter, and which should be utilised not for the purpose of starving out respectable and deserving cases, but as a test in the case of the dissolute and lazy. In other words, the aged respectable poor, under the principle of the Scottish poor law, if the system were administered in accordance with the Local Government Board's interpretation of that principle, should be rarely met with in other departments of the poorhouse than the hospital or lunatic asylum.

[2] Q. 5872–3.

Question of Cost to Poor Rates.—As to any additional burden which, under A
our proposal, might be thrown upon the poor rates, it must be recollected that if an additional cost were incurred through the prolonged detention in poorhouses of weak-minded, feeble, and aged habitual offenders, the rates would be relieved of the support of a large number of persons at present chargeable to them who would be dealt with in Labour Settlements. To show the effect of this system of give-and-take, we may mention that on the second occasion of our prison-and-poorhouse census, of ex-paupers recognised as having been in prisons, and ex-prisoners recognised in poorhouses, 244 were under forty years of age, against 488 who were over fifty. Moreover, the trouble and expense of dealing with the habitual-offender pauper class is so great that every Inspector of Poor whom we examined demanded further powers of detention, and Mr M'Neill, on behalf of the Local Government Board, said that such powers 'were very much required.'[1]

[1] See Motion, Ferrier, Greig, &c.

Troublesomeness of Present System.—Under the present system the rule is that a B
pauper can at any time leave a poorhouse on giving twenty-four hours' notice. In some of the larger parishes the Local Government Board have, under their powers, granted authority to extend the requisite notice to seventy-two hours in the case of paupers who within six months have been twice in the poorhouse.[2] The late chairman of the City Parochial Board, Glasgow, told us that in their poorhouse there were not less than thirty paupers in the habit of 'running in and out,' and he thus explained the reason for wishing for further powers of detention[3]:—

Q. 3757.

Q. 641, Ogilvie.

'Where a woman comes like this so often, four or five days in and out, it is a very C
'great hardship to our officers. The woman has first to make an application, after this 'she has to be interrogated, and the result of those inquiries has to be written down in 'a schedule; she has then to attend the medical officer in the district and be examined 'by him; then she attends a meeting along with the inspector and one of the members 'of the Board—that is what we call our relief committee; then she has to go and be 'admitted through the gate of the poorhouse; and when she is admitted she must 'undergo the changing of her own for the poorhouse clothes, undergo a bath, and go 'through all the necessary cleaning operations, and we have the trouble of fumigating 'the woman's clothes and stowing them away. We think we should not be put to that 'trouble for three or four days' residence.'

[4] Q. 5875.

'We have cases,' said Mr Malcolm M'Neill,[4] 'where 50 times a year the same thing D
'—clothing and so on—has to be gone over again.'

Costliness of Present System.—In Edinburgh we had some amusing evidence on E
another branch of the subject. Thus, in St Cuthbert's Parish the inspector told us that there were a dozen or more people who lived between the poorhouse and the prison, and were very troublesome. Knowing the rules of the parish they generally turned up after office hours, which meant that, pending medical examination next day, they were sent under a local arrangement to the Night Asylum, where they got their supper, bed, and breakfast, and then if they chose they could go their way. If after entering the house a man chose to leave it, which he could do on giving twenty-four or seventy-two hours' notice as the case might be, the parochial authorities were by no means certain that they had got rid of their guest. If the latter chose he might and often did go on the tramp at their expense. 'Last year one man thus visited ten
[5] Q. 3729. 'different places[5]: Stirling, Dunfermline, Dysart (twice), Paisley, Hamilton, Old Monk-'land, New Monkland (twice), and the cost of the bills will come in at the end of the 'half year—a considerable amount.'

For these travellers can claim relief in whatever parish they find themselves, and F
the inspector of that parish at once advises the inspector of the pauper's parish of settlement, which must refund the relief given. Accounts are squared every six months. The only remedy possessed by the parish of settlement is to order the pauper to be sent back, but before that can be done the man is away to another parish, and runs up another
[6] Q. 3734-5. bill.[6] All this involves an immense amount of correspondence and bookkeeping, and when the wanderer, who may have got as far as Perth or Inverness, considers it time to return to Edinburgh, he allows his parish of settlement to order him back and pay his railway fare, and, if his health is not strong, the expense of an attendant to look after him. 'Although they find their way to Perth or Stirling by themselves,' continued the inspector, 'in many cases we have to be at the expense of having an attendant with 'them when ordered back.' Mr Greig, the inspector of the City Parish, Edinburgh, mentioned a claim of this sort, and told us how he got rid of it. One of his paupers went

A to Inverness last year.[1] 'I got a claim for him. He told the inspector I knew him very 'well, which was quite true. I said that was so, but I could not find that he had a 'settlement in Edinburgh, and therefore I refused to have anything to do with him. 'He left Inverness. He tramped further. I got another claim. I gave the same refusal, 'and he had to tramp all the way home, applying to five or six parishes on the journey. 'He came back and is in the poorhouse again. He is a very useful man in the house.'

[1] Q. 3854-5.

B But even Mr Greig was not a match for a pauper expert, for Mr Ferrier of St Cuthbert's told us that 'he knew in his experience of many paupers who, having been 'provided with tickets to their parish of settlement, and having been seen into the train 'at Waverley Station by attendants, have left the train at Haymarket, and the same 'day applied perhaps for relief to my friend Mr Greig of the City Parish.'[2]

[2] Q. 3744.

C *Economy of Proposed Change.*—This will serve to explain the costliness of the habitual-offender in-and-out class of pauper to the parochial authorities, and enables us to understand their universal demand for further powers of detention, and to appreciate the economic soundness of the proposal of the inspector of the Glasgow Barony Parish—that certain cases of the sort should be detained in poorhouses for periods ranging from six months up to two years. It will, therefore, be seen that if our proposal in one direction would impose a slight extra charge upon the poor rates—a charge which we shall show would be equitably distributed, and would not amount to $\frac{1}{300}$ of the present expenditure—in others it would materially relieve them. In any case, the habitual offender is at present a burden on the poor rate, on the imperial exchequer, and on the local police rates, as well as a nuisance to the public. In any scheme for dealing with him, the poor rates should be made to bear a part, and we consider that under that which we suggest the parish would make a fair contribution to a work which most intimately concerns it by keeping out of mischief, without unnecessary restraint or severity, that class of habitual offenders who, from age or other causes, are unfit for severe reformatory discipline, and converting them at least from disreputable and troublesome 'in-and-out' sojourners into respectable members of the pauper community.

D *Liberation on Recognisances.*—Our final recommendation as to the powers of the Sheriff, viz., that he should in every case have power, instead of sentencing an habitual offender, to release him on his entering into a recognisance, with or without sureties, and during such period as may be prescribed, to appear when called upon and submit to the sentence pronounced, is intended to meet cases where, for example, parents or respectable relatives may be willing to take back girls or weak-minded lads who for a period may have got beyond their control, but who, with a suspended sentence of imprisonment and possible detention as habitual offenders hanging over their heads, might, and in many cases would, prove amenable to the influence of their friends.

E *General aim of Proposal.*—It will be thus seen that the proposal which we submit aims not at increasing punishments but reducing them, and that its object, based on many years' experience of a similar system in the treatment of youthful delinquents, is to safeguard society from the injury and annoyance which it at present suffers at the hands of habitual offenders, and with the minimum amount of compulsion and restraint, by industrial training and discipline, to restore as many as possible of them to the ranks of law-abiding citizens. With this object in view we have endeavoured to shape our proposal in such a manner as to avoid initial expense, and avail ourselves to the utmost of existing agencies, parochial and voluntary.

The Housing of Labour Settlements.

F Coming to the question of the Housing of Labour Settlements, the most satisfactory solution would, of course, be the erection of specially designed buildings on sites specially selected for the purpose. That, however, would involve a cost which would probably prove a fatal preliminary objection, and we have therefore to fall back on existing structures which might be utilised for the purpose. These are most obviously to be found in our prisons or in our poorhouses. A number of prisons throughout the country have recently been closed. Some of these might at a small expense be adapted for labour settlers, but they have been handed over to the different Local Authorities, by whom they have already been converted to various public uses, and in many cases it would be difficult to recover them for State purposes. Besides these there is in several of the existing prisons, such as Perth, and Peterhead, so much surplus accommodation that at small expense wings, capable of accommodating several hundred

persons, might be cut off from the main buildings and practically converted into A
separate establishments, and at these places there is available adjoining ground
belonging to the Prison Commissioners—at Perth to the extent of about four
acres, and at Peterhead about 17 acres. At Peterhead there is, too, a practically
unlimited field for male labour in connection with projected works, capable of being
carried on without the slightest risk of contact with the convicts employed at the
quarries and breakwater. These prisons being national property, no difficulty or expense
would present itself in the way of their acquisition, and under our proposal a further
very large diminution might be expected in the number of ordinary prisoners to be
provided for in them.

On the other hand, we feel that it is most desirable that Labour Settlements should be B
kept entirely distinct from prisons, and that any association, even of ideas, which should
connect them in the public mind with prisons or convict establishments should be avoided.

Poorhouses available.—Another class of public property is, however, available, which C
on this consideration seems greatly to be preferred. In the Appendix to our Report[1] will
be found a map showing the position of 66 poorhouses in Scotland, and attached to it a
table grouping together those that are contiguous, giving their accommodation and the
number of vacancies in each, and showing how, by transfers of the inmates to other poor-
houses in the group, 23 poorhouses, with accommodation for 2400 persons, might be made
available for other purposes. All of these might not be suitable for Labour Settlements,
but one advantage which they present is that, being scattered over the country, they
offer a wide field for the selection of suitable localities, and their structural arrangements
would require little or no modification. On the other hand, being the property of
their respective parishes or combinations, they would have to be leased or purchased by
the nation, and provision would require to be made for the reception of their pauper
inmates elsewhere. This, however, should not be a matter of insuperable difficulty as,
under the Local Government Act of last year, several important parishes have already
been amalgamated with the result of consolidating their poorhouse accommodation.
Besides, it must be remembered, as stated by Mr M'Neill of the Local Government
Board,[2] that the poorhouses in Scotland are emptying because Parochial Authorities
are learning their true use, and are displaying a growing tendency to board out the
respectable poor. This being so, it seems to us that, in cases where it is requisite to
apply the poorhouse test, arrangements could easily be made with adjoining parishes
similar to those already in being in those parishes where no poorhouse exists.

[1] Sutherland, Appendix VIII.

[2] Q. 5873.

Your Committee, therefore, think that every effort should be made to obtain D
possession of such vacant poorhouses as may be capable of being adapted for
the purpose of Labour Settlements, and that vacant prison accommodation is not
to be recommended if other accommodation can be obtained.

Probable Number of Habitual Offenders.

Coming now to the number for which it would be necessary to provide accommo- E
dation, we find, from a carefully compiled return given in our Appendix, that the
number of persons who during 1894 were imprisoned in Scotland for the specific
offences with which we have to deal, and who in every case had been imprisoned four
times and upwards during the twelve months preceding their last conviction in 1894,
was 497 males and 1290 females—in all 1787.[3] This number, or say 1800, is therefore
the number which we estimate would probably be brought before Sheriffs charged with
petty offences aggravated by their being habitual offenders, during the first year of the
operation of our proposal. Some of these the Sheriffs would acquit; others they would
punish for their offences, but refuse to pronounce habitual offenders; in other cases they
would probably suspend execution of sentence, on friends or charitable institutions under-
taking the charge of the prisoners; and in the balance they would punish the offence,
pronounce the prisoners habitual offenders, warn them of the effect of that rider to their
sentence, and explain to them that if within 30 months they were again brought up on a
charge, they would again be tried before a Sheriff, and that, in addition to imprisonment,
they would be liable to detention for two and a half years in a Labour Settlement.

[3] Appendix LXXXV.

Deterrent effect of pronouncing Persons Habitual Offenders.—The effect of F
such a warning would unquestionably be to pull up a very considerable proportion,
especially amongst the women. If anyone doubts this let him consider the following

A facts. Prior to 1874,[1] as we have said,[2] in connection with drunken, disorderly, and assault cases the custom in Glasgow was for the lieutenants, on the prisoners becoming sober, to dismiss them wholesale, and so avoid the trouble of bringing them before the Magistrates. In 1873, the last complete year during which this practice prevailed, 54,287 such cases were brought in to the Police Offices, and 29,963 discharged without pledge by the lieutenants. The Magistrates, having resolved to put an end to the system, gave instructions that no prisoner should be liberated by the lieutenants unless he left a pledge. Ten months of 1874 passed under the old system, and 22,892 prisoners were discharged by the lieutenants. But during the last two months of that year the new rule was in operation, and the result was that, during 1874, the numbers of arrests of drunken, disorderly, and assault cases fell to 49,629. 1875 was the first complete year during which the new rule was operative, and in that year the number of arrests for the same offences fell to 38,133, and, in 1876, when the new arrangement had become thoroughly understood, it dropped to 34,276 being a decrease of almost 37 per cent. on 1873. Or, to put the matter in another form, the number of arrests for those offences which, in the two complete years (1872–3) immediately preceding the adoption of the change of rule, amounted to 106,702, in the two complete years immediately succeeding its adoption (1875–6) fell to 72,400,—a reduction of 34,302, or over 32·1 per cent. This shows the deterrent effect of greater certainty of punishment upon the offender class, and though that effect would probably be less in the case of habitual offenders, it must be remembered that while what produced the reduction in Glasgow was the dread of 7s. 6d. pledge, or fine, or a week's incarceration, the habitual offender would have before him the unfamiliar and repulsive prospect of two and a half years' compulsory abstinence and steady work. Assuming, however, this warning to prove considerably less efficacious than it proved in the case of Glasgow, and that instead of pulling up between 32 and 37 per cent. of offenders as it did there, it only sufficed to pull up 25 per cent. of the 1800 charged before the Sheriff as Habitual Offenders, that would leave us with 1350 to be subsequently provided for. Of these, however, all would not require under our proposal to be provided for in Labour Settlements. At least one-third would probably, from age and bodily or mental feebleness, be unfitted for their discipline, and would be relegated under powers of compulsory detention to poorhouses, or to their friends. This would reduce the number for whom provision would have to be made in Labour Settlements at the outset to 900: a figure which, after the first few years, would be largely reduced from the fact that the individuals who constitute the class of habitual offenders would perforce be prevented from offending. It must be recollected, too, that our 900 habitual offenders would consist in round numbers of 250 men and 650 women, and that of the latter we anticipate that after a short probation it would be practicable to place a number out on licence with Magdalene Asylums and other similar institutions, so that vacancies might soon be created sufficient to meet the reduced stream of incomers after the first year or two. In any case the exceptional demands of the first period of the experiment might be cheaply met either by the erection of temporary structures in suitable situations, or by utilising the empty prison accommodation of which we have already spoken.

[1] Appendix LXXXI.
[2] Page iv.

B *Elasticity of Proposals.*—But if our proposal was considered to be on too large a scale, or if in its initial stage it was anticipated that there was a likelihood of larger numbers of habitual offenders being consigned to Labour Settlements than could properly be dealt with, or if it were desired to proceed tentatively with the experiment, this could easily be effected in the following manner:—

C We have proposed that the liability of a prisoner to be registered as an habitual offender should be constituted by the fact of three imprisonments followed by a conviction by a Sheriff within a given period. The period which we have selected has been twelve months, and on that we have based all calculations. But nothing could be easier in any legislation on the subject than to introduce a provision cutting down that period to eight months, or even six, during the first five years of the operation of the new system, and empowering the Secretary for Scotland by Order in Council from time to time during the currency of those five years to extend the prescribed period up to twelve months gradually and as the capabilities of the system were developed. If, on the other hand, the success of the system turned out such as to render admissible its extension beyond the limit proposed by us, the Secretary for Scotland might be empowered, say after it had been ten years at work and its financial and reformatory efficacy had been proved, to extend the prescribed period from time to time to fifteen or sixteen months, by an order to be

laid on the table of both Houses, and to become law, as in the case of the Education Codes, unless within a given time an address was carried against it. With each month's reduction of the prescribed period below the twelve months which we have proposed a large reduction would be made of the cases falling within the category of Habitual Offenders, and with each month's extension beyond the twelve months a number of fresh cases would be brought in, without in the slightest degree affecting the other machinery of the scheme. It would always require to be borne in mind, however, that the smaller the class embraced within the scope of the scheme the more inveterate would be the offenders of whom that class would consist, and that its possibilities of success from a reformatory point of view would increase almost in geometrical ratio with each enlargement of its scope. For to afford the system fair play in that respect it is of primary importance to deal with the habitual offender at the earliest possible stage, and the more promptly the work is taken in hand the better will be the results for the offender, and ultimately for society. A

Cases of Relapse.—In cases where habitual offenders, after undergoing detention in a Labour Settlement or poorhouse, resume their old habits and again fall into the hands of the police, the reasons would be wanting for delay in dealing with them which have led us to suggest so many preliminary steps before final committal in the case of persons for the first time declared habitual offenders, and we would therefore propose B

That in cases of the relapse of persons so committed, the commitment shall be deemed to have been an imprisonment at the date the said commitment expired, and that if after two subsequent imprisonments they are again charged with an offence within twelve months of the expiration of their term of commitment, they should again be brought before the Sheriff, who in such case should, on conviction, again order them to be registered for 30 months as habitual offenders, and should in that case deal with them by committing them to a Labour Settlement or poorhouse, or otherwise disposing of them, as if such prisoners' names had been upon the Register of Habitual Offenders when charged with the offence. C

Finance.

Value of Male Labour.—As the backbone of our proposal is that able-bodied Habitual Offenders should be compelled to work for their maintenance, the first question to be dealt with is the value of the work which they could be made to do. In estimating this in the case of males, we have the following data to go upon:—At Peterhead Convict Prison[1] the average daily population, according to the last report, was 331·37. The convicts are principally employed in quarrying, stone-breaking, concrete-making, and other operations connected with the Admiralty works, and the work accomplished, which is measured and valued, is returned at £9061, 7s. 2d., or £27, 6s. 8d. per convict per annum. In the English convict establishments the work done per convict constantly employed is set down as ranging in value from about £15 per annum in cases where the labour is reclamation work, to £45 where it is the construction of fortifications or building. Taking all the English male convict establishments,[2] we find from the last report of the Directors of Convict Prisons that the average daily population amounted to 3457·76 men, and the earnings for the year to £93,010, 0s. 6d., or £26, 18s. per convict per annum. Again, in our Appendix[3] will be found a 'return showing the financial results of 'the industrial departments in Wakefield Prison, based on the market value of 'articles supplied by it to public departments, not allowing for initial cost of 'buildings, but allowing for wear and tear of tools.' According to this return a daily average of 53½ prisoners employed earned profits amounting to £1727, 3s. 8d., or over £32 per man per annum. On this evidence, we consider ourselves justified in assuming that, if we set down the labour of male settlers at £26 per head per annum the estimate should, with proper management, be within the mark. As the total average cost of a Scottish prisoner is £20, 0s. 7d.,[4] even if we allow of an extra £3 for food and clothing, it is clear that a considerable margin remains within which the labour of the male settlers could be made to pay for their maintenance. D

[1] Report, Scottish Prison Commissioners, 1893-4, page 61.

[2] Report, Directors of Convict Prisons, 1893-4, Appendix X.

[3] Appendix LXXXIV.

[4] Scottish Prison Commissioners' Report, 1893-4, p. 52.

A *Value of Female Labour.*—Coming now to the case of females, there will be found in our Appendix[1] a statistical return concerning a number of Magdalene Homes and Shelters in Scotland. From this it appears that in 9 such institutions in Edinburgh, Glasgow, Dundee, and Greenock, the average daily population during 1893 was 520, and that the profits from work amounted to £15,204, or £29, 4s. 9d. per head. The results of female labour in the Scottish prisons give us no data to go on, for the reason that the female convicts are very few, and their work is not distinguished from that of the other female prisoners, 59¾ per cent. of whom are imprisoned for a month or under, and almost 21 per cent. for a week or under, and much of whose labour, therefore, is practically worthless. If, however, we turn to the English female convict establishment at Woking, we find that with an average daily population of 212·46 its earnings are set down at £2549, 9s. 8d., or £12 per head per annum.[2] With these facts before us, if we put down the value of the labour of a female settler at £12 a year, we consider that we should be within the mark.

[1] Appendix XX.

[2] Report, Directors of Convict Prisons, 1893-4, Appendix X.

B *Debit and Credit.*—Starting from these premises, and estimating as we do for the maintenance of 900 persons (250 males and 650 females), at our Labour Settlements, our figures for labour would be:—

250 men at £26 per annum	£6,500
650 women at £12 per annum	7,800
	£14,300

C We have seen that the sentences of the 1083 prisoners committed four times and upwards during 1893 amounted in that year to 79,646 days, which would represent an average daily number throughout the year of 218·2.[3] We propose to deal with 1800 of precisely the same class, and at the same ratio their imprisonments would give a total representing a daily average number throughout the year of 362·7. Besides this we have shown how the experiment of allowing prisoners to work out their sentences, partly by imprisonment and partly by fine, secured in the course of five days in Greenock Prison[4] a saving of twenty-two days' imprisonment, equivalent to 1606 days' imprisonment, or 4·4 years' imprisonment of one individual in the year, or to one year's imprisonment of 4·4 individuals.* We have pointed out that as the average daily population of Greenock Prison is only $\frac{1}{77}$th of that of the Scottish Prisons as a whole, assuming the same proportion to hold good over all, the saving would amount to the permanent cost of an average daily prison population of 118·8 prisoners; and the experiment having been sprung upon the Greenock prisoners, we may take its results as much under what might be expected if the system were practically at work. Allowing for a 50 per cent. increase on the actual result, as we think might safely be done, it would give a saving of 178 in the present average daily number of prisoners in Scotland. Besides this we have proposed a large curtailment of the sentences of imprisonment competent to be imposed by Magistrates in Police Courts, and it will be seen from our Appendix,[5] that, if the average term of imprisonment so imposed on the 1222 prostitutes last year sent to prison for more than 14 days were reduced to the maximum term of 14 days which we have recommended, a saving would be effected equal to the cost of the maintenance of one prisoner for 45·9 years, or an average daily prison population of 45·9 prisoners for one year. Allowing, however, that this saving has already been partly taken credit for by half of the women concerned having been pronounced Habitual Offenders and relegated to Labour Settlements, there would remain a saving under this head equal to the cost of an average daily population of 23. We estimate therefore a reduction of the average daily population of Scottish Prisons thus:—

[3] Appendix LIX.

[4] Appendix LXXX.

[5] Appendix LXXIV.

	Daily Average Saving.
Under the proposals for Labour Settlements, &c., of	362 prisoners.
Under the working out of sentences by combination of Fine and Imprisonment	178 „
Under Shorter sentences in Police Courts (case of Prostitutes alone)	23 „
Total diminution in average daily number of Prisoners	563

* A repetition of the same experiment at Barlinnie Prison, made since the above was written, and particulars of which will be found in our Appendix,[6] gives much more favourable results as regards the saving of imprisonment, for though the trial was confined to a single day and to seven petty cases, it resulted in the remission of imprisonments amounting in all to 20 days.

[6] Appendix XCII.

A As the total average daily population of ordinary prisoners in Scottish Prisons in 1893 was 2196, this would be equivalent to over 25 per cent. of our prison population. When the incubus of Habitual Offenders with which the scheme would start had had time to be cleared off, and its full effect to be felt, we should be disappointed if its efficacy in emptying the prisons did not bring out a figure very considerably higher. Even taking it at 560, however, this at the rate of £20 per prisoner per annum would show a saving to the Treasury of £11,200. If the Habitual Offenders were all drawn from one prison, and that prison suppressed, the full saving would be effected, but they would be drawn from a number of prisons, the principal establishment charges of which would remain unaffected. In a few years after the system of Labour Settlements had been at work, however, unless it belied altogether the results both of Juvenile Reformatories in this country and Adult Reformatories abroad, the average daily number of our prison population would be decreased by a much larger number than we have set down; and by closing our smaller and more expensive prisons savings much in excess of the figures we have stated might be brought about. But taking only the saving on prisoners, and assuming that not a prison was closed, it is estimated by Mr Donaldson, the Secretary to the Scottish Prisons Commission, that the actual economy on a reduction by 560 of the average daily population of our prisons would be £7840[1] (or £14 per head per annum), and with that sum slightly increased, or say £10,000 a year, we propose that the Treasury should endow the Labour Settlement Scheme.

[1] Appendix XCIIa.

B *Alien Habitual-Offender Paupers.*—But there remain several other items to be provided for. In the first place, we have assumed that 450 of the 1800 Habitual Offenders with whom we started would be found unfitted for the discipline of Labour Settlements, and would be committed for detention to poorhouses. Those who possessed a 'parish of settlement' in Scotland, in whatever poorhouse they might be interned, would be chargeable to that parish, and from it the cost of maintaining them would be recovered under well understood existing rules and arrangements. But there would be a certain proportion without any Scottish settlement. Mr Donaldson[2] considers that this might be set down at 20 per cent., which, to be on the safe side, we will put down as 100 individuals. It would be necessary to make provision for the maintenance of this 100 persons out of the central fund, and if this were done at the rate of £8 per head per annum (the average annual cost of a pauper in Scottish poorhouses is slightly over £7 per head), £800 more would be absorbed.

[2] Appendix XLVIIIa.

C *Provision for a new start in life.*—Again, to give the settlers a start in life when they left the Labour Settlements it would be necessary to provide for gratuities payable on dismissal. In the case of convicts the official calculation is that by good conduct a gratuity of £1 per year can be earned. In the case of labour settlers we would propose a much higher scale of gratuity, and for this reason. The conditional possession of a considerable sum on discharge, to be given not as a matter of right but as a gratuity, which might be withheld if likely to be injudiciously expended, and the judicious expenditure of which could be secured through the medium of philanthropic agencies like the Discharged Prisoners' Aid Societies—the possession of a sum which would enable a discharged settler to be sent away to a new home with still a sufficient balance in hand to allow for a fresh start, would constitute one of the most important factors in securing his permanent reformation. We should therefore fix the gratuity (subject of course to deduction for laziness or insubordination) at the rate of £3 a year, which in thirty months would furnish £7, 10s.—a sum sufficient not merely to enable those who chose to settle in this country to do so far from their old haunts, but those who preferred it to emigrate. To provide gratuities at this rate would run away with another £2700 per annum.

D *Necessity for a Surplus.*—In order to avail ourselves of the labour which constitutes the foundation of our revenue, a considerable surplus would be necessary. Not only would all labour not directly applied to the maintenance of the Settlements themselves, require to be paid for by the various Departments for which it was performed or which purchased its products; but in the case of labour employed on reclamation work, there would need to be sufficient money in hand to carry on until its value could be realised. We are quite aware, also, that an estimated margin of £2000 or £3000 a year would be too small on which to start a scheme involving many calculations, and encroaching on a region where no actual experience is available for our guidance. Knowing this, we have endeavoured to keep our estimates on the safe side. Thus we have put

A down for the cost of a settler £23 per annum, a sum £3 in excess of that which in the case of a prisoner covers every expenditure, administrative and otherwise, although these administrative charges in the case of the prisoner include £12, 3s. 5d. for pay and allowances of officers, against £4, 9s. 7d. for 'victualling' and 'clothing, bedding, furniture, &c.,' and include besides 7s. of gratuity on dismissal, of which we have taken no account. But, in order to provide for every contingency, we have another resource to fall back upon.

B *The Labour Settlements Fund.*—It will be remembered that we proposed that in order to encourage in Scotland the application of those provisions of the existing law, intended to secure for prisoners sentenced to fines, reasonable facilities for payment before commitment to prison, and to discourage the practice which prevails of sending them off to prison if they cannot pay at once—we have proposed[1] that all fines paid after admission to prison should be paid to the Governor of the prison, and accounted for by him through the Prison Commissioners to the Secretary for Scotland, to be credited to a fund the application of which we promised to explain; and we proposed to deal in the same manner with all monies arising from the new mine that would be opened up by permitting prisoners, committed in default of payment of fines, to work out their sentences by a combination of imprisonment and fine. We have shown how, even on the basis of the results of our Greenock experiment, these reduced fines would amount to £4200 a year, and have pointed out that that experiment having been conducted under great practical disadvantages, the actual results might be reckoned at a much higher figure. Let us take the new reduced fines at only £5000, and add to them the fines at present paid after admission to prison (which amount to some £3000 a year),[2] and if we put down the total at £7000 to £8000 we should be well within the mark. This we propose should be paid into a fund to be administered by the Secretary for Scotland, and to be called the Labour Settlements Fund.

[1] Page xiv., Recommendation (4).

[2] Appendix LIIIA.

C *Provision for Initial Expenditure.*—It will have been observed that up to this point we have made no provision for the large initial expenditure which would be required for the adaptation of buildings, furnishings, acquiring ground, &c. The capital required for this purpose, which might amount to any sum from £15,000 to £25,000, we propose that the Treasury should advance as a loan, repayable as to principal and interest by substantial instalments (say £2000 to £3000 a year) out of the Labour Settlements Fund, which would also be drawn on to meet any other expenses incurred in connection with the general working of Labour Settlements.

D *Balance Sheet.*—To enable financial position of this Scheme to be seen at a glance, we will now put it into the form of a balance sheet.

Dr.	£	s.	d.		£	s.	d.
By Cost of 900 settlers at £23 per annum,	20,700	0	0	To Value of settlers' labour (as per estimate, page xxviii), per annum,	14,300	0	0
„ Board of 100 aliens without settlement, interned in Poorhouses, per annum,	800	0	0	„ Treasury grant out of savings on diminished prison population, per annum,	10,000	0	0
„ Gratuities to settlers on dismissal, per annum,	2,700	0	0	„ Labour Settlements' Fund, as above, say,	7,500	0	0
„ Temporary annual charge for repayment of capital borrowed for initial expenditure, say	2,600	0	0				
„ Balance,	5,000	0	0				
	£31,800	0	0		£31,800	0	0

Cr.

This surplus of £5000 should, in our opinion, amply suffice to provide for every contingency.

E *A Substantial Guarantee.*—But in order to meet the objection that experience might prove our estimate of the monies to be derived from the sources indicated to have been exaggerated, or the demands upon it greater than we have allowed for, or that from causes which we have not foreseen, it might prove inadequate, we propose, in case in any year it should prove inadequate—and in that case only—to authorise the Secretary for Scotland to make up the balance required by a levy of the amount per pound necessary to restore equilibrium, on the fines and 'pledges' at present paid in to the various Police Authorities throughout the country. That this would place the financial position of the

scheme beyond question is at once evident from the fact that, as will be seen from a A
return in our Appendix,[1] the fines and pledges received by the Police Authorities in eleven
of the larger burghs in Scotland during 1893, amounted to over £20,000, and we are safe
in saying that throughout Scotland their amount exceeded £25,000. We do not propose
to confiscate these fines and pledges. We do not even anticipate that it would often be
necessary to encroach upon them materially, or at all; but behind the financial provisions
which we have already proposed, this solid guarantee of over £25,000 per annum would
stand to protect the scheme against all possible deficit, and to assure its credit. The
Police Authorities in every town visited by us told us that if we could devise means
to rid them of a few scores or hundreds of Habitual Offenders in their respective
communities, their labours would be immensely lightened and their expenses decreased;
and we consider that in proposing that they should guarantee the financial soundness of
our scheme to the extent of the fines and pledges which they receive—a guarantee which
in all probability would never require to be drawn on,—we are asking them to pay a
very moderate price indeed for the attainment of the object that with one voice they
professed their anxiety to secure.

[1] Appendix XCI.

At the commencement of the new system, when the whole Habitual Offenders of a B
generation would be to be dealt with, unless provision were made for its inauguration on
a gradual and restricted scale, there might not improbably be so much stress put upon
it as to lead to a breakdown. We have already anticipated this difficulty,[2] and shown
how it might easily be avoided.

[2] Par. 'Elasticity of Proposals,' p. xxv.

Briefly stated then, the financial basis of our proposal is this— C

The exceptional expense of governing and maintaining Habitual Offenders in Scotland, so far as it does not directly fall on the public, is borne by the Imperial Exchequer (which maintains the prisons) and the Police and the Parochial Authorities.

That exceptional expense, if our proposal were adopted, would almost entirely devolve upon the Administration of the Scottish Labour Settlements, by which all the revenues of the Settlements would be received and disbursed.

To enable the expenditure of the Administration to be met, we propose to look to the labour of the settlers, which we put down at about £14,000 a year, assisted by £10,000 a year from the Imperial Exchequer in the shape of an annuity, which would represent—and in a few years under-represent—the amount of its savings in the maintenance of prisoners.

In addition to this annuity, we recommend that the capital necessary for the initiation of the scheme should be advanced by the Imperial Exchequer as a loan amply secured and to be rapidly repaid.

To enable this to be done we would call into existence a fund arising out of fines at present lost, which, together with fines now paid by prisoners after their admission to prison (which for reasons of policy we propose to alienate from their present recipients), would amount to £7000 or £8000 a year.

This fund, which we propose to call the Labour Settlements Fund, we propose to apply in the first place to the repayment by annual instalments of the money borrowed from the Imperial Exchequer for initial expenditure, and in the second to the general administrative purposes of the scheme.

This Labour Settlements Fund would, we believe, prove amply sufficient for those purposes; but lest its amount should fall short of our anticipations, we propose to give to the Secretary for Scotland power from year to year to make up any deficiency which might arise, by a levy to the extent required on fines and pledges received by the Local Authorities in Scotland, which at present amount to over £25,000 a year, and which would thus form an unquestionable guarantee for the solvency of the Labour Settlements Fund.

The Police Authorities would contribute to the scheme by consenting to this guarantee, which, we believe, would never require to be drawn on heavily, and in all probability would never require to be drawn on at all.

As to the Parochial Authorities, their contribution to the scheme would consist in the detention and maintenance of—in round numbers—100 infirm, aged, and weak-minded, alien, habitual-offender paupers at the expense of the Labour Settlements Fund, and 350 native habitual-offender paupers at the expense of their respective parishes of settlement.

The expense of the detention and maintenance of these habitual-offender paupers, which would be thus devolved upon the ratepayers throughout Scotland would

A barely increase by £3000 the £894,500 at present expended on the relief of the poor; and in return for it the Parochial Authorities would get rid of the trouble and expense to which they are now exposed at the hands of the 'in-'and-out' habitual-offender pauper class, a trouble and expense of which they everywhere demand to be freed and everywhere loudly complain.

PART II.—VAGRANTS AND BEGGARS.

B Having dealt with habitual offenders generally, we now come to those special classes to whom attention is specially called in our remit, first among which comes that of vagrants and beggars. According to a night census of this class, taken by the police in June 1893,[1] the vagrants and beggars in Scotland numbered 9655, giving a ratio to population of 20 per 10,000. Of these, 6326 were men, 1927 women, and 1402 children; 6728 were found in counties where their ratio to population was 26 per 10,000, and 2927 in burghs where their ratio to population was 13 per 10,000.

[1] Appendix XVII.

C *Tinkers or Gipsies.*—The persons grouped together as beggars and vagrants may be sub-divided into three classes—Tinkers or gipsies, professional vagrants, and working men on the tramp. The tinkers and gipsies form a class apart. They live principally in tents, and marry among themselves, according to their own rites; support themselves ostensibly by petty industries, such as tinker-work, umbrella mending, and occasional field labour, but really to a large extent by begging. The number of them reported by Chief Constables as having encamped in their respective counties in 1893 was 977 adults and 725 children.[2] As their movements often extend through several counties, the same gipsies must have been returned as passing through their districts by several Chief Constables, so that the number reported should be considerably over the truth; but taking the figures as we find them, the number of arrests among them was 232, or 136 per 1000, as against 37 in the general population. They differ from the ordinary vagrant in the high proportion of women and children to men,—the numbers of the women being nearly as great as that of the men, and that of children 50 per cent. greater; while, among vagrants and beggars generally, men figure to women in the proportion of over 3 to 1, and to children in the proportion of over 4½ to 1. These tinkers and gipsies are represented by Chief Constables, landowners, and others[3] as not given to stealing or poaching, but as inveterate beggars, levying contributions in the shape of food, money and sites for their encampments on the rural population, spending what money they obtain in drink, and when drunk fighting amongst themselves. In their domestic relations they are depicted as faithful to their own marriage ties, and fond of their children. The charges against them, so far as the general community is concerned, is that they are troublesome beggars; that their unions not being recognised as marriages, their children increase the illegitimacy ratio of the counties in which they abound; and that, owing to their wandering habits and mode of life, their children are exposed to hardships amounting to cruelty, and grow up practically devoid of education, except in the border counties, where they seem to have settled down. Various drastic proposals were made to us, especially in Perthshire, for getting rid of a nuisance which was described as intolerable. These included the suggestion that living in tents should be made illegal, and that the children should where necessary be forcibly removed from their parents and sent to industrial schools.

[2] Appendix XVIII.

[3] Chief-Constable M'Pherson, Q. 6433-4; Col. Williamson, Q. 6551-2; Dr Macallum, 6604.

D The law already makes it an offence for gipsies to encamp on any ground without permission of the occupier. The Public Health Act provides for the suppression of an unsanitary dwelling of whatever description, condemned as a nuisance by the Medical Officer for Health; and the Prevention of Crimes Act,[4] 1871, already enacts that 'any person wandering about and lodging . . . in the open air, or 'under a tent, not having visible means of subsistence, and not giving a good 'account of himself,' is to be deemed a rogue and a vagabond, and may be apprehended and imprisoned with hard labour for three months. With all these provisions of the law to fall back upon, we cannot endorse the suggestion that the mere fact of living in a tent should itself be made a crime. Examples of neglect of children amounting to cruelty were mentioned, but for the punishment of such cases the ordinary law provides. As to marriage, the law of Scotland is one of the most liberal in the world, recognising it as constituted by contract however proved. Further, the Registrar-General informs us[5] that if parents state that they are married it is the duty of the Registrar to enter their child as legitimate, warning

[4] See Appendix XXI.—Prof. Dove Wilson.

[5] Appendix LXXIX.

the parents before doing so of the consequences of making any untrue statement. He admits that, in dealing with persons of nomadic habits, Registrars are often placed under difficulties, as they have to dispose of the case on the spot, and the parties sometimes make ambiguous averments, stating that they are married for the time being, or using other qualifying expressions. Nevertheless, he adds that for the most part he believes entries made by the local Registrars would stand the test of a trial in a court of law or any other investigation.

Public policy evidently demands that if the gipsy contract constitutes a legal marriage, it should, in as many cases as possible, be registered as such, and this could be done, and we believe would willingly be done, by the Sheriffs in every case where no legal impediment to marriage exists, and where the desirability of such a step could be brought home to the spouses by missionaries, clergy or others who take an interest in their welfare. Whether the marriage is registered or not, if it is a legal one, it is important, both in justice to the child and in connection with the law of settlement, that the child should be registered as legitimate; and we would recommend

That, to remove any doubt as to this being done, the Registrar-General might issue to each Registrar a circular suggesting questions as to whether, in cases where nomadic parents registered the birth of a child, they were incapacitated from marriage by relationship, affinity, or prior existing ties, and directing him to explain that if this were not the case, if the parents had taken each other as man and wife, they were, according to Scottish Law, married and their child legitimate, whether the marriage had been registered or not.

With regard to begging and vagrancy the Chief Constables of several counties explained that, although under the Local Government Act, 1889, County Councils were empowered to make bye-laws for their suppression, owing to a judgment recently given in the Court of Session (Eastburn *v.* Wood, 1892, 19 R. 100), doubt had been created as to whether a bye-law, couched in the language of the vagrancy sections of the Burgh Police Act, was not *ultra vires*. To remove any doubt which may exist on this point, we would suggest

That the vagrancy clause of the Burgh Police Act (with limitation of the penalty as we have already proposed) should be made specifically applicable to counties.

Education of Gipsy Children.—As to the education of gipsy children there is a twofold difficulty. The families being constantly on the move, it is practically impossible as the law now stands to enforce the compulsory school attendance of the children. In the second place, witness after witness informed us that if the gipsy children were to go to school they so abounded with vermin that the general population would not allow their children to sit in school alongside them,[1] and Mr Stewart, schoolmaster,[2] told us that were they to present themselves at his school he would refuse to receive them. Suggestions were made that the law should step in and forcibly separate gipsy children from their parents by sending them to Industrial Schools, or that the parents, while their children were of school age, should be compelled to select a district of settlement, and to send their children to school within it. Your Committee see grave objections to any legislation that would render migration, which to other men is lawful, a crime in the case of one particular class, or which would deprive parents belonging to that class of rights of guardianship of their children which other parents enjoy. If, as a class, gipsies and tinkers are remarkable for the excessive percentage of their offences, as would seem evident from the number of their arrests, the law prescribes conditions under which law-breakers of all classes may be deprived of the custody of their children. At the same time, we fully recognise the evil of permitting any class of children to remain outside the pale of the law which enforces compulsory education. We believe, however, that the enforcement of the law against begging, vagrancy, cruelty to children, and drunkenness, on the one hand, and of existing powers as to committal to Industrial Schools on the other, might greatly mitigate the evil of the want of education among tinker children, and we believe that one of the chief reasons why the law is not enforced is because to do so would entail expenditure on the parish enforcing it. In illustration of this we would refer to the evidence of the Chief Constable of Perthshire.[3] He issued a circular to his police explaining how the law stood. One of them acted on his circular and arrested a little girl for begging, but the Magistrates declined to proceed with the case because of 'the expense that would be incurred in sending the girl to an Industrial School.' In order to diminish this cost as falling on any particular parish we would suggest that

[1] Q. 63 ;
[2] Q. 6640.

[3] Q. 6491.

A powers should be given to School Board districts and parishes in a county or adjoining counties to unite for the purpose of enforcing the school attendance of vagrant children. Where districts refrain from thus uniting, and where there is evidence that a class of vagrant children is growing up in their midst without education it may even be advisable to enforce their duty on the School Boards by withholding from them their share of the Imperial grant.

B We recommend therefore that powers should be given to School Board districts and parishes in a county or adjoining counties to unite in enforcing the attendance at school of the children of nomadic parents, and that such united districts and parishes should be empowered to frame bye-laws for the purpose of carrying on the education of such children, which bye-laws, if approved by the Secretary for Scotland, should have the force of law.

C The effect of this recommendation would be (1) to enable the powers of co-operating compulsory officers to extend over a very large area, and so to bring home to the parents responsibility for the education of their children, and remove the obstacles which exist to their being brought within the scope of the ordinary law; (2) to enable to be borne by an extensive area the expense (*a*) of contributing to the maintenance of children liable to be sent to Industrial Schools, under any of the provisions of the Industrial School Acts, but whom, to avoid expense, Local Authorities at present refuse to send there, and (*b*) of the erection of a special Day Industrial School or schools, with provision for lodging children when their parents were out of school range, or the setting up of any special educational machinery which might be deemed necessary in consequence of the aversion of the general population to receive gipsy children into their public schools.

D *Professional Beggars and Vagrants.*—As will be seen by reference to the Appendix,[1] the Prevention of Crimes Act, 1871, embodies very stringent provisions for dealing with vagrants wandering about and lodging in out-houses, &c., not having any visible means of subsistence, and unable to give a good account of themselves. Such persons are liable to be dealt with as rogues and vagabonds, and imprisoned with hard labour for three months. The fact, however, that in those counties where the complaints against vagrancy are most acute, these powers, and even the milder provisions of the Prevention of Trespass Act, 1865, are little used, would show that what is wanted to check vagrancy is not the power of inflicting heavy penalties, but facility in bringing home the offence. The offence most widely complained of and most easily proved in the case of vagrants is begging, and that in Scotland is not an offence at common law—at least since an old Scotch statute inflicting branding on the cheek and banishment upon unlicensed beggars fell into desuetude. In burghs begging is an offence under the Burgh Police Act and the special Police Acts of the various excepted towns. We have recommended that the Vagrancy Clause of the Burgh Police Act (with restricted penalties) be extended to counties. The only further recommendation which we have to make is

[1] Dove Wilson, Appendix XXI.

That, in view of the troubleand expense caused by pauper vagrants, and already described,[2] the Local Government Board should make regulations, if necessary by an extension of their powers, authorising the detention in poorhouses for a week or ten days (instead of 24 or 72 hours as at present) after they have notified their intention of leaving, of pauper vagrants known to have been inmates of poorhouses, say more than twice or three times during the preceding six months, and thus obviate the trouble and expense caused by these vagrant paupers.

[2] P. xxii.

The Working-Man Tramp.

E This class of wanderer constitutes the great difficulty of dealing with the question of vagrancy. What proportion of the total number of vagrants embraced in the police census are genuine seekers after work it is impossible to say. Some estimates put the figure very low, but the fact that when any great public work, such as a new railway, is being carried out, a stream of tramps sets in towards it from distant towns, shows that the number of tramps honestly in search of employment must be very considerable. These naturally suffer far greater inconveniences than the professional vagrant, being unfamiliar with the various halting-places in the shape of night-shelters, brick-kilns, &c., along the road, and with the tricks and subterfuges by which they, though able-bodied, might obtain parochial relief. In England they would be entitled to food and lodging in casual wards; in Scotland, so long as they are able-bodied, the poor-law

forbids them relief. Even if they break down on the road and become eligible for relief, A they may be unable to obtain it, 507 parishes in Scotland having no casual sick poor accommodation. Circulars issued by the Board of Supervision, and the evidence of [1] Q. 5845-6 Mr M'Neill,[1] show that in certain parishes inspectors of poor, when applied to by vagrants suffering from disease or injury, assisted them with money and sent them on to the next parish, with the object of getting rid of liability for their maintenance.* In some cases,' to quote the circular of 1887, 'the vagrants have proceeded on their 'journey till, wholly disabled, they have at length become finally chargeable to the 'parish where their final breakdown took place, and have even died within a few days.' The Board therefore called the attention of inspectors to the inhumanity of the practice as regards the applicants and its injustice towards the parish where the ultimate chargeability took place, and instructed them as to the duty of providing casual-sick homes for such cases. If a vagrant dies through neglect of duty on the part of an inspector of poor, the latter may be tried for manslaughter.

'*Shelters' and their Results.*—In some of the southern counties this responsibility B seems to have created a panic, and caused them to exceed their duty in one direction as far as they had previously fallen short of it in the other. At all events the explanation which we got from Mr Porter, the Chief Constable, of a system which prevails in [2] Q. 5109. Roxburgh[2] was this:—'Some years ago the Board of Supervision came down upon 'Parochial Boards. Some two or three instances of starvation had occurred, people lying 'out being found dead in the morning, and the consequence was that every parish was 'called upon to provide a shelter—a place for the reception of tramps. I know that was 'the case in Kelso, Jedburgh, Selkirk, Hawick, and Galashiels. The number of tramps was 'so great that shelters were established on a pretty extensive scale. They were fitted 'with benches on which the tramps could lie down and huddle together for the night, 'and they received so many ounces of meal night and morning, and were passed on.' The Parochial Boards (without any legal authority) defray the cost of this entertainment, which is about 2d. per head per night, and entrust to the police the duty of granting tickets of admission to the shelters, which they do after entering the applicant's name and description in a book, and searching him for money if they suspect him of possessing it. ('We don't want to be imposed on,' remarked the chief constable, and [3] Q. 5112. 'the British police are often obliged to take powers.'[3]) The result was that the number of tramps in Jedburgh and Kelso alone increased from 2095 in 1890 to 5290 in 1894, [4] Q. 5850. Appendix XLVI. which convinced both the Parochial Boards[4] and the Chief Constable that the system was a mistake. The Parochial Boards had, therefore, given instructions to the police to reduce the number of tickets issued, while the Chief Constable stated that the system only tended to increase the number of tramps, and that 'it had been discovered that 'these fellows went the round. It was a day's march from Jedburgh to Kelso, and from 'Kelso to Galashiels, and then back they went the opposite way. It was a common 'thing for them to go from Kelso to Galashiels, Galashiels to Selkirk, Selkirk to Hawick, and into Dumfries,' where he believed there were shelters also. From Mr. M'Neill's [5] Q. 5117. evidence[5] it appears that the Board of Supervision had strongly remonstrated against the system, but they had no power to put it down, and the Local Authorities would not be guided by them 'because, as was said, they objected to these able-bodied beggars going 'about the town at night.' An analysis of the persons sheltered at Jedburgh and Kelso yielded the following results:—3012 of them were under 40 years of age, and 1857 above it; 4633 were men, 455 women, and 202 children. Of the men 1235 were Scotch, 2534 English, 829 Irish, and 35 foreign; and of the women tramping by themselves 106 were Scotch, 69 English, 49 Irish, and 3 foreign. The Chief Constable considered that [6] Q. 5117 the majority of the tramps sheltered were men in search of work,[6] and he attempted to account for the recent increase by the fact that at Newcastle extensive waterworks were being constructed, and the southern counties were covered with tramps going back and forward to the works. This explanation might possibly account for the increase of some 439 Scotchmen and Irishmen shown in the figures of 1894 as compared with those of the previous year, but it certainly could not account for an increase of 653 in the number of Englishmen or for the fact that the number of Englishmen who have obtained shelter at Jedburgh and Kelso during the past two years is more than twice the number of the Scotch. These facts admit of but one explanation, and that is that the offer of a plank bed and a rug in a warmed room, and 2d. worth of meal, afford an inducement sufficient to attract hundreds even of able-bodied men from a dis-

* The chief constable of Fifeshire informed us that it was formerly the practice in that county for the police to arrest all vagrants and ship them across the Frith of Forth or Tay, and that the practice was only put a stop to by an action being raised or threatened against one of his predecessors in office.

A trict where work is plentiful to distant towns where there is no chance of work but where these luxuries can be got without payment either in money or equivalent labour.

B *Experience of Musselburgh.*—This is corroborated by other evidence. Thus Lieutenant-Colonel Borthwick, Chief Constable of the Lothians and Peebleshire, told us the result of a Mr. M'Kelvie having left in trust to the Town Council of Musselburgh £700, the interest of which was to be applied to assisting persons passing through that town in search of work. The interest amounts to £22 per annum, and the inspector of police looks after it, and gives tickets to persons who may apply for food and lodging. The arrangement came into operation in February 1892. During eleven months of that year 715 persons received tickets. In 1893 the numbers rose to 956, and in 1894, by the end of October, it had risen to 1124. Besides these, many more applied and were refused, either because they had been relieved a short time before or because the annual £22 had been exhausted. The consequence was that tramps and beggars multiplied in Musselburgh so much that an application was made to the Court of Session to get rid of the charity, but the decision was that it must remain, 'and,' added the Chief Constable, 'the tramps swarm into Musselburgh, and the number 'gets larger every day.'

C *Experience of East Lothian.*—The experience of Dunbar, Haddington, and Tranent demonstrated the same fact in a different way. In these towns, up to 1891, shelter houses were maintained by the Burghs and Parochial Boards for the accommodation of tramps. In 1884 the system was in full swing, and 2721 tramps were accommodated. Then some of the Boards dropped payment, and the number of shelters was reduced, and in 1888 the number accommodated dropped to 2584. In 1891 the County Council resolved to abolish the shelter houses, and in 1893 the number of tramps challenged in East Lothian dropped to 349, representing, according to police calculation, only 116 individual tramps. In other words, the withdrawal in that county of free shelter and breakfast sufficed to reduce the number of tramps to less than one-twentieth of its previous amount. On the other hand, in Edinburgh, Glasgow, Dundee, and many other towns, night shelters worked by charitable organisations exist, which certainly meet a crying want, and regarding any evil effects of which we heard no complaints.

D *The Ayrshire Mendicity System.*—The Committee has had a large amount of information placed before it by Mr Loch, the Secretary of the London Charity Organization Society, and others with reference to the methods adopted in England in dealing with the vagrant class. Captain M'Hardy, R.N., the Chief Constable of Ayrshire, which has always been a favourite county for the tramp, told us that having studied the plans on which various English Societies, more particularly those of Dorset, Hereford, Kent and Worcestershire, grant relief to tramps, he had devised a system on similar lines, and with the assistance of the Ayrshire Mendicity Society, had put it into operation in that county. The method in which the Society, which was founded in 1885, set to work was as follows :— Bread tickets, which could be given to tramps when they begged for relief, were supplied to the public at a very moderate rate. These tickets could be exchanged for bread in the various towns and villages in the county, so that at about every five miles of his journey the tramp, if he had a ticket, would be able to get two pennyworth of bread. Lodging tickets were also provided by the Society and sold to the public at a slight loss. These tickets were for issue to beggars who asked for money to pay for a bed, and a wayfarer, on presenting one at a Police Station received an order for a night's lodging. The object of the Society was to repress mendicity, and at the same time to assist the deserving travelling poor.

E The experience which has been gained by the operations of the scheme is very instructive. In the first place, the public interest in the matter seems to have varied considerably. In 1887, 1,418 tickets were purchased, while in 1891 only 94 were bought. Altogether in the nine years tickets providing for relief of the value of £656, were sold under the scheme and £609 received by the Society for them, thus leaving a deficit of £47 which had to be covered by subscriptions and donations. Strange to say only half of the bread tickets given away were used by the tramps, but it was otherwise with the tickets for lodging, which were in great demand. Indeed, Captain M'Hardy found that they were abused, being used by men who were earning wages as well as by vagrants who had sufficient money in their pockets to pay for a night's shelter. One man was found to have £1, 5s. 11d. in his possession when he applied for a free bed. Having regard to the experience gained in Ayrshire by this lengthened experiment of a system based on the English plan, Captain M'Hardy, although he did not think that providing for the relief of tramps in the manner above described had led to an increase of vagrants in the county, nevertheless hesitated to recommend it for adoption generally in Scotland.

Indeed, he stated that he had been unable, after investigation, to establish the fact that A
[1] Q. 12,457. one really respectable man had ever used the tickets.[1] Asked if he could recommend a National scheme for the repression of the professional tramp, and at the same time for helping on his way the honest labourer actually in search of work, he replied—'No, I
[2] Q. 12,507. 'see all the schemes which have been tried have failed."[2]

Some Hardships of the present System.—Certainly some provision for sheltering B and feeding the honest workman, who has exhausted his funds in a search for employment, is urgently required. If, in a county, he is caught sleeping in the open air or an outhouse, he is liable to be taken up as a rogue and vagabond; if, in a town, he seeks shelter in a close, he infringes some provision of the local Police Act, and is liable to thirty days' imprisonment. If he begs in a burgh, he brings himself within the grasp of the law, and so long as he is technically able-bodied, he is ineligible for parochial relief. Under these circumstances, it is not astonishing to learn that in
[3] Chisholm, Q. 46. 1893,[3] 5300 persons sought and obtained shelter in police offices in Glasgow alone. There, when there is room, applicants for shelter are allowed to be locked up for the night, and receive a slight supper and breakfast, the expense being defrayed out of the police rates, and this system prevails very generally over the country. There is, however, no legal sanction for this expenditure, and when the system of audit enacted under the Local Government (Scotland) Act, 1894, comes into operation, it will probably be disallowed and the practice put a stop to. To prevent this and to legitimise the practice so far as it affects the honest workman we recommend

> That the police authorities should be empowered to grant temporary relief to the C extent of a night's lodging and food to the necessitous, homeless, and travelling poor, where they think it expedient to do so, and that they should also have power to exact, if they think right, a labour equivalent from those that are able to work.

In order to secure this it would be necessary, as in Germany, to constitute it an D offence to refuse to work after accepting assistance on the condition of paying for it by work. We recommend that this duty should be entrusted to the police rather than to the parochial authorities, because police stations are much more thickly scattered over the country than poorhouses; because the system is already adopted—though without any labour test—over a large extent of Scotland, so that it would involve less dislocation of existing practice than any modification of the able-bodied disqualification of the Scottish Poor-Law; and finally, because we think it desirable to keep the honest searcher for work as much as possible out of contact with the pauper vagrant, under whose tuition he would soon acquire a knowledge of the devices necessary to sham sickness and insist on parochial relief. We would give the police wide discretion in the matter of exacting a labour equivalent, in order that travellers who could show that they were really in search of work might not be impeded in their mission, and we would limit the lodging to be given to a single night, and make it optional and not compulsory, in order to avoid inconvenience to the primary work of the police. If, in addition to this, it were made lawful for Local Police Authorities to contribute to approved night asylums, as a condition of persons sent by them being received, and with power in these cases also to exact a labour equivalent, a much wider provision might be made for the respectable class of tramp than at present exists, while the labour test would safeguard the community against those evils which experience has shown to result from the giving of unconditional assistance, even to a small extent.

Permanent Organisation for Relief Works.—As to the question of dealing with such E exacerbations of vagrancy as may result from time to time through the indirect effect of a great strike or exceptionally severe weather, we might suggest that most of our large towns possess what is known as a 'Common Good,' a reserve of property which is drawn on for a great variety of purposes, but which, it has, in some places been held, cannot legally be applied to the relief of local destitution, however acute. If the doubt, believed to exist on this point, were removed and expenditure for such a purpose sanctioned, money would be available to meet temporary crises, while the local authorities might be trusted not to draw on the fund unless driven to it by necessity. The experience of relief works instituted at the cost of private charity in Scotland, as elsewhere, has proved that when labour is paid for by the day as little work as possible is done. At present it is not until a crisis has lasted for some time in an acute stage that subscriptions can be raised and work provided, and when that is done the struggle is to provide for all and sundry, and piece-work is never, or almost never, at first

A insisted on. If permanent public funds were available the destitution could be met promptly while it was manageable in extent, and relief given solely on the principle of piece-work, without danger of attracting loafers from a distance. The experience of Glasgow,[1] where relief works were opened in the beginning of this year, 1895, and in 1893, went conclusively to show that with the substitution of payment by results for payment by time, the number of men at work underwent a rapid and marked diminution, although the piece-work was intentionally calculated at a scale which allowed of maximum weekly wages being earned in three or four days, so as to afford ample opportunity to the men at work for seeking regular employment.

[1] See Reports in Appendices LXXXIII. and XC.

B By means such as we suggest above it would be possible at the shortest notice to carry out the leading recommendations contained in the circular on the subject of the granting of relief issued by the Board of Supervision in the winter of 1879[2], namely that 'means should be adopted to apply what may be termed an artificial labour test, and 'that no person who refuses to submit to it should be admitted to participation; that 'covered sheds should be erected, so as to admit of work being carried on in all weathers; 'that labour masters should be appointed to superintend this work, whose duty it would 'be to check and report idleness or absence; and if any person alleges inability to do the 'work required of him, he should be examined by a Medical Officer, whose report would 'guide the administrators of the Fund; and that in the case of women, work for which 'they are fitted should be provided for them, either in rooms lined for the purpose, or at 'their own homes.'

[2] Report of Board of Supervision on the Unemployed, Scotland, Paper c., 7410, 1894, page 5.

PART III.—JUVENILE DELINQUENTS.

C Owing to the general adoption of the option given to magistrates, under the Act of 1893, of committing juveniles to reformatories without sending them to prison, the number of juvenile offenders imprisoned in Scotland has been greatly reduced. A return to be found in our Appendix[3] shows that during the month of January 1885, there were confined in our Scottish Prisons 21 prisoners under 16 years of age with aggregate sentences amounting to 35 months. This is equivalent to a permanent average daily number of slightly over 7, and accords with another return which we had taken on the 18th of December 1894, which showed that the number of prisoners under 16 on that date was 8. A third return[4] which we also give shows that in 1893, 64 children under 12 years of age were committed to prisons and legalised police cells in Scotland. Of the youthful offenders incarcerated during January 1895, one child of 11 had been sentenced to 24 hours' imprisonment, and a boy of 15 to 7 days, in default of payment of a fine of 20s. All the girls except one of 13, who was imprisoned as a witness, were locked up in default of payments of fines ranging from 5s. to 10s. 6d.

[3] Appendix LVIII.

[4] Appendix LVI.

D Mr Morrin, who ceased to be a magistrate of Glasgow in November last, after having served as a bailie for five years, in the course of his evidence said,[5]—

[5] Q. 1695.

E 'We have an enormous number of apprehensions for very trivial matters. We 'have boys brought up in great numbers for kicking pieces of paper on the street in 'the form of a ball, and any number of lads who are perhaps found standing at the 'street corner and obstructing the free passage of the people. We get such cases 'brought up in great quantities. The apprehensions with regard to football-playing on 'the streets are enormous in the football season, and it is a difficult mattter for the 'magistrate to know how to deal with them—and I speak all their minds—because if 'it happens to be a damp day, and the ball flies up and goes against the passengers, 'the ladies get their dresses soiled, or the passengers get their ankles kicked. As I say, 'there is an enormous number of little boys from six to twelve years brought up for 'such offences as these.'

F For first offences,[6] Mr Morrin went on to say, they are usually admonished. For playing football, after having been admonished, he had sometimes felt it to be his duty to fine them a shilling with no alternative of imprisonment; and he did not know of boys who had been sent to prison unless they were habitual offenders.[7] Even for thieving he preferred to order whipping rather than imprisonment, but he believed his colleagues[8] were of a different mind.

[6] Q. 1772.

[7] Q. 1775.

[8] Q. 1779.

G Having interviewed a number of young persons in various prisons, we are most strongly convinced that no boy or girl under sixteen should be sent to prison if it can by any possibility be avoided. Once imprisoned, the fear of imprisonment and its deterrent influence seems to vanish, and they are found in prison again and again.[1] In an analysis[2] of the ages of female prisoners in

[1] R. v. H. M'K. Campbell 5405.
[2] Appendix L.

Glasgow Prison on the 27th of October last, will be found a girl of fourteen, A
one of fifteen, and one of sixteen years of age. Two of these whom we interviewed
were in for 60 days for malicious mischief. They had found a box of matches,
and happening to pass a sheet that was hanging up to dry, they set fire to it, and by
doing so nearly ignited the building from which it was hanging. One of them had
been twice imprisoned for short periods for disorderly conduct (apparently simply horse-
play) within the previous six months. A boy, whom we found at Barlinnie committed
for a serious offence, had a short time previously been imprisoned for kicking a football
into a 'sweetie' shop. Till recently, all inmates of reformatories were committed to
prison before being sent to a reformatory. The percentage of commitments to prison
among men who have passed through reformatories is, as we shall see, nearly four times
that of the commitments among men who have passed through industrial schools, but
who, as children, were never familiarised with prison. The fact is that the life of many
children of the class from which criminals chiefly spring is a very hard one, and
when they find that in jail they are regularly fed and comfortably housed in warm
cells,—that they are not starved, or kicked, or beaten, or even sworn at, and that, for
children at least, there is no hard work or harsh discipline in Scotch prisons, the terror
vanishes with which, when known only from the outside, the prison is regarded, and the
salutary deterrent effect disappears.

We recommend, therefore— B

(1.) That no child under fourteen years of age, who is not charged with a crime punishable by penal servitude, shall be committed to prison before trial; and

(2.) That no person under fourteen years of age shall be sentenced, after trial, to imprisonment, except by a sheriff or superior judge.

The number of juvenile offenders (under sixteen years of age) committed to C
prison in Scotland in 1893 was 741, of whom only a comparatively small number
were committed by sheriffs.[3] The effect, therefore, of the adoption of these rules would
be largely to reduce the number of juvenile commitments. As Mr Morrin explained,
magistrates often experience great difficulty in knowing what to do with the
juvenile petty offenders who are brought before them. Cases of petty theft, especially
of coals, are very common, and boys and girls, convicted a second time of such
offences, certainly deserve some punishment.

[3] Report by Inspector of Reformatories, p. 22.

Appendix XLVIII.

Whipping of Juveniles.—By 23 & 24 Vic. c. 105, sec. 74,[4] whipping is authorised D
for males under fourteen years of age who are guilty of any offences for which it is
competent to imprison or fine with the alternative of imprisonment, and the
whipping may be inflicted instead of the imprisonment, or in addition to it;
but, from the way in which the Act is worded, it is held to be doubtful whether a
whipping can be made the alternative of failure to pay a fine.

We recommend that this doubt should be removed, and that it should be made clear E
that whipping could be ordered as a substitute for any fine in default of pay-
ment of which the prisoner would have to go to prison.

In certain courts, as in the Glasgow River Bailie's Court, the magistrate does not F
seem to have the power to order whipping, and other magistrates, from a mistaken idea
of mercy, prefer to send boys to prison to having them whipped. So much is this the case,
that Sheriff Rutherfurd, who, under an arrangement peculiar to Edinburgh, has sat
in the Police Court of that city since 1882, told us[5] that before he took his seat on the
bench the provisions of the law as to whipping had never been put in force. He intro-
duced the punishment, which he thought was much better than sending boys to prison.
No other magistrate, however, resorted to it, and Sir J. A. Russell, ex-Lord Provost, told
us that he, as a bailie, had once ordered a boy to be whipped, but he believed that was
the only case of this punishment being ordered except by Sheriff Rutherfurd which
had ever occurred in Edinburgh. In the year 1893 in all Scotland, 335 boys were
whipped. These whippings, under a regulation issued by the Lord Advocate in 1886,
are inflicted without the boys being sent to prison. We are of opinion that in police-
court cases, where punishment of some sort must be inflicted, whipping is infinitely pre-
ferable to imprisonment, and that the age up to which it is competent might with great
advantage be extended. Whipping with a birch is not a punishment suitable for girls,
but so lamentable does your Committee consider the results of sending young girls to
prison that they venture to recommend that in cases similar to those in which whipping
can be inflicted on boys, girls might be subjected to a punishment which is meted
out to them at public schools, and which has been sanctioned in the case of certain
female industrial schools,[6] namely, strokes on the hand with a leather strap or 'tawse.'
Such a punishment would meet the case of boisterous conduct in the streets, or a petty

[5] Q. 2757.

[6] See Report by Inspector of Reformatories, &c., 1893, p. 25.

A theft of coals, much more fitly and with infinitely less disastrous results to the girl's future than a sentence of imprisonment.

B We therefore recommend that in convictions of persons under 16 years of age, whether the punishment enacted be imprisonment or a fine with the alternative of imprisonment, the magistrate should have power at his discretion in the case of males to order whipping as an alternative, and in the case of females strokes on the hand with a leathern strap or 'tawse.'

C As among certain Magistrates there appears to be a strong dislike to whipping as an alternative to imprisonment in the case of young persons, on the ground that it stirs up public ill-feeling, we would point out that our recommendation of it in such cases as preferable to imprisonment is supported not only by the practice of many Sheriffs, but by the resolution of the Petty Offenders Committee of the Glasgow Association for Improving the Social Condition of the People, and the admission of Mr Tallack, Secretary to the Howard Association[1], and Mr. Quarrier.[2] To meet the widespread objection to the use of the birch, however, it might be well to allow Magistrates in all cases to order the punishment to be inflicted on the hand with a leathern tawse, an implement to the innocuous yet deterrent effects of which many of them will be able to testify from personal experience.

[1] Q. 13,998.
[2] Q. 10,318.

D It may be well here to bring to mind that the necessity for either whipping or imprisonment in the case of a very large proportion of young offenders can be avoided by a judicious use of admonitions addressed by the Magistrate, either in public or in private, both to them and to their parents, and by a free use of the powers of the First Offenders Act.

Reformatory and Industrial Schools.

E Under the Reformatory Schools Act of 1893 a youthful offender may be sent to a certified reformatory school, either in lieu of punishment or in addition to it, if—(1) being under 12 years of age he is proved to have been previously convicted of a crime punishable with penal servitude or imprisonment, or being not less than 12, and not more than 16 years of age, he is convicted (without need of proving a previous conviction) of a similar offence. Every boy or girl therefore sent to a Reformatory must have been convicted of a crime punishable by imprisonment or penal servitude, and the period of detention prescribed is not less than three years, nor more than five, and never beyond the age of 19. In the case of committals to Industrial Schools, the inmates must not have been convicted, and there is no limit of the period of detention beyond the stipulation that it shall not extend beyond the age of 16.

F Prior to the Act of 1893, it was necessary before committing juvenile offenders to a reformatory to subject them to a term of imprisonment, and many Magistrates whenever it was practicable, refused to convict, and committed the boy or girl to an Industrial School. The Act of 1893 by giving Magistrates the option of sending youthful offenders direct to Reformatories has met the objection entertained to the preliminary imprisonment, and the number of commitments to reformatory schools, which, in Scotland in 1892 only amounted to 199, in 1893 suddenly rose to 270, the number of girls included in that total rising from 24 to 42. In 1894, however, it fell back to 207, the number of girls included being 29. The number of commitments to Industrial Schools was correspondingly checked, falling from 1020 in 1892 to 1006 in 1893, and 955 in 1894. There are nine Reformatory Schools in Scotland, and there were under detention in them at December 31st, 1893, 781 boys and 91 girls, numbers much larger in proportion to population, both in the case of boys and girls, than in English Reformatories. Larceny is stated to be by far the commonest offence for which juveniles are committed to Reformatories, 235 out of a total of 278 having been committed under this head in 1893. The cost of maintenance is a little over £17,000 which is met to the extent of close on £11,000 by a Treasury Capitation Grant. The total cost per male inmate in the same year averaged £18, 1s. 8d. (against £21, 2s. 3d. in England), and for girls, £26, 7s. 4d. (against £20, 1s. 4d. in England). The balance between Treasury allowances and total cost is made up of subscriptions,

legacies, payments from voluntary associations, payments from county and burgh authorities, payments for hire of labour, 'sundries,' and the profits of the industrial departments of the Schools which in 1893 amounted to £2,482. To entitle them to receive the grant, Reformatories must be certified by the Home Office, under whose control they are, and they must submit to inspection, and comply with prescribed regulations, but otherwise they are managed by local committees, without whose sanction no boy or girl ordered to be sent to a Reformatory can be received.

Interim detention.—One result of the latter provision is, that juvenile offenders, except in cases where local authorities have made special arrangements, cannot be sent direct to a Reformatory, but must be detained, and often they are sent to prison for detention until arrangements for their reception in a Reformatory can be made. Such interim detention is permitted where necessary for a period not exceeding 14 days.[1] The Act of 1893 permits of this temporary detention taking place in a poorhouse or other approved place not being a prison, and in view of our strong conviction of the undesirability of sending children to prison when it can be avoided,

[1] Report by Inspector of Reformatories, 1893, p. 11.

We recommend that the power of committing children consigned to reformatories for interim detention in prisons should be abolished.* We further recommend that local authorities should be encouraged or compelled to make arrangements with reformatories for the reception of children committed to them by Courts within their district.

This might easily be done by requiring such arrangements to be made as a condition towards the payment of the imperial grant in aid of the police. At present, juveniles committed to a reformatory when the statutory period of interim detention expires, unless some reformatory has consented to receive them, must be discharged, and the same in similar circumstances is the case with juveniles sentenced to imprisonment and subsequent detention in a reformatory. The arrangement we suggest would obviate this in the great majority of cases, but not in all. Under a regulation of the Home Office a medical certificate of health is in every instance required before admission to a reformatory. In Dundee prison, for example, we found a boy who had been repeatedly convicted. He had been ordered to be sent to a reformatory, but as he suffered from lupus of the face no reformatory would receive him. He had consequently to be discharged, and was rapidly degenerating into a regular gaol-bird. To meet such cases, we would recommend

That when a juvenile offender committed to a reformatory is found to be incligible for admission on the ground of health, he should be sent to a poorhouse to be detained there for medical treatment until liberated on a report by the medical officer of the poorhouse to the magistrate or court which had committed him, which magistrate or court should have power at his or its discretion to cancel his commitment, or modify its terms if the obstacle to his reception had been removed, and to make such order generally as would best meet the exigencies of the case.

The same rule might, with modifications, be with advantage made applicable to the much rarer cases of friendless reformatory inmates discharged before completion of their sentence in consequence of illness.

The Success of Reformatory Work.—The question of the efficiency of reformatory schools for the purpose for which they are designed has a very important bearing both on the proper treatment of juvenile delinquents and on the probable success of any reformatory treatment of adult habitual offenders. We have, therefore, gone into this branch of the subject with great care. The Inspector of Reformatories receives reports concerning pupils discharged from reformatory and industrial schools for three years after their discharge, and his annual reports contain tables showing the number of cases reported on, the number of those doing well, of those convicted, and of those classed as 'doubtful' and 'unknown.' Concerning ourselves only with those respecting whom there is a positive report, we find that in Scotland

* In view of the case of the girl of 13 imprisoned as a witness, referred to page xxxvii, paragraph C., we would further suggest that the provisions of the Act of 1893 as to the temporary detention of youthful offenders committed to Reformatories in other places than prisons, should be extended to include the case of witnesses under 16 years of age whom it is deemed necessary to retain in custody.

A the number of cases reported as 'doing well' or 'convicted' for the last five years for which reports have been issued, has been as follows :—

Ex-Reformatory Inmates.

Males.

Year.	Number Reported on.	'Doing well.'	'Convicted.'
1889	549	441	84
1890	529	414	84
1891	522	411	72
1892	567	413	102
1893	588	440	130
Total,	2,755	2,119	472

Showing a total of 76·91 per cent. of boys reported on as 'doing well,' and 17·13 as 'convicted' within three years of their dismissal from the Reformatories.

Ex-Industrial School Inmates.

Males.

Year.	Number Reported on.	'Doing well.'	'Convicted.'
1889	2,208	2,009	84
1890	2,264	2,056	101
1891	2,232	2,053	106
1892	2,222	2,022	111
1893	2,106	1,888	91
Total,	11,032	10,028	493

Showing a total of 90·9 per cent. of boys reported on as 'doing well,' and 4·46 as 'convicted' within three years of their dismissal from Industrial Schools.

Females.

Year.	Number Reported on.	'Doing well.'	'Convicted.'
1889	92	65	2
1890	106	73	3
1891	136	100	6
1892	62	33	3
1893	58	41	2
Total,	454	312	16

Showing a total of 68·7 per cent. of girls reported on as 'doing well,' and 3·5 per cent. as 'convicted' within three years of their dismissal from the Reformatories.

Females.

Year.	Number Reported on.	'Doing well.'	'Convicted.'
1889	665	608	7
1890	673	620	8
1891	671	617	6
1892	625	571	10
1893	613	564	10
Total,	3,247	2,980	41

Showing a total of 91·7 per cent. of girls reported on as 'doing well,' and 1·26 per cent. as 'convicted' within three years of their dismissal from Industrial Schools.

B In connection with these statistics, the curious fact deserves to be noted that while the percentage of females reported as 'unknown,' *i.e.*, as having escaped from surveillance, during the three years reported on, is twice as great in Scotland as in England in the case of Reformatories (being 10 per cent. in the latter country against 20 per cent. in the former),—in the case of Industrial School girls, exactly the reverse holds good, the ratio of such 'unknowns' being under 5 per cent. in Scotland, as against 12 per cent. in England.

C The report of the Inspector of Reformatories each year contains a further paragraph quoting from reports sent to him by the prison authorities, the number of prisoners in English and Scottish prisons who during the year had been identified as having been inmates of Reformatory Schools. In the case of the Scottish prisons, the figures for the last five years for which we have the annual report on Reformatories is as follows :—

Year.	Males.	Females.	Total.
1889,	127	6	133
1890,	142	11	153
1891,	204	11	215
1892,	202	15	217
1893,	178	13	191
Total,	853	56	909

D Before passing from the reports of the Inspector of Reformatories, we would point out that the proportion of ex-reformatory prisoners recognised in Scottish gaols is very much larger than that in England.

Independent Investigations.

A Being struck with the number of persons whom we encountered in prison who were stated to have passed through Reformatory or Industrial Schools, we obtained from the Secretary to the Scottish Prison Commissioners independent returns for 1894, which will be found in our Appendix.[1] These returns show that 248 prisoners received in Scottish prisons during 1894 were recognised as former inmates of Reformatories, and 317 as former inmates of Industrial Schools.

[1] Appendix LXXVI.

B *A Statistical Comparison.*—For the purpose of ascertaining how the percentage of ex-reformatory and ex-industrial school population committed during the year compared with the corresponding percentage in the general population, we obained from the office of the Inspector of Reformatories a return showing the number of inmates annually discharged from Reformatories and Industrial Schools in Scotland since their establishment there. These figures we submitted to Mr J. Stewart, F.F.A., F.I.A., actuary to the City of Glasgow Insurance Company, who most obligingly calculated for us actuarially the probable surviving population which the respective numbers represented,[2] and the following table gives the results worked out on this basis :—

[2] Appendix LXXV.

	Population in 1895 actuarily estimated or actual.		No. of Individuals committed, 1894.		No. of Commitments during 1894.		Percentage of Individuals committed to Population.		Percentage of total Commitments during 1894 to Population.		Average total No. of Commitments per Individual recorded.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Ex-Reformatory, .	6,450	1,614	231	17	315	39	3·58	1·05	4·9	2·4	7·4	14·0
Ex-Industrial School,	16,138	5,109	282	35	367	77	1·74	0·68	2·27	1·5	4·4	27·0
	in 1893.	in 1893.	in 1893.	in 1893.	in 1893.	in 1893.	in 1893	in 1893				
General Population, Scotland, . .	1,976,487	2,117,472	24,588	11,665	32,088	18,660	1·24	0·55	1·62	0·88	...	...

C In dealing with these figures we must of course bear in mind that in the case of ex-reformatory and ex-industrial school pupils identified, they necessarily fall short of the actual percentage. In view of the information required by the Reformatory Department, prison officials naturally question young prisoners as to whether they have been in a Reformatory or Industrial School, and in many cases recognise them as having been imprisoned before being sent to Reformatories. So long as a prisoner so identified is sent to the same prison, he is recognised and identified; but if he shifts his quarters, and after the lapse of a few years is sent to prison elsewhere, unless he happens to have been placed on the register of habitual criminals, the trace of his Reformatory career may be, and doubtless often is, lost. The same considerations, however, apply to the case of males and females and to ex-inmates of Reformatories and Industrial Schools; and the foregoing table is instructive as illustrating the different results afforded by the ratio of imprisonment to living population in the case of males and females and of the former pupils of Reformatories and Industrial Schools, respectively. The results shown do not lead one to doubt that the high percentage of cases 'doing well'[3] reported during the first three years after their dismissal from Reformatories and Industrial Schools to a large extent holds good in the later portion of their career. It indicates, too, very markedly the much greater amenability to reformatory and educational influences manifested by females as compared with males, but it shows also that where females become habitual offenders they find their way to prison much oftener than males, doubtless owing to the shortness of the sentences inflicted for the offences into which they are prone to fall (offences connected with drunkenness and prostitution) as compared to the long terms which males run the risk of incurring when they gravitate into the ranks of habitual criminals. That this is the case is shown by the fact that at Peterhead 20 of the 330 male convicts confined there during 1894 had at one time been inmates of Reformatory or Industrial Schools.[4]

[3] See *ante*, Table, p. xli.

[4] Appendix LXXV. c.

A Speaking roundly, the proportion of ex-pupils convicted within three years after their discharge is about four times as great in the Reformatory as in the Industrial School class,[1] and this general result accords, though not to the same extent, with the results brought out in our last table. The latter shows that while the percentage of individuals committed to population in the ex-reformatory class was largely in excess of the normal ratio of commitments to population, that of the ex-industrial school class pretty closely approximated to it. Reformatories, and especially male Reformatories, are therefore institutions where, in our opinion, young persons should not be lightly sent, and we recommend

[1] See *ante* Table, p. xli.

That no young person in future, who has not been convicted of a crime punishable by penal servitude, shall be committed to a Reformatory except for a second or subsequent offence.

We further recommend that the period of residence in those institutions should be shortened bya more extensive use of the power of licensing out, and that in the case of males, a much more frequent use should be made of the power of apprenticing to trades as provided for by the Act of 1891, a system which is adopted with the greatest success by some Parochial Boards in the case of boarded-out children under their care.

B This appears at present to be generally the practice in the case of girls who are in large numbers sent out 'to service,' in the first place under licence, and find themselves established in the ranks of honest workers, and probably removed from all old associations, before they become free agents.

C *An Unwise Economy.*—Male prisoners who have passed through Reformatories, whom we have cross-examined, have shown a wide acquaintance with other ex-reformatory pupils. They have told us that on returning to their native towns after their discharge they got among old companions; that youths discharged, even when not personally known, were recognised as from a Reformatory by the clothes they wore, and so introduced into the set—and on inquiry we find that this statement is not unfounded. While so much money is expended on our Reformatories, it is folly to permit their work to be neutralised, even to a slight extent, for the sake of petty economies in the clothes presented to pupils on leaving, and no trouble should be spared to settle them in a district removed from all old associations, and to avoid all chance of their being tempted back into the criminal ranks.

Industrial Schools.

D There were in Scotland in 1893 in all 28 certified Industrial Schools. Two of these were training ships for boys, the 'Empress,' the 'Mars,' (with her tender the 'Lightning'), and of the remainder three were mixed schools for boys and girls. The total inmates under detention in schools, on the 31st December of that year, were 3298 boys and 1294 girls; on licence, 213 boys and 53 girls; and retained in school, sentence expired, 8 boys and 7 girls—in all, 4873. Their ages ranged from 6 to 16. These schools are maintained by a Treasury allowance,—varying largely according to class and age of case, and amounting in 1893 in all to £55,384,—by subscriptions, legacies, &c., contributions from county, burgh, and district authorities; by payments from parents and Parochial Boards (amounting in 1893 to £5585); hire of labour (£1189); and 'sundries'; and the nett profit of their industrial departments was £4962, 19s. 11d. The average cost per head in 1893 was for boys £14, 18s. (against £19, 0s. 4d. in England) and for girls £13, 10s. 9d. (against £17, 10s. 5d. in England).[2]

[2] Report Inspector of Reformatories for 1893, page 33.

E The children who may be sent to industrial schools are (*a*) those found begging; (*b*) those found wandering, and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; (*c*) those found destitute, or orphans, or having a surviving parent, who is in prison or penal servitude; (*d*) consorting with thieves. In addition to these, under another sub-section of the Industrial Schools Act, 1866, children under 12, charged with a crime, may be sent to an Industrial School, but they most not be formally convicted, otherwise they are disqualified; and under a third section, unmanageable children can be committed at the parents' request. Under the Industrial Schools Act, 1880, children living with prostitutes, and frequenting their company, can be committed to industrial schools, as they can also now be under the Day

Industrial Schools Act, 1893, and the Prevention of Cruelty Act, 1894. Details as to the whole legal position of the matter are fully and clearly given in Memoranda drawn up by Miss Flora Stevenson and Professor Dove Wilson,[1] which will be found in our Appendix, and we need not therefore repeat them. A

Appendices XXI. and XXII.

In his report for 1893, p. 11, the Inspector of Reformatories and Industrial Schools writes as follows :—'I should like to see powers given to managers of Industrial Schools to 'deal with their children beyond the age of 16. Children who have found their way into 'the schools, less from any fault of their own than from the culpable negligence of their 'parents, should not be allowed to fall under their influence again. A good deal has 'been done in this direction of late years, by allowing managers to place in situations, to 'enlist, or even to emigrate children, without their parents' consent, where the character 'of the parents or of the homes is notoriously bad. But something more than this is 'wanted; and where parents are not to be trusted with their children, the managers 'should be allowed to act *in loco parentis* until the age of 18 at the earliest. In 'Victoria, managers have very extended powers till the juvenile is of age, the parents 'being completely set aside where they have entirely neglected their duties towards 'their children. I cannot help thinking that the Colonial Legislature has taken a 'sensible view of the case.' We observe with satisfaction that the recommendation embodied in the above extract has been given effect to by an Act passed in 1894. B

With regard to these institutions, we repeat the recommendation that we have made for Reformatories—viz., that every opportunity should be taken to secure that a large proportion of the boys should be efficiently taught a trade, whether in the school itself or by sending out the boys, after their literary education has been completed, into ordinary workshops. C

Administration of Reformatory and Industrial Schools.

Finally, in the case both of Reformatories and Industrial Schools in Scotland, we are strongly of opinion that the control and supervision should be transferred from the department of the Home Secretary to that of the Secretary for Scotland, in which is already centred the control of Scottish Prisons, Poor Law Administration, and Education. D

The Irish Reformatories and Industrial Schools are administered from Dublin Castle, but independently of this precedent, it is of great practical importance, in order to enable the results of a system on which much public money is spent to be efficiently checked and followed up, that these institutions should be administered by the same head as the Prisons and the Poor-Law. From an educational point of view, too, it is absurd that the inmates of Reformatories, Industrial Schools, and Day Industrial Schools should be taught according to the English Code, and the rest of the community according to the Scotch. As illustrating the practical effect of this anomaly, we may mention that on visiting a girls' Industrial School at Dundee, we found in the highest class a number of girls going through the Fifth (English) Standard. About half of them had already passed in that Standard; about a quarter of them had already passed it twice, and were now going up a third time, while one girl had passed it three times, and was now going through it for the fourth time Under the Scotch Code, these girls could have advanced to Standards VI. and Ex-VI. Again, in the case of Day Industrial Schools, whence children are constantly being transferred to Board Schools, the anomaly of working under distinct codes requires no argument to make manifest its bad effect. Independently, however, of purely educational considerations, we have already remarked on the importance of avoiding anything that in after-life may ear-mark pupils trained at Reformatory or Industrial Schools, and nothing can be more likely to lead to their identification than the fact that, being Scots, the standards as known to them differ entirely from the standards familiar to the general Scottish population. The transfer of Reformatory and Industrial Schools to the administration of the Secretary for Scotland, involving, of course, the control of their education by the Scotch Education Department, would get rid of this evil, extend the choice of Scottish teachers available, and enable the inspection, so far as educational requirements are concerned, to be undertaken by the Inspectors of the Department instead of being intrusted to an officer who, however willing and able he may be, has other E

A important details to attend to, and whose responsibility extends over an area, the size of which alone must render effective supervision a matter of extreme difficulty.

B *The Orphan Homes of Scotland.*—We must not pass from the subject of Reformatory and Industrial Institutions without a reference to the excellent work done at Mr. Quarrier's Orphan Homes. These Homes, a magnificent range of buildings situated at the Bridge of Weir, have been constructed and are maintained by voluntary contributions. Although, if Mr. Quarrier chose, he might claim a handsome donation from the Education Grant, he informed us that he prefers to keep himself entirely free from Government interference and control. The average daily number of children resident at the Homes is about 1,200, while that in the Reformatory Schools in Scotland is 872, and in the Industrial Schools 4,873—together 5,745. Besides a considerable sum made up by voluntary contributions, each Reformatory inmate costs the State about £13 per annum, and each Industrial School child over £11 ; while the total cost at Mr. Quarrier's Homes, including outfit and emigration expenses, is only between £11 and £12 per head.[1] [1] Q. 10,173. Of the children who pass through these Homes many have been in prison, and the rest belong to very much the same class as Industrial School children. The training they receive too is very similar, comprising not merely primary education but instruction in a variety of trades and industries. There is one essential difference, however, between the system pursued at Mr. Quarrier's Homes and that adopted in Reformatory and Industrial Schools, and that is to be found in the much shorter period of training at his institution which he considers necessary in order to transform the manner-less, ignorant, and, it may be, criminal waif or street arab into the civilised and God-fearing boy or girl, who with a very moderate amount of help, guidance and supervision will honestly make for himself a respectable position in the world. Acting on this principle, out of his average daily population of 1,200, 250 are annually drafted to Canada and about 200 placed out in this country—a percentage very much in excess of that shown by Industrial Schools. The results of his Canadian emigration scheme have been especially satisfactory. Some 4,000 children have already been sent out to the Dominion. Many of them are married ; some of them are now grandparents ; and many of them have achieved excellent positions. In Canada their career is carefully and permanently watched by Mr. Quarrier's son-in-law and daughter, who superintend his work on the other side, and by Mr. Quarrier himself in the course of his frequent visits to the Colony ; and he assures us that 98 per cent. of the 4,000 are known to be doing well, and that he does not believe that it would be possible to find the names of 1 per cent. on the prison records of Canada. This is a much better result than that claimed for our Industrial School children, even within the three years during which they are kept under observation ; and in view of this fact, it seems to us that a useful lesson is to be drawn from the results of the two methods of reformatory treatment of the young, and that the principle adopted by Mr. Quarrier—that of a comparatively short moral and educational training and a speedy transfer of his charges to a country where they are kept under supervision and effectually cut off from old companionship and old surroundings—might with advantage be borne in mind by those in charge of our Industrial Schools.

PART IV.—HABITUAL INEBRIATES.

C The remaining class regarding which your remit calls on us to report is that of Habitual Inebriates. These may be divided for practical purposes into two classes: (*a*) those who find their way into the hands of the police and into prison, and (*b*) those who simply come within the definition of the Habitual Drunkards Act, 1879, as 'persons 'who, not being amenable to any jurisdiction in lunacy, are, notwithstanding, by 'reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to 'themselves or others, or are incapable of managing themselves and their affairs.'

D *Habitual-Offender Inebriates.*—As to the first category, the proposals which we have already made under the head of Habitual Offenders fully meet their case. When dealing with that head, we called attention to the fact that habitual offenders seldom confined their appearances before the magistrate to one specific offence, but ran more or less through the whole list of those with which we have had to deal, branching off in the case of male offenders into more serious crimes, indictable or punishable by penal servitude. We illustrated this by analysing a return [2] as to female Habituals in Dundee, and we may further do so by briefly referring to [2] Appendix LII.

[1] Appendix LX.

some other evidence on the subject which we have collected. Thus a return [1] A showing persons brought before the Dundee Police Court during the month of November 1894 for assault, breach of the peace, and disorderly conduct,—but excluding persons charged with being drunk and incapable, driving without lights, football-playing in the streets, brothel-keeping, shebeening, and contraventions of local bye-laws,—shows that of 130 males charged with these offences, only 17 were sober when the offences charged against them were committed; that of 41 females so charged, only 6 were sober; and that of the whole 171, over 86½ per cent. were under the influence of drink when the offence was committed. Had drunk and incapables been included, this percentage would, of course, have been largely increased, and *we are well within the mark if we take it that* 90 *to* 95 *per cent. of the adult offenders charged before police magistrates in Scotland with offences other than contraventions of local police regulations are under the influence of drink at the time when the offences are committed.*

[2] Appendix XI.

From an 'analysis of the offences of males apprehended in Edinburgh upwards of B '4 times in 1893' which will be found in our Appendix [2] it appears that 46 men were responsible for 282 apprehensions. Seventeen of them had run up their record (two to the extent of 7 apprehensions within the year) exclusively on charges of 'breach of the 'peace or assault.' Four had achieved their record (one to the extent of 7 apprehensions within the year) exclusively on the charge of 'drunk and incapable.' One had been apprehended 5 times for begging only, and another 5 times for theft only, and the remaining 23 had mixed records. But, with the two exceptions of the beggar and the thief, in every case when the record does not include 'drunk and incapable,' it includes 'breach of the 'peace or assault,' charges rarely dissociated from drunkenness.

[3] Appendix LI.

As to women, an analysis of the offences for which female offenders in Glasgow C Prison were convicted 6 times and upwards in 1893 [3] reveals some curious facts. The return records the cases of 238 prisoners, of whom 45, with convictions ranging from 6 to 17 each, had had no other charge against them than 'drunk'; only 3 of the 238 had no charge of drunkenness against them; 2 more had been imprisoned, one 7 and the other 8 times, exclusively for breach of the peace, and the remaining 188 had mixed records, generally including importuning, and less frequently breach of the peace and petty theft. Of the 238, 200 had been imprisoned 3 times or upwards for drunkenness during the year, and of these, 2 had each been sent to prison 18 times and four 17 times during the year for that offence.

Rapid Intoxication and 'Finish' Drinking.—The rapidity and frequency with which D some of these wretched women contrive to get drunk is astounding. When visiting one of the Glasgow Police Offices we saw a woman lying in a cell dead drunk. The Inspector informed us that she had been arrested in the course of the day and locked up; that her son and daughter had come to look for her, and wanted to take her home, but she was still too drunk to be let out; that after a few hours, when she had sobered, she was liberated on leaving a pledge, and that within a couple of hours she had been again apprehended and locked up in the condition in which we found her. In giving evidence before us, Mr Motion, Inspector of Poor to the Barony Parish, Glasgow, detailed

Q. 286–7.

the history of a woman named Jane M'Polland.[4] He told us that this woman, whose mother, grandmother, and great-grandmother had all been chargeable to the parish, and whose illegitimate child was then boarded out by the parish, was 34 years of age; that since 1878 she had been almost continuously chargeable in Barnhill and other poorhouses; that she was in the habit of quitting the poorhouse 'when sufficiently recovered for 'another booze,' and when at liberty subsisted by begging and prostitution; that she had been convicted 63 different times since September 1887, and had been in prison 737 days, the charges against her being drunkenness, disorderly conduct, breach of the peace, malicious mischief, importuning, and theft. 'Since this statement was made up,' Mr Motion went on to say, 'she appeared last Wednesday at the office about 4.15 in the 'afternoon. She had been dismissed from Duke Street Prison that morning, and when 'she appeared in the afternoon she was almost unable to stand. She did fall in a heap 'at the applicant clerk's window, and then Mr Ferguson, my chief assistant, went to 'her side, and she was so weak or incapable that he had to put his ear to her lips, but 'even then could get no answer to his questions, and could make nothing of her. He 'sent for two constables, and she was taken to the Central Police Office, and again sent to prison.' On the following day, about 11 o'clock, while your Committee were taking other evidence, a note from Mr Motion was handed to the Chairman, in which it was stated

A that M'Polland had again appeared at his office drunk, and that he had sent her to the Municipal Buildings, where we were sitting, as a sort of object-lesson in support of his evidence. On calling in the Removing Officer he informed us[1] that M'Polland was at that moment lying in a state of stupor in a room below ('but,' he added, 'in endeavouring to 'get her to rise, she may get up and drive at me'); that she had got out of prison that morning, and at once got drunk, but that he had no idea where she got the drink. 'On 'many occasions,' he told us, 'he had taken a cab and gone with her to the poorhouse, so 'as to keep her till the doctor gave the necessary certificate,' and he intended doing so then unless she made herself so noisy that the police would take her up. Female prisoners with whom we spoke on the subject informed us that when dismissed from prison they were plied with offers of drink, and could generally get as much of it as they wanted, although they could not get food. Many of these drunkards, too, drink 'finish' (a solution of shellac in methylated spirits, used in furniture polishing), of which a couple of penceworth suffices to produce insensibility.

[1] Q. 5971 *et seq.*

B The case of inebriates of this criminal class would be fully met by provisions for adult Reformatories, which we have recommended and explained in dealing with the general subject of habitual offenders. Into the 'Labour Settlements' which we have described they would gravitate automatically, and there they would be restrained for prolonged periods from drink, and subjected to the influences best calculated, according to the evidence of all who have made a study of the question, to cure them of their infirmity. That in many of these inveterate cases no permanent cure would be effected we should expect, but the inebriate would at least be kept sober and out of mischief for periods which would give him every chance; wherever he was able to do so, he would be compelled to contribute by his labour towards his maintenance, and society generally would benefit by getting rid of an expensive nuisance, and a source of danger and demoralisation to the community.

C *Habitual Inebriates within the meaning of the Inebriates Acts.*—We come now to the second class of inebriates, those, namely, who do not fall within the ken of the police, but are within the definition given in the Habitual Drunkards Act 1879, namely, that by reason of habitual intemperance they are at times dangerous to themselves or others, or are incapable of managing themselves and their affairs. Regarding this unfortunate class a large amount of evidence was placed before your Committee. The misery caused by them in many domestic circles in all ranks of the community is very great. Some of the clergymen who were witnesses had given much attention to the matter, and taken considerable trouble to arrive at some idea of the extent of the evil. The Rev. D. M. Ross of Dundee,[2] who has made the subject a special study, stated that 87 non-criminal habitual inebriates were known by 28 ministers in Dundee in connection with their pastoral work.[3] The representative of the Glasgow Presbytery said there were hundreds of such cases; and the Rev. Dr Blaikie,[4] that in all classes of society, the upper as well as the lower, this evil prevails. The unanimous opinion presented was, that if anything could be done to relieve the many households throughout the country which suffered silently from the affliction of having among their members an habitual inebriate, and, if possible, to effect the reformation of the individual himself, a very great step would be secured towards the social well-being of the country.

[2] Q. 13,462.
[3] Q. 1575.
[4] Q. 5654.

D One illustration of the extent to which this unanimity prevails, mentioned to us by Mr Martin, an Edinburgh missionary, was so unique that we give it in his own words:[5]

[5] Q. 6226.

'A week last Monday night, I was in our Reading and Recreation Rooms in the 'Canongate. I went out about half-past seven o'clock to where there might be close 'upon 100 men drawn from model lodging-houses, &c., and I asked them if they would 'give me half-an-hour to discuss with them the best method of treating habitual 'drunkards. At first there was a little resentment, which arose out of their thinking 'that they were to be treated as criminals. But when I explained to them that they 'would be treated from a medical stand-point, they at once started to discuss the 'question, and after a good deal of discussion I put it to the meeting that habitual 'drunkards be treated irrespective of their own wills; and at once it was unanimously 'agreed that that would be a great boon and blessing for habitual drunkards.'

Existing Retreats.

In dealing with the subject it seems best to set out at some length the various A
means at present existing in Scotland for coping with the evil. The provisions of the Inebriates Acts extend to Scotland, but no licensed retreat exists in that country. There, are, however, several unlicensed institutions where inebriates, whose friends can induce them to enter them, are cared for. The largest of these is Queensberry House and Lodge, Edinburgh. That institution consists of two separate buildings devoted to different purposes, but within the same enclosure, and under the same Committee of Management and the same Governor, Major M'Cartney.

Queensberry Lodge.—The lodge is described as 'a temperance home instituted for B
[1] Q. 3061. 'ladies,' and is also an invalid home.[1] The number of its inmates varies from 12
[2] Q. 3064. to 20, and in November 1894, when we visited it, there were about 16,[2] about half
[3] Q. 3065. of whom were inebriate cases.[3] The inmates pay from £50 to £100 a year—the
[4] Q. 3066. majority of them £50 or £60.[4] The money to build the lodge was originally raised
[5] Q. 3069. by subscription,[5] and it is self-supporting, and yields a profit[6] of about £50 or £100,
[6] Q. 3070. occasionally rising to £200 a year,[7] which goes towards the maintenance of Queens-
[7] Q. 3109. berry House, which is not self-supporting. The number of admissions into the lodge
[8] Q. 3080. from 1886 to 1893 was 759,[8] of whom about half would be inebriates.[9] This would
[9] Q. 3081. give an average of about 54 inebriates per annum, and allowing for the shorter stay of invalid cases, and assuming even 15 of the 20 beds to have been monopolised by inebriates, the figures would show the average residence in the lodge to be between three and four
[10] Q. 3084. months. Some of the inmates, however, reside there permanently,[10] and would count as only one 'admission,' and as they encroach on the available accommodation the average stay
[11] Q. 3083. of the remainder must have been correspondingly less. According to Major M'Cartney,[11] 'those who stayed there for a year or two rarely returned, that is to say, if the crave for 'drink had been starved out of their system, but if they had been in for a short time they 'frequently came back sometimes two or three times over.' The inmates of Queensberry Lodge are allowed out, but never unaccompanied by the Matron, Chaplain, or Governor,
[12] Q. 3093–4. and on one occasion[12] when the last named had taken some ladies out to buy Christmas presents for their children, one of the ladies absconded. She was, however, subsequently brought back by her husband, who was a minister. If friends come to visit the inmates they must, before admission, give their word that they have no liquor about them. If
[13] Q. 3177. there is any reason to suspect their truthfulness they are searched.[13] Occasionally the inebriate inmates prove restive, and write to their law-agent or to the Sheriff, and the
[14] Q. 3088. latter advises them to remain, or the Governor to release them, as he thinks proper.[14]

Queensberry House.—Queensberry House is a much larger establishment. It C
embraces separate departments for men and women, and people of all classes are
[15] Q. 3119. received as boarders at from 4s. 6d. to 10s. per week.[15] It contains about 300 inmates
[16] Q. 3150. altogether,[16] of whom 200 are females,[17] and embraces a hospital for 54 patients, half of
[17] Q. 3139.
[18] Q. 3189. them incurable,[18] night shelters for 20 men and 20 women, and a department which supplies 100 poor children with food gratis, and a number of others at a penny per
[19] Q. 3188. meal.[19] Among the inmates are a number of pensioners, male and female,[20] young persons
[20] Q. 3153. under detention while arrangements are being made for their committal to reformatories and industrial schools, and for whose keep the Local Authorities pay an annual subscription of £50, boarded-out paupers, and inebriates, of whom among the females
[21] Q. 3139. there are about 50,[21] and among the males about 12.[22] Besides boarders, who pay in the
[22] Q. 3130.
[23] Q. 3128. aggregate over £3000 a year,[23] destitute men and women are admitted, and are made to do the work of the establishment in return for their keep. The institution is not self-supporting, and the deficiency is met by subscriptions from the public. The inebriates either come in of their own accord (often as 'destitutes') or are sent in by fathers, husbands, brothers, or other relatives on whom they depend. Sometimes a husband and
[24] Q. 3124. wife come in together (apparently each escorting the other), and are both taken in.[24]
[25] Q. 3125. To quote Major M'Cartney,[25] 'an unfortunate man will tell you that he cannot work by 'day or sleep by night owing to a drunken wife, and he asks me if I will take her in. 'If she is not willing to come, I do not mind taking her in until we sober her and put 'her into a right state of mind, and try to teach her by her surroundings the folly of
[26] Q. 3126. 'her procedure.' In reply to the next question,[26] Major M'Cartney said that to accomplish
[27] Q. 3144. this would take probably a month, possibly two. 'We have,' the witness went on,[27] 'a 'place called the nursery where we take in the first cases, and we have a moderate

A ‘ strong woman who is able to look after them. We give them as much buttermilk and ‘ potass water mixed up together as they can drink, and they drink any quantity of ‘ it. We give it to both men and women, and sometimes we give the buttermilk alone.’

B After that stage, Major M‘Cartney keeps the patients within bounds for two months, and then commences gradually to entrust them with liberty, beginning on Sundays when the public-houses are shut, and stopping short at Saturday, when the temptations are too great.[1] After a certain time, however, there is no restraint placed upon their liberty,[2] but ‘ if they return under the influence,’ added the governor, ‘ I shut ‘ them up for two months according to the rules.’ If they refuse to submit they are turned out of the institution. Everybody is searched on coming into the house, and a prize of a shilling given for every bottle detected either on a boarder or a servant.[3] The results of this treatment are described as satisfactory. To quote the official report, ‘ infor- ‘ mation cannot in all cases be obtained as to the benefit derived, but good accounts ‘ have been received in regard to a large number of boarders, particularly those who ‘ have resided in the Home for a period of four months or longer.’

[1] Q. 3090.
[2] Q. 3097.
[3] Q. 3083.

C *Brownsland Home.*—A small retreat concerning which we received a most satisfactory account, was the Brownsland Home for Female Inebriates, Peeblesshire. Mrs Lockhart, the honorary secretary of the Institution, who gave her evidence with exceptional clearness and intelligence, informed us that this Home had been in existence since March 1876, that it can accommodate 12 women, and that since it started, 190[4] have passed through it.[5] So far as her information went, 78 of these had been quite reformed. Women are not received unless they come willingly and sign a paper undertaking to comply with the rules—a copy of which is sent them, and which include an undertaking to stay there a year. Formerly, the residence stipulated for was six months, but the results were unsatisfactory, and it is now raised to twelve months.[6] The result is that a great many applications come to nothing, only 34 admissions having resulted from 122 applications received since 1891.[7] The written undertaking as to residence, though not legally binding, has an excellent moral effect. The want of legal powers was ‘ continually felt,’[8] and Mrs Lockhart believed that a large amount of refractory conduct among inmates occurred because they knew that the powers of those in control were limited. The charge made to inmates is 7s. per week, the first three months to be paid in advance, and the balance in advance monthly or quarterly, as may be arranged. The object of requiring this prepayment is to obtain a hold on the inmates. The cost per head is nearly double what they pay, being £35 a year, and the balance is made up by subscriptions. The Home is specially designed for women of the poorer classes, and they don't care for lady patients, who are apt to cause trouble, but they have passed through their hands a colonel's wife, a minister's wife, a sheriff's daughter, and a number of governesses.[9] The board of inmates is paid for by relatives or friends, and Mrs Lockhart could not recall a case in which it had been paid out of the inmate's own earnings. Although the women sign only for a year, when it is thought advisable an endeavour is made to persuade them to remain for a longer period. Of the 190 inmates passed through the Home, 56 had remained between twelve and eighteen months, 23 for over eighteen months, and 7 for two years.[10] Two of the 7 two-years' cases broke down on dismissal, but the remaining five did well.[11] When the women really desire to escape from the thraldom of drink, it is a great help, but when they submit to moral compulsion at the hands of friends, and only remain in the Home because they cannot help it, the prospect is less hopeful.[12] According to the rules of the establishment only women of respectable character are received, but women have been admitted who would have been refused had the managers known what they subsequently learned, and these women had turned out satisfactorily.[13] There is only one paid servant in the house, and the inmates are kept busy with domestic, gardening, dairy, and other work, and are encouraged to take exercise on the hills around. Examined as to specific cases, Mrs Lockhart evidenced a personal acquaintance with the history of ex-inmates which convinced us that her statement as to the high proportion of reclamations may be relied on. This, for example, is what she said when cross-examined about the colonel's wife above referred to :—

[4] Q. 5728.
[5] Q. 5789.
[6] Q. 5732.
[7] Q. 5801.
[8] Q. 5743.
[9] Q. 5790–93.
[10] Q. 5793–94.
[11] Q. 5798–5801.
[12]
[13]

D ‘ Hers was an exceptional case, because her husband was given to drinking too. ‘ They had been in India for many years, and there she had formed the habit. She ‘ came into the Home by the wish of her friends. I was very averse to take her, simply ‘ because she was a lady, and the Home was not intended for such. Her husband, how- ‘ ever, had commuted a portion of his income, and she came for a period of twenty-two

' months into the Home. She left the institution six years ago, and she is now living in A
' ———, and has done splendidly. She is with her husband, who still takes drink, but
[1] Q. 5761-64. ' she has held out notwithstanding."[1]

Another very encouraging case which Mrs Lockhart described was that of an inmate B who, after doing well in the Retreat, returned to her home in Glasgow.

' Her husband was waiting to meet her at the station there, and the first thing he C
' did on her arrival was to propose that they should go to the refreshment room and
' drink to her return. She declined, and was very indignant, and there was rather a
' row at the station. She would not take the drink, however, and, as a matter of fact,
' she remained an abstainer until her death.'

Isolated Inebriates.—There appear to be one or two other unlicensed retreats for D inebriates in Scotland, and we came across inebriates, within the meaning of the Habitual Drunkards Act, 1879, inmates of other institutions. Thus in the Glasgow Hill Street Shelter for Fallen Women, among the inmates whom we interviewed was a widow (of good character), who, after her husband's death, had taken to drink—habitual drunkenness in
[2] M'Cartney, Q. 3155. women very frequently appears to date from widowhood,[2]—had sold her furniture and gone out as a cook, been dismissed from one situation after another for drunkenness, and finally been told by her father-in-law, to whom she applied for help, that if she would go into the Hill Street Home for a year and try to reclaim herself he would help her, if not she might go to the poorhouse. She elected to go to the Home, and professed to have quite got rid of all desire for drink. Another similar case we found in Lochburn (Magdalene) Establishment, near Glasgow—a wife (of good character) whose husband had induced her to try a two years' residence there as a cure for drunkenness. When we visited the institution she had rather overstayed her time and had been promoted to some petty charge in connection with the laundry.

Inebriate Patients in Lunatic Asylums.

A number of habitual inebriates throughout Scotland enter lunatic asylums as E voluntary patients. In order to do so they must first obtain permission from the
[3] Q. 10,416. [4] Q. 10,418. Lunacy Commissioners.[3] This in practice is never refused.[4] Once in they can only leave on giving three days' notice, and during their residence the medical
[5] Wilson, Q. 10,466. superintendent has the same authority over them that he has over lunatic patients.[5] Medical officers of asylums almost unanimously discourage the reception of habitual drunkards who are not insane, on the ground that they cause trouble and demoralise the lunatic inmates with whom they associate. In Mavisbank Asylum, Polton, however, a contrary policy is pursued, and Dr Wilson, who had been six months medical superintendent there, and who had had four and a-half years' experience at Morningside (where the opposite view is strongly held by Dr Clouston), told us that in his opinion good rather than harm resulted from the admixture of sane inebriates with the ordinary
[6] Q. 10,420. inmates of an asylum,[6] and that he thought that even for the inebriates, association with
[7] Q. 10,419. convalescent lunatics who are not drunkards had its advantages.[7] In Mavisbank there is
[8] Q. 10,463. an average of 12 alcoholic and 42 lunatic patients.[8] The inebriates in a few cases come in of their own free will and at their own expense, from a feeling that they are getting beyond their own control, but they generally consent to enter under compulsion of their
[9] Q. 10,487. friends.[9] They pay at the rate of £100 to £150 a year, and payment for six months is exacted for the purpose of giving the managers 'a financial pull' over the patients—the rule being that if these are discharged before the expiration of the term paid for the balance of their board is refunded, but if they discharge themselves against the advice of the
[10] Q. 10,409. medical superintendent or of the family physician the board is forfeited.[10] The period for which they remain varies from six weeks to six months, but as a rule they don't stay
[11] Q. 10,408. out the six months.[11] Dr Wilson considered that 'suggestion' would be even more effective in the treatment of uneducated than that of educated patients, frankly avowing that 'the method of treatment by suggestion is largely based on the gullibility of
[12] Q. 10,500. 'the patient.'[12] He considered that the notion of the drink crave was very much
[13] Q. 10,497. exaggerated, and stated that he had found very little of it among his patients.[13] He believed that with compulsory powers of detention a great many inebriates might be cured, but he did not advocate prolonged detention in every case, stating that he had met with one or two cases in which he had evidence that prolonged detention, even for

A the length of a year, would do more harm than good—cases in which a man would do much better outside, occupied with his work and helped by his friends than exposed to the monotony of an asylum or retreat.

B We have dwelt at some length on Dr Wilson's views, because he was the only medical witness who came before us who approved of the treatment of inebriates in asylums, and because he had arrived at a number of definite conclusions, as the result of a practical experience. The weak point in his evidence was that the cases from his asylum had not been followed up, and, unlike Mrs Lockhart, he was unable to tell us of ultimate results. It should further be borne in mind that the Mavisbank is a private asylum, that therefore in its case the managers may not be in a position to regard the question of the treatment of inebriates in lunatic asylums from so disinterested a point of view as the directors of public lunatic asylums, and that medical officers connected with the latter institutions of such eminence and experience as Dr Yellowlees, Dr Clouston, Dr Rorie and others, condemn the admission of inebriates into lunatic asylums and recommend their treatment in separate institutions. As, however, their objections are based primarily on consideration for the lunatics who are the proper objects of their care, while commending them to the attention of the Scottish Commissioners in Lunacy, dealing, as we have to do, simply with the interests of the inebriates, we do not feel ourselves called on to recommend any change of the present law on the subject.

Secret 'Cures.'

C We also received evidence from representatives of Committees which had been formed in Dundee to test the efficacy of the so-called 'Tyson Cure,' and in Glasgow that of the 'Metabolic Treatment.'

D '*The Tyson Cure.*'—The Rev. David Macrae and Mr Thomson, solicitor, gave evidence on behalf of the Dundee Committee. From their statements it appeared that in consequence of statements published concerning the Tyson Cure the Good Templars of Dundee determined that a trial should be made with it. A Committee was formed, persons of very intemperate habits were selected for treatment, and Dr Tyson's London agent went to Dundee to superintend the experiment, which commenced on the 5th January 1894. The patient was given a bottle of a liquid the composition of which was secret, but of which strychnia was said to form an ingredient, and of this he was to take a small dose hourly for twelve hours each day for twenty-one days. Twice a day those under treatment took these doses under the inspection of members of the Committee. The other doses they were instructed to take as they pursued their avocations. Nineteen patients went through the twenty-one days' course.[1] The result at first seemed very satisfactory, and the Committee reported on the 2nd February 'that the statements 'made by Dr Tyson up to the close of the treatment were fully justified.'[2] The Committee followed up the cases. By the 11th of October, or 8½ months after the conclusion of the treatment, all but 4 had relapsed into their old habits. Of the 15 who had done so, however, it was asserted 'that in no case had the lapses been due 'to a return of the craving.'[3] They had all resumed drinking because they wanted to join their old friends.[4] The regular charge for the treatment was £10 per case,[5] but if a temperance society recommended a *bona fide* case, and the party was not able to pay £5 or £6, they would supply it for £2 or £3,[6] and Tyson's Belfast agent has sent round a circular offering supplies for £2.[7] The medicine was described as in some cases not merely curing the drink craving, but occasioning a positive aversion to drink.

[1] Q. 8489.
[2] Q. 8479.
[3] Q. 8486
[4] Q. 8482.
[5] Q. 8519.
[6] Q. 8540
[7] Q. 8520.

E '*The Metabolic Cure.*'—Regarding the Glasgow experience, Mr King, solicitor, Dr Currie, and Dr Nairne gave evidence. From this it appeared that the Metabolic Treatment, invented by a Mr Coykendall, an American, owed its name to the theory that it effected a change in the tissues of the patient. The regular cost of the treatment is 20 guineas,[8] but its discoverer made an arrangement with some philanthropic gentlemen in and about Glasgow under which, for a sum of £300 (£100 paid in advance), he accorded them the privilege of putting this treatment within the range of the poor[9] at a cost, however, of about a guinea for medicine in each case,[10] and Mr King acted as legal agent in the matter. These gentlemen set up an institution which they named the Glasgow Institute for the Treatment of Inebriety, and appointed Dr Currie, an M.D. of Cincinnati, its superintendent. For a time Dr Nairne, a registered medical practitioner, was associated with him, but the connection was severed in consequence of the General

[8] Q. 10,930.
[9] Q. 10,939.
[10] Q. 9207.

Medical Council bringing Dr Nairne before them on a charge of infamous conduct in a professional respect in associating with Dr Currie. At that Institution 50 paying and 57 non-paying patients had been treated,[1] of whom Mr. King stated the number of cures at one-half, and Dr Currie 'roughly two-thirds.'[2] The treatment consisted of the injection four times a day of a secret preparation which Dr Nairne from its effects supposed to be a compound of strychnine, morphia, and cocaine,[3] combined with the administration by the mouth of a medicine which in certain instances Dr Nairne suspected contained an emetic among its ingredients. The result was after the first week to create an aversion to drink which lasted for a month or two,[4] and patients were allowed to use liquor if they liked while they were undergoing the cure, which extends over three weeks. Mr King stated that they did not call a case successful unless abstinence had been maintained for over a year, and he knew two cases which had remained sober for $2\frac{1}{2}$ years.[6] A

[1] Q. 11,096.
[2]
[3] Q. 10,090.
[4] Q. 9209.
[5] Q. 9204.
[6] Q. 9199.

Although Messrs Macrae, Thomson, and King had no other interest in these cures than a philanthropic one, and their evidence was doubtless given in all good faith, that of Mr King as to the high percentage of cures in Glasgow was not sufficiently detailed to carry conviction in a matter where the vendors of the medicines kept their nature secret and extracted large sums for their sale, and in connection with one of which the Medical Council had considered it necessary to take such strong measures as had been adopted in the case of Dr Nairne. Moreover, there was no proof in the course of the evidence that any results that were obtained were physical, and not due to 'suggestion' and the use of officinal tonics and well-known drugs, in the manner described by different medical witnesses as constituting an admittedly valuable part of regular therapeutical treatment of alcoholism. B

Everything we have heard leads us to believe that no reliance whatever is to be placed upon these secret cures, which in our opinion are absolutely worthless. C

The Theory of the Cure of Inebriety.—The opinion of the most eminent medical authorities, many of whom, such as Professor Gairdner, Sir Douglas Maclagan, Dr Yellowlees, Dr Clouston, Dr Urquhart, Dr Nicolson, Dr Norman Kerr, Sir James Crichton-Browne, and others gave evidence before us, is unanimous in bearing out the popular opinion that the effect of inebriety is to destroy the will power of the victim in a manner which can only be remedied by prolonged abstinence from drink—an abstinence which can in the great majority of cases only be ensured by effective physical control, supplemented for restorative purposes by appropriate medical treatment. This view of the subject is advanced not only by the medical gentlemen whom we examined, but practically by the whole medical profession; and the reasons given in support of it have sufficed not only to carry conviction to our minds, but to convince the Select Committee on Habitual Drunkards of 1872, and the Departmental Committee of 1892. We content ourselves by referring to the evidence of the gentlemen whose names we have quoted for particulars of the technical details of what from a psychological and physiological point of view is an extremely interesting problem, and at once proceed to the question of how best practically to deal with the matter. D

Inebriates Acts provide only for Voluntary Admissions.—The Inebriates Acts provide only for the compulsory detention in retreats of patients who sign an application for admission and an undertaking to remain there for a given time. This application must be attested by two justices of the peace, who have to explain its effects to the applicants, and who adhibit their signatures only on the production of a statutory declaration signed by two persons that the applicant is an habitual drunkard within the meaning of the Inebriates Act, 1879. Such patients are known as voluntary patients; but though they may sign the application voluntarily, the majority enter the retreat under strong persuasion or even moral compulsion at the hands of relatives and friends, in precisely the same way as, in the case of the unlicensed retreats and lunatic asylums in Scotland, we have seen that inebriates are constrained into placing themselves under control. In many cases no doubt the persons applying for admission are themselves anxious for help to reform, and good advice, or a generous offer to defray their board, may be sufficient to turn the scale and induce them to enter a retreat or asylum; but in a large number of instances the step is taken, often very reluctantly, in obedience to a husband, father, or other purse-bearer, who gives the inebriate the alternative of treatment in an institution, or expulsion from home and the stoppage of further supplies.

A *Want of Power of Compulsory Commitment.*—Besides persons amenable to such influences, there are many habitual inebriates, and those of a class probably the most noxious to the community, who themselves are the purse-bearers and heads of families, and the want of some means of dealing with this class of cases has long been acutely felt. Provision for this purpose was contained in the Habitual Drunkards Bill of 1878, but at that time the whole idea was novel in this country, and it was found necessary by the promoters of the Bill, in order to carry the principle of the compulsory detention of habitual drunkards, to throw overboard every detail to which serious opposition was raised. Now, however, the experiment on a small scale has been in operation for many years, and there is a popular demand for its extension.

B *Inebriates of the Wealthier Classes.*—In dealing with such there is no great difficulty in suggesting the necessary legislative machinery. They or their friends can pay for their support in a retreat, and there is no departure from precedent in vesting property, if they have any, in a curator[1] for the support of their families while they are under treatment, and, with a proper judicial tribunal to decide whether the person whose committal is asked for is or is not an habitual drunkard within the meaning of the Act, and to take care that his property is honestly administered, everything that is necessary is provided for. But a much more serious difficulty exists in connection with this class of cases which no amount of legislation can affect, and that is the indisposition of wives and children to apply legal compulsion to husbands and parents on whom they depend, and the reluctance of husbands and fathers to face that publicity which, if asked for by the recalcitrant inebriate, it would be impossible in the interest of the liberty of the subject to refuse. How far such considerations would operate to prevent the class of inebriates to which we refer from being dealt with, experience alone can show.

[1] Appendix XXX.—R. P. Lamond.

C *The Inebriate Poor.*—When we come to them the question is more difficult, and yet it is one of such pressing urgency that no proposal for dealing with the subject which did not endeavour to meet the difficulty could be regarded as at all complete. For our purposes, inebriates coming under this category may be divided into two classes. The first consists of persons who get drunk constantly, ill-treat their wives and families, and reduce them to beggary, but manage to keep clear of the police, and by their actions give no serious cause of offence to their neighbours. The wife or mother who is kicked or beaten during these drinking bouts is probably the person of all others most anxious to conceal the inebriate's misdeeds. If she chooses to do so, no legislation can compel her to make them public.

D *Wife-beating Cases.*—If the wife cares to call in the police, the recommendations which we have made as to habitual offenders would with a slight addition meet her case. Thus in Greenock prison we came across a prisoner whose habit it was when at liberty to get drunk whenever he could, and whenever he got drunk to beat his wife. She retaliated by calling in the police, and his record of imprisonments was such as would long ago have relegated him to a Labour Settlement had the plan we have recommended been in operation. As it was, he candidly admitted, as a matter of course, that when he got out he would get drunk again, and equally as a matter of course that in his drunkenness he would avenge upon his wife the hardships of his imprisonment.

E To meet such cases (and though we have quoted an extreme one, such cases are not rare)

We recommend the extension to Scotland of a provision of the Matrimonial Causes Act, 1878, Section 4 of which provides that if a husband is convicted of an aggravated assault on his wife, the magistrate before whom he is tried, if satisfied that the future safety of the wife is in peril, may order that the wife shall no longer be bound to cohabit with the husband, which order shall have the effect in all respects of a decree of judicial separation on the ground of cruelty, and the magistrate may further order a weekly sum to be paid to the wife for her support, and may give her the custody of children under the age of ten.

F *Committal at Instance of Friends.*—So far as the poor inebriate under the Act of 1879 is concerned, with powers of compulsory commitment, the working man would stand in the eye of the law in the same position as the merchant or professional man, so long as he could, on cause shown, obtain that commitment on providing for the support

of his wife. By the intervention of philanthropic institutions he can already do so at very much less than cost price; and the utmost recommendation which we consider ourselves justified in making to meet his case is that local authorities should be empowered to subscribe towards licensed retreats in consideration of their receiving at reduced rates inebriate cases recommended by them, and that in districts in which no such arrangement had been made, or where the rates stipulated for were higher than the friends of the inebriate could afford, the Sheriff might commit him to a Labour Settlement or Poorhouse, so long as his friends continued to pay a sum to be fixed by Rule, from time to time, by the Secretary for Scotland, and calculated not to exceed the nett cost of his maintenance in one or other of these institutions.

B *Committal at instance of Procurator-Fiscal.*—There is, however, a second class of inebriates within the meaning of the Act of 1879 who manage to keep clear of the police, but who yet give rise to so much annoyance to their neighbours that we think that the Procurator-Fiscal in the public interest should be empowered to take steps for their compulsory committal. A man, for example, living in a tenement house, constantly comes home drunk, terrifying the female and infant population of the building, but doing nothing which can render him liable to imprisonment. After he enters his rooms blows and wrangling are heard, keeping the neighbours awake night after night, but as the wife will not complain, or, if she does, perjures herself when the case comes up to obtain her husband's acquittal, he escapes, and the annoyance continues. In such a case we think the aggrieved neighbours should be entitled to lodge a complaint with the Procurator-Fiscal, and that if, on investigation, he considers it a proper case for the committal of the man as an habitual inebriate within the meaning of the Act of 1879, he should be empowered to bring him before the Sheriff and apply for his committal to a retreat, in the same manner as he at present does in the case of a dangerous or offensive lunatic.[1] If the inebriate, or any one responsible for his support, pay, he should be ordered to do so and allowed to select the retreat; if not, we consider that, the step being taken in the public interest and at the instance of a public prosecutor, the inebriate should be committed at the public cost to a Labour Settlement or poorhouse, as the Sheriff may think fit.

Sutherl Appendix XXXI.

C *Every Retreat should be licensed.*—With regard to habitual inebriates who simply come within the definition of the Act of 1879, we have arrived at the conviction that every institution or home receiving more than a small maximum number of inmates, or in which any inebriate is detained for longer than six months, should be licensed and inspected. At the present moment, in every house licensed under the Inebriates Act, as the condition of the powers of detention which those Acts confer upon licencees, the retreats are subject to inspection and controlled by the Home Office. The object of this inspection and that control is to secure the liberty of the subject. But it is open to any one who chooses to disregard the law, and detain patients as best he can, to set up an unlicensed retreat and conduct it as he likes, subject only to the risk of having actions raised against him for false imprisonment. In Scotland, although there are, as we have seen, several inebriate retreats none of them are licensed, and in England of all the retreats for inebriates only eight are licensed.[2] We don't wish to say that those who carry them on resort to illegal compulsion in a manner prejudicial to the well-being of the patients, but no one can have read the *résumé* which we have given of Major M'Cartney's evidence—of his reception of inmates when drunk, and his retention of them indoors for two months—without feeling that although that gentleman's mode of procedure was doubtless dictated by the very best intentions, in the hands of a man who had a direct interest in the board of those in his establishment it might lead to very dangerous results. On our visit to Queensberry Lodge, for example, we found a lady who told us that she had been persuaded by her husband to go in for a month, and who complained bitterly that she had been kept there four and a half years. She admitted that she was not forcibly detained, and that she remained there because her husband refused to take her back or to support her if she left.* But the same possibilities of abuse which dictated inspection and control in the case of Rickmansworth Licensed Retreat (an institution in which no one has any pecuniary interest) appear to us to indicate them in the case of Queensberry Lodge. In Queensberry House, again, we accidentally witnessed the following incident. Emboldened probably by our presence,

Q. 14,032.

* Since the above was written we have been shown a letter from another lady, who also consented, at the instigation of friends, to go to Queensberry Lodge for a short time, complaining that, in a period now extending to close on six months, she has not once been allowed to leave its grounds, even under the customary escort, and that her letters home having all remained unanswered she is plunged into very grave anxiety.

A an inebriate inmate abused the governor for detaining him, and asked to be allowed to leave. The governor replied that his friends had sent him there for two months, and when these had elapsed, if they consented, he should be discharged. From the man's appearance it looked as if his detention was for his good; but the incident pointed very clearly to the necessity of inspection and control—a moral which was enforced by the stories of months of confinement within the precincts of the building by the governor's orders, for lapses from the path of temperance, of which inmate after inmate, who confided to us his or her experience, spoke. Major M'Cartney told us that he wanted no more powers than he had, and that he was able to rule his heterogeneous flock by 'force of character'; but while crediting him with every good motive, and the achievement of much good work in connection with very unpromising material, we cannot help believing that every consideration which calls for inspection and control in the best of the English retreats, applies with not less force to the case of the fifty female and dozen male inebriates who inhabit Queensberry House.

B *Scottish Retreats should be administered from Scottish Office.*—As Scottish administration generally has, since the passing of the Habitual Drunkards Act, 1879, been transferred to the Secretary for Scotland, and as the Inebriates Acts, which up to the present have been a dead letter so far as that country is concerned, would come into operation for the first time were our recommendation as to the compulsory licensing of retreats adopted, we are of opinion that in any amendment of the Inebriates Acts the powers conferred on the Home Secretary should, in the case of retreats in Scotland, be conferred on the Secretary for Scotland. We are convinced that in this way an economical and efficient system of administration and control could be best secured.

C We make, then, the following recommendations (numbers 4 to 8 inclusive being identical with the recommendations of the English Departmental Committee of 1892, or differing from them only so far as is necessary to render them applicable to the case of Scotland) on the subject of Retreats for Habitual Inebriates, within the meaning of the Act of 1879:—

(1) That it shall be unlawful for any person or institution, not being already subject to Government inspection and control (as is a Poorhouse, Prison, or Lunatic Asylum), to receive unless licensed more than *one* habitual inebriate at one time.
(2) That for the purposes of the Inebriates Acts, Poorhouses and Labour Settlements should be deemed to be 'Retreats.'
(3) That all powers conferred on the Home Secretary by the Inebriates Acts should in the case of retreats in Scotland, be vested in the Secretary for Scotland.
(4) That the Secretary for Scotland should be empowered to make rules and settle the form of affidavits regulating the admission and re-admission of voluntary applicants to retreats in addition to, or in substitution for the affidavits prescribed in the Schedule to the Habitual Drunkards Act, 1879, by which further facilities would be afforded to such applicants.
(5) That the establishment of retreats should be encouraged for those who cannot provide the whole of the funds necessary for their maintenance, the residue being supplied by voluntary contributions, and that with regard to such retreats, the Secretary for Scotland should be empowered to make regulations by which a certain amount of work suited to each particular case should be enforced.
(6) That the maximum period for which a patient may be confined in a retreat should be extended to two years.
(7) That power should be given for the compulsory committal to a retreat at the instance of their friends of persons coming within the definition of an habitual drunkard, as laid down in the Act of 1879, and that the application for such committal should be made to the Sheriff in Chambers or in open Court, as the person sought to be committed may elect.
(8) That the property of the person committed should be liable for his maintenance, and that the order for committal should provide, when necessary, for the appointment of a curator of the patient's estate during the period of committal, with power to apply the same towards the support of his wife and family.
(9) That Town Councils and other Local Authorities should be empowered to contribute towards the support of licensed retreats, in consideration of such retreats agreeing to receive on their recommendation poor inebriates at a reduced rate.

(10) That in cases where compulsory committal of an inebriate is asked for by his friends, and it is proved to the satisfaction of the Sheriff that his friends are unable to pay the charges of an ordinary retreat, the Sheriff shall have power to order his commitment as an habitual inebriate to a Labour Settlement or a Poorhouse, as he may think fit, for such time, not exceeding two years, as he may deem necessary, on the condition that his friends pay the nett cost of his maintenance, such cost to be determined from time to time by the Secretary for Scotland; and that failing such payment in the manner prescribed by the Sheriff, the manager of the Labour Settlement or Inspector of the Poor shall have power to dismiss the inebriate so committed; and further, that in the case of inebriates so committed, the Sheriff shall have power to make such order regarding their property, if any, as he may consider equitable. A

(11) That power should also be given for the compulsory committal to a retreat at the instance of a procurator-fiscal in the public interest and at his discretion, of persons coming within the definition of an habitual drunkard, as laid down in the Act of 1879, who are a source of danger and annoyance to the public, and that in such cases the application for committal should be made to the Sheriff in open Court; that the Sheriff should have power to make such order as to the property of the inebriate as he might consider equitable; and that in the absence of funds available for his support, he should have power to order his detention as an habitual inebriate in a Labour Settlement or Poorhouse, as he may deem fit, for any period, not exceeding two years, which he may consider advisable.

(12) That the definition of an habitual drunkard in the Act of 1879 should be extended to include persons reduced to the condition it describes through the abuse of opium and other drugs as well as alcohol.

(13) That the fees for licences for retreats should be abolished or reduced to a nominal sum.

These recommendations are framed so as to meet the case of every class of habitual inebriate. That of the inebriate of the Police Court would be provided for by the Labour Settlement, to which he would find his way as an ordinary habitual offender. The machinery of the Inebriates Act (1879) already provides for the voluntary admissions and detention in retreats of patients whose friends are in a position to support them. The additional powers which we suggest would provide for the compulsory committal of habitual inebriates within the meaning of the Act of 1879, at the instance of their friends, if they could support them, and at that of the Procurator-Fiscal, at the public cost, in cases where their conduct, though not such as to bring them within the category of habitual offenders, was sufficiently objectionable to render them a public nuisance. B

Temperance Legislation.

If we have refrained from making any recommendations in the direction of what is known as temperance legislation, it is certainly not because we have not been fully alive to its importance. But the licensing laws and the liquor traffic have been the subject of so many inquiries and reports, and the various proposals which have emerged from these have become the subject of so much heated controversy, that, dealing as we have had to do with comparatively fresh subjects, and making recommendations for which we bespeak unprejudiced and dispassionate consideration, we feel that we might render that impossible were we to venture into contentious questions not directly falling within our remit. There are two reforms, however, which have been urged upon us, regarding the desirability of which there appears to be a practically unanimous consensus of opinion in Scotland. The first is that the provision of the 'Public Houses Hours of Closing (Scotland) Act, '1887,' which exempts from its operation the five principal towns in Scotland, should be repealed, and the authorities in those towns should be entrusted with the powers enjoyed by the Local Authorities everywhere else in Scotland. The Act is permissive, but that the powers which it confers are prized is shown by the fact that every local licensing authority throughout Scotland empowered to adopt it has done so[1]; that it conduces greatly to sobriety and order is shown by the universal testimony of the police[2]; and that the exempted towns desire the powers which it confers is proved by the fact that their municipal corporations have without exception petitioned for the repeal of the clause which exceptionally deprives them of them. C

[1] See Parliamentary Returns 388 of Session 1890, and 456 of Session 1891.
[2] See Report of the Inspector of Constabulary.

A The second point, with respect to which there seems to be no difference of opinion, is the desirability of assimilating the Scotch law as to the supply of liquors to intoxicated persons to that which holds good in England. The Scotch law forbids the holder of a licence 'knowingly to permit any breach of the peace or riotous or disorderly conduct 'within his premises, or to supply liquors to persons in a state of intoxication,' under a penalty for the first offence of £5. The English law, on the other hand, forbids him 'to *permit drunkenness*, or any violent, quarrelsome, or riotous conduct to take place on 'his premises, or to sell any intoxicating liquor to any drunken person,' under a penalty for the first offence of £10.[1] Chief Constables like Mr Henderson[2] of Edinburgh, who have had experience of both laws, give evidence as to the superiority of the English in enabling the offence to be brought home to guilty licence-holders, and the great practical difficulty of doing so under the wording of the Scottish Act. We are aware that complaints have been made of the inadequacy of the English Law on the subject, but for an answer to them we would refer to a letter addressed by the present Home Secretary to the Chairman of the Middlesex Quarter Sessions, which will be found in our Appendix.[3]

[1] Appendix XLIII.—Mr Walton's Memorandum.
[2] Q. 2072 *et seq.*
[3] Appendix LXXVIII.

B A further non-contentious suggestion is contained in a provision to be found in the laws of several of the States of the American Union and of our Colonies, prohibiting licence-holders from supplying drink to notorious drunkards, and we would therefore recommend

(1) That the exemption of the large towns of Scotland from the provisions of the Public Houses Hours of Closing (Scotland) Act, 1887, be repealed.
(2) That the Scottish law as to the permission of drunkenness on licenced premises, and the supplying of drink to drunken persons, be assimilated to the English; and
(3) That it should be made an offence for a licence-holder knowingly to supply drink to any inmates of a retreat under the Inebriates Act, or to any person under sentence of commitment to a Labour Settlement or poorhouse.

C In order that the last of these proposals may not be evaded, it would be necessary further to provide

(4) That it should be an offence for any person knowingly to assist in any way in the giving or obtaining of drink for the use of any inmate of a retreat, or of any person sentenced as above mentioned.

RÉSUMÉ.

D Having now dealt in detail with all the subjects remitted to us for consideration, it may be well to wind up with a *résumé* of the general nature and scope of our proposals. We were directed to inquire whether the number of Habitual Offenders in Scotland is increasing, and we have shown that it is, though not uniformly, and scarcely in proportion to the increase in the general population, but that the number of persons with ten convictions and upwards has largely increased. As to the causes of that increase, we have shown, by an analysis of the figures, that it is due, not to any increase of depravity in the Scottish character, but to the extension of new legislation to a number of 'populous places' in the counties, and the increased energy of police administration generally; and that, concurrently with it, there has been a material decrease in serious crime. We have shown that owing to diversity of laws and police administration, it is impossible to deduce any valid conclusion from the comparison, not alone of English and Scottish statistics as to petty offences, but of police statistics of different towns and districts in Scotland. We have shown that habitual offenders do not confine themselves to one offence, but that the drunkard of our police courts, in nine cases out of ten, figures also as the wife-beater, the beggar, the prostitute, or the thief; and we have shown that, in nine cases out of ten, petty offenders, when their offences are committed, are under the influence of drink. We have shown the utter inadequacy of the present system in all the variety of detail which throughout Scotland it offers to deter the habitual offender from a course of life which devolves the cost of his maintenance on the prison and the poorhouse when he is not preying directly on the public, and we have proposed to substitute for that system, which has admittedly failed so far as habitual

offenders are concerned, a plan of prolonged reformatory treatment, which has proved A
eminently satisfactory in the case of juvenile offenders in our own country, which in the case of adults in America, and in voluntary institutions working among the same classes in our own country, has achieved excellent results, and which, even if it failed, would at least rid society of a dangerous, a demoralising, and a costly element, under conditions intended to benefit the habitual offender himself, devoid of any element of vindictiveness, but compelling him to contribute by his labour to his maintenance, and applicable only after reiterated offendings and one solemn warning.

Directed to pay strict regard to the practicability and economy of our proposals, B
we have framed them so as to involve the minimum of change in the law, to take advantage to the utmost of existing structures and institutions,—in such a manner that the cost of carrying them out need not impose any appreciable extra burden upon the Imperial Exchequer or on local rates, but would be defrayed by the labour of the Habitual Offenders themselves, and by the allocation of savings effected in present expenditure, supplemented by moneys contributed by the general class of offenders for whose benefit our proposals are devised.

The proposal which we have made is that prisoners, who having been thrice C
imprisoned within twelve months are charged with a fourth offence, should be tried by a Sheriff, who should be empowered, in addition to sentencing them for the offence with which they are charged, to pronounce them to be habitual offenders, to order them to be registered as such, and warn them that the effect of this addition to their sentence would be that, if they were again within 30 months charged with an offence, they would be again tried by a Sheriff and be liable, in addition to punishment for that offence, to be committed for a period of not less than 12 nor more than 30 months to an adult reformatory (which we propose to call a Labour Settlement), where they would be kept under strict reformatory discipline and compelled to work for their living; or, if incapable of doing so, that they would be compulsorily detained for a period under strict discipline in a poorhouse.

For practical reasons, which we have fully explained, we have made imprisonments and not convictions the basis of our definition of an habitual offender; and partly for that reason, and partly because we consider it unfair that a prisoner repeatedly convicted of an offence should be allowed to escape prison simply because he can afford to pay a fine, we propose to confer upon magistrates in our police courts the power of imposing a short imprisonment (say up to 14 days), without the option of a fine, on repeated conviction for offences which, in the vast majority of cases, constitute the charges against frequent offenders; while in all cases, in order that he might really be 'a terror to evil-doers,' we would empower the Sheriff to inflict, without the option of a fine, the full statutory equivalent in the shape of imprisonment of the money penalty prescribed in respect of an offence tried before him. On the other hand we would give him the widest discretion, when the circumstances seemed to indicate that course, of suspending penalties. We would materially limit the powers of imprisonment at present exercised by citizen magistrates as no longer necessary if habitual offenders were specially dealt with; and in cases where prisoners were committed to prison in default of payment of a fine, instead of detaining them there until they had paid the uttermost farthing as at present, we propose to liberate them at any period of their imprisonment on the payment of a proportion of the fine imposed, corresponding to that of the balance of the term of imprisonment still to be undergone. We have shown that the last-mentioned proposal would not only effect a substantial saving to the State, but would provide a new fund which, if appropriated for the labour settlements, would go far towards establishing them, and, after their establishment, would materially contribute towards their support. The cost of looking after and maintaining these habitual offenders is at present shared between the Prisons Vote, the Poor Rate, and the Police Rate, and we have shown how the expenses requisite under our proposal might be met by contributions from the parties concerned—the Prisons by endowing the new scheme with their savings, and the Parochial Authorities by assuming the charge of weak-minded and infirm paupers of the 'in-and-out' habitual-offender class who at present occasion them so much trouble and expense, and the Police Authorities by guaranteeing the finance of the scheme to the extent of the fines and pledges which they at present receive.

We have, as directed, inquired into the difficult subject of Vagrancy, and made E
recommendations which would at once help to assist its suppression and to mitigate, in

A deserving cases, the harshness of the Scottish Poor Law. We have shown how indiscriminate relief, even when administered by the police, and even when of the meagrest character, infallibly attracts troops of vagrants and beggars, and how its withdrawal disperses them. We have shown that, so far as the suppression of vagrancy is concerned, the severest enactments of the general law are futile, and the best results have been achieved by the milder provisions of more recent statutes at present operative in burghs; and we have given reasons for our belief that if the same provisions, still further mitigated in the case of casual offenders, were extended to the country generally, the effect, in conjunction with our proposals for the treatment of Habitual Offenders, would be to keep the evil well under control. We have made recommendations, which if carried out would, we believe, go a long way to remove existing difficulties in securing the education of gipsy and tinker children. We have endeavoured to meet the case of the working-man tramping in search of employment, by proposals aimed at deterring impostors and assisting the deserving. And finally, in connection with those waves of acute destitution which periodically arise in our large towns, we have made a recommendation which would form the basis of a system to be permanently maintained, so as to be available promptly and methodically, to meet advancing danger before it had swollen to unmanageable size.

B We have carefully gone into the subject of Juvenile Delinquency, comparing the results of reformatory and industrial school training with those of the training undergone by the mass of our population, pointing out the great good that has been achieved, and making proposals to meet the defects which still remain to be remedied. We have endeavoured to show what might most readily be done to meet the hard case of the boy or girl debarred by reason of ill-health from reception into a reformatory, at present doomed to develop into a jail-bird—to prevent the undoing of reformatory work at its conclusion by the resumption by ex-pupils of old and evil associations, and to improve the educational and administrative efficiency of a class of institutions on which much public money is most usefully spent. And, above all, we have recorded our conviction, and the reasons for it, as to the cruel unwisdom of sending youthful offenders to prison, as tending more than any other single cause to divert their path of life into the ways of crime and pauperism.

C And, finally, in respect of Habitual Inebriates of the non-criminal class, we have arrived at conclusions practically identical with those at which a Select Committee of the House of Commons and an English Departmental Committee had arrived,* and have made recommendations to give effect to them under Scottish administration and Scottish law. We have shown that in Scotland existing legislation as to habitual inebriety has remained a dead letter, for the reason that that law can be more ignored than complied with. We have pointed out the amendments necessary to enforce and to facilitate compliance with its provisions. We have recommended extensions of those provisions which, in conjunction with our other recommendations, would suffice to meet every case. We have proposed that the duty of ministerial administration should, in the case of Scotland, be transferred to that department of our Government by which it could be most economically and most efficiently carried on; and, if we have ventured to make our recommendations on the subject bold and far-reaching, it is because we find ourselves fortified in our conclusions by the outcome of two previous investigations, and because we have received abundant evidence that public opinion, in Scotland at least, is prepared to welcome a thorough legislative treatment of the subject.

D Before concluding, we feel bound to express our thanks to the authorities of the various localities in which we held sittings for the zealous assistance they afforded us; to the officials of the Prison Commission, the Police, and other public departments for the readiness with which they supplied us with returns involving much labour; to those in charge of the numerous public and private institutions which we visited, who without exception placed every facility for obtaining information at our disposal; and to many witnesses, some of whom must have sacrificed very valuable time in order to place before us evidence which they were pre-eminently qualified to give.

E The members of the Committee would like to direct special attention to the eminent services of their Chairman, who attended every meeting and drafted the Report.

* Since the above was written the Report of the Departmental Committee on English Prisons has been issued, and in it the conclusions arrived at by the two Committees quoted have again been endorsed.

We have also to record our special obligations to Dr Sutherland, as secretary to the Committee, for the difficult and laborious work which he so willingly undertook in collecting and collating information and statistics and in making arrangements for the evidence to be submitted to us. A

With this Report we send you a copy of the Evidence and Documents on which it is founded ; and B

We have the honour to be,

Sir,

Your most obedient Servants,

CHARLES CAMERON.
A. B. M'HARDY.
ROBERT FARQUHARSON.
COLIN SCOTT MONCRIEFF.
J. DOVE WILSON.
J. F. SUTHERLAND.
FLORA C. STEVENSON.

J. F. SUTHERLAND, *Secretary.*
25*th April* 1895.

DEPARTMENTAL COMMITTEE ON HABITUAL OFFENDERS, INEBRIATES, &c. (SCOTLAND).

MINUTES OF EVIDENCE

TAKEN BEFORE THE

DEPARTMENTAL COMMITTEE

ON

HABITUAL OFFENDERS, VAGRANTS, BEGGARS, INEBRIATES, AND JUVENILE DELINQUENTS

WITH

APPENDIX AND INDEX.

Presented to both Houses of Parliament by Command of Her Majesty.

EDINBURGH:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE
By NEILL & Co., Old Fishmarket Close.

And to be purchased, either directly or through any Bookseller, from
JOHN MENZIES & CO., 12 Hanover Street, Edinburgh, and
90 West Nile Street, Glasgow; or
EYRE & SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
HODGES, FIGGIS, & CO., Limited, 104 Grafton Street, Dublin.

1895.

753—1.] *Price 6s. 3d.*

CONTENTS.

	PAGE
List of Witnesses,	iii
Classification of Witnesses,	viii
Number and Dates of Sittings, &c.,	ix
Institutions visited and Inmates interviewed,	ix
Main Features of Inquiry,	x
Notes of Evidence,	1-499
List of Appendices,	501-503
Appendices A to M,	505-529
„ I. to XCIII.,	533-647
Index,	649-676

LIST OF WITNESSES EXAMINED AT GLASGOW, EDINBURGH, PERTH, ABERDEEN, DUNDEE, AND LONDON.

Arranged alphabetically for each city.

[*Vide* Index for analysis of each Witness's evidence.]

GLASGOW.

No.	Name.	Designation.	Nos. of Questions.
1	Alexander, M.A., The Rev. John,	Chaplain of H.M. Prison, Glasgow,	10,071–10,142
2	Angus, Mr John W.,	Chief Constable of Greenock,	8908–9134
3	Birnie, Mr J. H.,	Advocate, Sheriff-Substitute, Glasgow,	9265–9374
4	Boyd, Mr John,	Chief Constable of the City of Glasgow,	393–528
5	Bryson, Miss Agnes,	Lady Visitor, H.M. Prison, Glasgow,	11,931–12,004
6	Chisholm, Mr Samuel,	Magistrate of the City of Glasgow,	1–146
7	Currie, M.D. (U.S.A.), A. J.,	Superintendent of the Institute for the Treatment of Inebriety, Glasgow,	10,901–11,028
8	Dempster, Mr Archibald,	Inspector of Poor, City Parish, Glasgow,	9854–9982
9	Dunlop, M.D., James,	Professor of Surgery, Anderson's College, Glasgow,	11,893–11,930
10	Fergusson, Mrs A. A.,	President of Ladies' Committee of Glasgow Houses of Shelter,	1213–1337
11	Fraser, Mr James,	Chief Constable of Argyllshire,	11,430–11,660
12	Gairdner, M.D., LL.D., W. T.,	Professor of Medicine, The University, Glasgow,	654–735
13	Hamilton, Mr William,	Chief Constable, Govan,	8712–8907
14	Howie, M.A., The Rev. Robert,	St Mary's Free Church, Govan,	1598–1629
15	King, Mr John Y.,	Writer, Glasgow,	9135–9264
16	Lamond, Mr R. P.,	Writer, Glasgow,	9983–10,070
17	Lawson, Mr John,	Supt. of Discharged Prisoners' Aid Society, Glasgow,	11,153–11,303
18	M'Adie, Mr Alex. M'Leod,	Manager of Night Asylum and House of Industry, Glasgow,	12,223–12,288
19	Macaulay, Lieut.-Col. C. E.,	Governor of H.M. Prison, Ayr,	12,289–12,343
20	MacEwen, D.D., The Rev. Alex.,	Delegate from U.P. Presbytery, Glasgow,	529–593
21	M'Hardy, Mr Charles A.,	Chief Constable of Dumbartonshire,	11,661–11,830
22	M'Hardy, R.N., Captain Hardy,	Chief Constable of Ayrshire,	12,408–12,542
23	Mackay, Mr Wm.,	Chief Constable of the Burgh of Ayr,	11,831–11,892
24	M'Mullen, The Rev. Father John,	R.C. Clergyman, Glasgow,	10,325–10,400
25	Miller, Miss Janet F.,	Matron of H.M. Prison, Glasgow,	1799–1898
26	Mitchell, Mr Wm.,	Vice-Chairman of Glasgow School Board and Juvenile Delinquency Board,	147–245
27	Morrin, Mr David,	Magistrate of the City of Glasgow,	1630–1798
28	Motion, Mr James R.,	Inspector of Poor, Barony Parish, Glasgow,	246–392
29	Nairne, L.R.C.S., & P. Alex.,	Medical Practitioner, Glasgow,	11,086–11,152
30	Naismith, M.D., F.R.C.S., W. J.,	Medical Officer to H.M. Prison, Ayr,	12,344–12,407
31	Napier, Mr Wm.,	Governor of H.M Prison, Greenock,	12,086–12,222

GLASGOW—*continued.*

No.	Name.	Designation.	Nos. of Questions.
32	Neilson, Mr George,	Procurator-Fiscal, Glasgow,	10,549–10,769
33	Ogilvie, Mr George,	Late Chairman of City of Glasgow Parochial and Lunacy Boards,	607–653
34	Paterson, Miss Mary,	Factory Inspector for Scotland and North of England,	12,645–12,668
35	Primrose, Mr John Ure,	Magistrate of the City of Glasgow,	917–989
36	Pryde, The Rev. Robert,	Delegate from Established Church Presbytery, Glasgow,	1563–1597
37	Quarrier, Mr Wm.,	Superintendent of the Orphan Homes of Scotland,	10,143–10,324
38	Sinclair, Mr R. W.,	Secretary of Glasgow Magdalene Institution,	990–1212
39	Strang, Mr J. Traquair,	Secy. of the Charity Organisation Society, Glasgow,	9375–9643
40	Sutherland, Mr Robt.,	Removing Officer, Barony Parochial Board, Glasgow,	594–606
41	Sutherland, Mr Donald,	Chief Constable of Paisley,	11,304–11,429
42	Taylor, Mr James,	Governor of H.M. Prison, Barlinnie,	736–916
43	Temple, Jun., Mr Jas. G.,	Newspaper Reporter, Glasgow,	10,770–10,900
44	Thomson, Mr Alex.,	Governor of H.M. Prison, Maxwelltown,	12,005–12,085
45	Tuke, M.D., F.R.C.P., John Batty,	Saughton Hall, Gorgie,	12,669–12,766
46	Wallace, Mr Andrew,	Inspector of Poor, Govan,	11,029–11,085
47	Watt, Margaret,	Convict in H.M. Prison, Glasgow,	9736–9853
48	Wilson, M.B., C.M., Geo. R.,	Mavisbank Asylum, Polton,	10,401–10,548
49	Wright, Mr Robt. Patrick,	Professor of Agriculture, Technical College, Glasgow,	9644–9735
50	Yellowlees, M.D., F.F.P. & S., David,	Physician Superintendent of Gartnavel Asylum, President of Faculty of Physicians and Surgeons, Glasgow,	1338–1562
51	Young, Mr Arch. A.,	Assessor, Central Police Court, Glasgow,	12,543–12,644

EDINBURGH.

1	Blaikie, D.D., The Rev. W. G.,	Delegate from Free Presbytery, Edinburgh,	5652–5658
2	Blair, Mr Alex.,	Advocate, Sheriff of the Lothians and Peebles,	4321–4468
3	Borthwick, Lieut.-Colonel A.,	Chief Constable of the Lothians and Peebles,	3945–4223
4	Burton, Miss Mary,	Member of the Edinburgh School Board,	4945–4973
5	Campbell, The Rev. H. Mackenzie,	Chaplain, H.M. Prison, Edinburgh,	3283–3494
6	Christie, Capt. J. E.,	Governor of H.M. Prison, Edinburgh,	2543–2619
7	Clouston, M.D., F.R.C.P., T. S.,	Physician Superintendent of Morningside Asylum, Edinburgh,	2858–2998
8	Cowan, Bart., Sir John,	Chairman of Wellington Reformatory,	4224–4320
9	Donaldson, Mr Wm.,	Secretary to the Prison Commission, Edinburgh,	2620–2699
10	Ferrier, Mr Andrew,	Inspector of Poor, St Cuthbert's, Edinburgh,	3691–3826
11	Gilchrist, Mr Wm.,	Superintendent of Night Asylum, Edinburgh,	4546–4757
12	Grant, Miss E.,	Matron of H.M. Prison, Edinburgh,	3495–3591
13	Gray, S.S.C., Mr R. C.,	Honorary Law Agent of the Society for the Prevention of Cruelty to Children,	4758–4944
14	Greig, Mr George,	Inspector of Poor, City Parish, Edinburgh,	3827–3931
15	Gulland, Mr John,	Magistrate of the City of Edinburgh,	2515–2542
16	Henderson, Mr Wm.,	Chief Constable of the City of Edinburgh,	2061–2276

EDINBURGH—*continued.*

No.	Name.	Designation.	Nos. of Questions.
17	Henderson, The Rev. Robert,	Hon. Secretary of Association for the Reclamation of Habitual Offenders, &c., Edinburgh,	6103–6154
18	Hepburn, Miss,	Honorary Assistant Secretary of the Society for the Prevention of Cruelty to Children,	4758–4944
19	Irons, Mr J. Campbell,	Solicitor before the Supreme Courts of Scotland,	5883–5919
20	Kincairney, The Hon. Lord,	Senator of the College of Justice,	5920–6013
21	Lewis, Mr David,	Ex-Magistrate of the City of Edinburgh,	3592–3690
22	Lockhart, Mrs,	Honorary Secretary of the Brownsland Temperance Home, Peebles,	5725–5841
23	Lowe, The Rev. G. D.,	Delegate from Free Church Presbytery, Edinburgh,	5652–5658
24	Macartney, Major D.,	Governor of Queensberry House, Edinburgh,	3059–3282
25	Macdonald, Mr John,	Honorary Secretary of the Society for the Prevention of Cruelty to Children, Edinburgh,	4758–4944
26	Maclagan, M.D., Sir Douglas,	Professor of Medical Jurisprudence, The University, Edinburgh, and President of Royal Society,	5659–5724
27	M'Neill, Mr Malcolm,	Secretary to the Local Government Board, Edinburgh,	5842–5882
28	Main, Mr Alex.,	Superintendent of Police, Leith,	5353–5484
29	Martin, Mr John,	Missionary, Edinburgh,	6235–6243
30	Miller, Mr Donald,	Chief Attendance Officer, School Board, Edinburgh,	4469–4545
31	Paterson, Miss,	Matron of Magdalene Asylum, Edinburgh,	5485–5626
32	Peddie, M.D., Alex.,	Medical Practitioner, Edinburgh,	2277–2313
33	Porter, Mr Alex.,	Chief Constable of the Counties of Roxburgh and Berwick,	4974–5227
34	Ritchie, M.D., F.R.C.P., R. Peel,	Late President of the Royal College of Physicians,	5228–5352
35	Robertson, Mr Alex.,	Agent, D.P.A. Society, Edinburgh,	6014–6102
36	Robertson, M.A., The Rev. J. D.,	Delegate of U.P. Presbytery, Edinburgh,	6183–6196
37	Rose, Mr W. Kinnaird,	Advocate,	6244–6290
38	Russell, M.A., M.D., LL.D., Sir James A.,	Ex-Lord Provost and Lord Lieutenant of the City of Edinburgh,	1899–2060
39	Rutherford, Mr John,	Advocate, Sheriff-Substitute, Edinburgh,	2700–2857
40	Scott, C.A., Mr Andrew,	Secretary of Magdalene Asylum, Edinburgh,	5485–5626
41	Sibbald, M.D., F.R.C.P., John,	Commissioner in Lunacy for Scotland,	6197–6234
42	Smith, D.D., The Rev. John,	U.P. Minister, Edinburgh,	5627–5651
43	Stevenson, Miss Louisa,	Member of the Parochial Board, Edinburgh,	2999–3058
44	Story, Mr Daniel F.,	Chairman of City Parochial Board, Edinburgh,	3932–3944
45	Todd, Mr Wm.,	Secretary of the Edinburgh Total Abstinence Society,	6155–6182
46	Walcot, Mr John,	Magistrate of the City of Edinburgh,	2314–2514A

PERTH.

1	Campbell, Lieut.-Colonel John,	Governor of H.M. Prison, Perth,	6782–6929
2	Clarke, Mr William,	Deputy Governor of H.M. Prison, Perth,	7220–7245
3	Dewar, Mr John Alexander,	Lord Provost of the City of Perth,	6291–6322
4	Garrow, Mr James,	Chief Constable of the City of Perth,	7307–7438
5	Grahame, Mr John,	Advocate, Sheriff-Substitute of Perthshire,	6695–6781
6	Henderson, D.D., The Rev. A.,	Delegate from Perthshire Committee on Tinkers and Vagrants,	6546–6694

PERTH—*continued.*

No.	Name.	Designation.	Nos. of Questions.
7	Macpherson, Mr J.,	Chief Constable of Perthshire,	6323–6545
8	Macnaughton, M.D., John,	Medical Officer of H.M. Prison, Perth, and Medical Superintendent of Criminal Lunatic Asylum,	6930–7077
9	M'Callum, The Rev. John,	F.C. Minister, Ardeonaig, Perthshire,	7246–7306
10	MacCallum, L.R.C.S. &. P., Hugh,	Delegate from Perthshire Committee on Tinkers and Vagrants,	6546–6694
11	M'Kenzie, The Rev. J.,	Delegate from Perthshire Committee on Tinkers and Vagrants,	
12	Miller, W.S., Mr George A.,	Hon. Secretary for Perthshire Committee on Tinkers and Vagrants,	
13	Mitchell, Mr William,	Delegate from Perthshire Committee on Tinkers and Vagrants,	
14	Urquhart, M.D., Alex. Reid,	Physician Superintendent, James Murray's Royal Asylum, Perth,	7078–7219
15	Williamson, Colonel,	Delegate from Perthshire Committee on Tinkers and Vagrants,	6546–6694
		ABERDEEN.	
1	Addison, Miss,	Matron of Rescue Home, Aberdeen,	8043–8070
2	Gordon, Major D. F.,	Chief Constable of the County of Aberdeen,	7654–7710
3	Hay, M.D., Mathew,	Professor of Medical Jurisprudence, The University, Aberdeen,	8022–8042
4	Innes, Col. Thomas,	... ...	7980–7987
5	Mearns, Mr Daniel,	Magistrate of the City of Aberdeen,	7827–7953
6	Milne, Mr George,	Secretary of D.P.A. Society, Aberdeen,	7988–8021
7	M'Kenzie, Mr Archibald,	Magistrate of the City of Aberdeen,	7711 7761
8	Rutledge, Mr John,	Governor of H.M. Prison, Aberdeen,	7762–7826
9	Will, M.D., J. C. Ogilvie,	Medical Officer, H.M. Prison, Aberdeen,	7954–7979
10	Wyness, Mr Thomas,	Chief Constable of the City of Aberdeen,	7439–7653
		DUNDEE.	
1	Bremner, Mr James F.,	Chief Constable of the Counties of Fife and Kinross,	8589–8711 & 13,743–13,855
2	Campbell, Mr James,	Agent of Society for Prevention of Cruelty to Children,	13,044–13,166
3	Dewar, Mr David,	Chief Constable of the City of Dundee,	12,767–13,043
4	Doig, Mr William,	Magistrate of the City of Dundee,	13,044–13,166
5	Geddes, Mr William,	Governor of H.M. Prison, Dundee,	13,167–13,277
6	Guthrie, Alexander,	Ex-Convict,	13,518–13,576
7	Holder, The Rev. Father Joseph,	R.C. Clergyman, Dundee,	8376–8463
8	Low, Mr James,	Lord Provost of the City of Dundee,	8071–8205
9	Macrae, The Rev. D.,	Clergyman, Dundee,	8464–8588
10	Millar, M.D., James,	Medical Officer to H.M. Prison, Dundee,	13,375–13,460
11	Nicolson, Mr James Badenoch,	Convener of County Council, Kincardineshire,	13,278–13,374
12	Rorie, M.D., James,	Physician Superintendent of West-green Asylum, Dundee,	13,577–13,640
13	Ross, M.A., The Rev. D. M.,	Delegate from Free Presbytery, Dundee	13,461–13,517
14	Saunders, Mr D. H.,	Dundee,	13,641–13,643

DUNDEE—*continued.*

No.	Name.	Designation.	Nos. of Questions.
15	Scott, Lieut. A. L.,	Captain Superintendent, "Mars" Training Ship, Dundee,	8206–8375
16	Thompson, Mr James,	Solicitor, Dundee,	8464–8588
17	Walker, Miss Annie,	Dairywoman, Aberdeen,	13,645–13,742

LONDON.

1	Barker, Mr James,	Officer of Salvation Army,	14,584–14,696
2	Crichton-Browne, M.D., LL.D., Sir James,	Lord Chancellor's Visitor in Lunacy,	15,082–15,150
3	Cox, Miss Adelaide,	Officer of Salvation Army,	14,480–14,583
4	Hoffmann, M.D., H. W.,	Inspector of Inebriate Retreats, England,	14,029–14,160
5	Kerr, M.D., Norman,	President of the Society for the Study of Inebriety,	14,161–14,296
6	Lamb, Mr David Crichton,	Officer of Salvation Army,	14,297–14,479
7	Loch, Mr C. S.,	Secretary of the London Charity Organisation Society,	14,900–15,081
8	Maclaren, Mr David,	Ex-Magistrate of the City of Edinburgh,	15,151–15,185
9	Nicolson, M.D., David,	Medical Superintendent of Broadmoor Criminal Lunatic Asylum, Berks,	13,856–13,924
10	Rogers, Mr Henry,	Assistant Inspector of Reformatory and Industrial Schools,	14,697–14,899
11	Stacey, Miss Agatha,	Member of King's Norton Board of Guardians, Birmingham, and Hon. Secy. of Homes for Feeble-minded Women,	15,186–15,288
12	Tallack, Mr W. H.,	Secretary to the Howard Association, London,	13-925–14,028

CLASSIFICATION OF WITNESSES AND THE NUMBER OF EACH CLASS.

A	
Senator of the College of Justice,	1
Sheriffs,	4
B	
Lord Provosts and Provosts,	3
Magistrates,	10
Procurator Fiscal,	1
Assessor,	1
C	
Chief Constables of Cities and Burghs,	10
D	
Chief Constables of Counties,	8
E	
Commissioners in Lunacy,	2
Physician Superintendents of Asylums,	6
F	
Secretary to Local Government Board,	1
Chairmen of Parochial Boards,	2
Member of Parochial Board,	1
Inspectors of Poor,	5
G	
School Board Members,	3
H	
Physicians and Medical Experts,	6
I	
Secretary to Prison Commission,	1
Governors of Prisons,	8
Medical Officers of Prisons,	4
Chaplains of Prisons,	2
Matrons of Prisons,	2
J	
Clergymen of different Denominations,	13
Carry forward,	94

Brought forward,	94
K	
Solicitors,	4
L	
Secretary of Howard Society,	1
M	
Secretaries of London and Glasgow Charity Organisation Societies,	2
N	
Officials of Discharged Prisoners' Aid Societies,	3
O	
Factory Inspector,	1
P	
Inspector of Industrial and Reformatory Schools,	1
Officials of do.	2
Q	
Honorary and paid Officials of Orphan Homes, Inebriate Homes, Magdalene Asylums, Houses of Refuge, Night Asylums, the Society for the Prevention of Cruelty to Children, and Temperance Societies,	20
R	
Delegates from Perthshire Committee on Tinkers and Vagrants,	6
S	
Delegates from Salvation Army,	3
T	
Others,	14
Total,	151

CITIES IN WHICH SITTINGS OF DEPARTMENTAL COMMITTEE WERE HELD, DATES, AND THE NUMBER OF WITNESSES EXAMINED IN EACH CITY.

Cities.	† Number of Sittings.	Number of Witnesses Examined.	Dates of Sittings.
Glasgow,	9	51	Nov. 13–16, and Dec. 17–21.
Edinburgh,	8	46	Nov. 20–23, and 27–30.
Perth,	2	15 *	Dec. 10 and 11.
Aberdeen,	2	10	Dec. 12 and 14.
Dundee,	3	17	Dec. 15, 27, and 28.
London,	3	12	Jan. 29–31.
	27	151	

* 6 of these were delegates from the Perthshire Committee on Tinkers and Vagrants.
† In addition 11 sittings were held in London for the purpose of making Recommendations and of considering Report.

INSTITUTIONS VISITED BY COMMITTEE.

In addition to the twenty-seven sittings held in Glasgow, Edinburgh, Perth, Aberdeen, Dundee, and London, for the purpose of taking evidence, the Committee visited, between the 16th of November 1894 and 28th January 1895, thirty-five institutions and interviewed 350 inmates.

The institutions visited, the date of visit, and the number of inmates interviewed, are given in the subjoined table.

No.	Date.	Institutions visited.	Inmates interviewed.
1	Nov. 16, 1894	Glasgow Prison,	50
2	„ „	Barlinnie Prison,	
3	17, „	Hill Street Female Shelter, Glasgow,	20
4	„ „	Magdalene Institution, Stirling Road, Glasgow,	
5	23, „	House of Refuge, Edinburgh,	50
6	„ „	Queensberry Lodge, Edinburgh,	
7	„ „	Edinburgh Prison,	
8	„ „	Night Asylum, Edinburgh,	
9	29, „	Deanbank Institution for Girls, Edinburgh,	16
10	„ „	The United Industrial School, Edinburgh,	
11	30, „	Magdalene Asylum, Edinburgh,	25
12	„ „	House of Refuge, Edinburgh,	
13	Dec. 11, „	Perth Prison and Criminal Lunatic Asylum,	20
14	13, „	Peterhead Convict Prison,	6
15	14, „	Old Mills Reformatory for Boys, Aberdeen,	20
16	„ „	Girls' Industrial School, Aberdeen,	
17	„ „	Girls' Reformatory, Aberdeen,	
18	„ „	Dundee Police Office,	12
19	„ „	Curr Night Asylum, Dundee,	
20	20, „	Central Police Office, Glasgow,	30
21	„ „	Northern Police Office, Glasgow,	
22	„ „	Night Asylum, Glasgow,	
23	„ „	Kyle Street Industrial Shelter for Males, Glasgow,	
24	21, „	Greenock Prison,	12
25	24, „	Quarrier's Orphan Homes, Bridge of Weir,	18
26	„ „	Lochburn Home for Women, Glasgow,	
27	„ „	Maryhill Girls' Industrial School,	
28	27, „	Dundee Prison,	18
29	28, „	Industrial School-Boys' Home, Dundee,	15
30	„ „	The Children's Shelter, Dundee,	
31	„ „	The Industrial School for Girls, Dundee,	
32	Jan. 2, 1895	Chapelton Girls' Reformatory, Glasgow,	6
33	„ „	Dalbeth Reformatory for Boys, Glasgow,	
34	„ „	Dalbeth Female Penitentiary, Glasgow,	
35	22, „	Kilmarnock Shelter,	20
36	28, „	Wakefield Prison, England,	12
			350

Prisons, 8; Police Offices, 3; Reformatories and Industrial Schools, 10; Magdalene Asylums and Industrial Refuges, 7; Orphan Homes, 1; Inebriate Homes, 1; Night Asylums, 4; Children's Shelter, 1—Total, 35. House of Refuge, Edinburgh, twice visited.

MAIN FEATURES OF INQUIRY.

A.—Habitual Petty Offenders apprehended, convicted, fined, or imprisoned for (1) Drunkenness, accompanied by incapacity or disorderly conduct; (2) Breaches of the Peace and Petty Assaults; (3) Prostitution; (4) Vagrancy and Begging; (5) Petty Thefts, with Sentences of 14 days and under.

B.—Vagrants, Beggars, Tinkers, and Gipsies.—Their habits and mode of living. Experience in other countries.

C.—Habitual Drunkards of Poorer Classes seldom or never coming under cognisance of the police—The Habitual Drunkards Act, 1879, and the Inebriates Act of 1888—Procedure antecedent to admission to Licensed Retreats—The element of compulsion—Maintenance by friends, Church, philanthropic, or other agencies—Period and conditions of detention in Licensed Houses or Retreats—Experience in other countries.

D.—Well-to-do Habitual Drunkards.—Habitual Drunkards Act, 1879, and Inebriates Act of 1888—Element of compulsion—Licensed Retreats—Period of detention, &c.—Experience in other countries.

E.—Result of Detention of Voluntary Inebriates and Habitual Petty Offenders in Asylums, Homes, Shelters, licensed and unlicensed, in this country—Period of detention—Employment—Maintenance.

F.—Juvenile Delinquents.

[Witnesses, when cited to appear, were supplied with the foregoing.]

MINUTES OF EVIDENCE

TAKEN BEFORE THE

DEPARTMENTAL COMMITTEE

APPOINTED TO INQUIRE INTO

THE BEST METHODS OF DEALING WITH HABITUAL OFFENDERS, VAGRANTS, BEGGARS, INEBRIATES, AND JUVENILE OFFENDERS IN SCOTLAND.

FIRST DAY.

London, Monday, 9th July 1894

PRESENT:

SIR CHARLES CAMERON, BART., M.D., LL.D., M.P., CHAIRMAN

Lieut.-Col. A. B. M'HARDY, R.E., Prison Commissioner for Scotland.
Dr. R. FARQUHARSON, M.P.
Col. Sir COLIN SCOTT MONCRIEFF, R.E., Under-Secretary for Scotland.
Professor JOHN DOVE WILSON, LL.D., Professor of Law, Aberdeen University.
Dr. J. F. SUTHERLAND, Deputy Commissioner in Lunacy for Scotland.
Miss FLORA C. STEVENSON, Member of the Edinburgh School Board.
J. F. SUTHERLAND, *Secretary.*

The Secretary (*Dr. Sutherland.*) The following are the terms of the reference:—'Whereas repre-'sentations have from time to time been made to me by influential bodies, to the effect that there is a 'large and increasing number of Habitual Offenders, Vagrants, Beggars, and Inebriates in Scotland, and 'that the existing powers of dealing with such persons, especially with a view to a permanent remedy, 'are inadequate, and whereas I consider that it is desirable, in the public interest, that a full inquiry 'into this subject should be instituted, I accordingly hereby appoint a Committee consisting of:—Sir 'Charles Cameron, Bart., M.D., M.P. (*Chairman*); Lieut.-Col. A. B. M'Hardy, R.E., Prison Commis-'sioner for Scotland; R. Farquharson, Esq., M.D., M.P.; Col. Sir Colin Scott Moncrieff, R.E., 'K.C.M.G., C.S.I., Under-Secretary for Scotland; John Dove Wilson, Esq., LL.D., Professor of Law, 'Aberdeen University; J. F. Sutherland, Esq., M.D., Medical Officer, Glasgow Prison; Miss Flora C. 'Stevenson, Hon. F.E.I.S., Member of the Edinburgh School Board, to inquire whether the number of 'such persons is increasing, and into the cause of such increase, and further, to suggest such remedies 'as may, while deterrent, be likely to bring about their reformation and to prevent further additions 'to their numbers, due regard being had to the cost of any remedies which may be suggested, and to 'the practicability of their being carried into effect; and also to inquire into the number of male and 'female Juvenile Offenders sent to prison in Scotland, the offences for which they are committed, and 'the extent to which such committals could be lessened, and to report generally on the subject; and I 'appoint Dr. Sutherland to be Secretary to the Committee.—(Signed) GEORGE OTTO TREVELYAN, 'HER MAJESTY'S SECRETARY FOR SCOTLAND, Scottish Office, Whitehall, 19th June 1894.'

SECOND DAY.

Glasgow, Tuesday, 13th November 1894.

PRESENT:

Sir CHARLES CAMERON, Bart., M.P. (*Chairman*).
Lieut.-Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Sir COLIN SCOTT MONCRIEFF, R.E.
Sheriff DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

BAILIE SAMUEL CHISHOLM, Glasgow, called in and examined by the CHAIRMAN.

Bailie Samuel Chisholm. 13 Nov. 1894.

1. You are a bailie of Glasgow?—I am.

2. How long have you been in that capacity?—Three years.

3. You were the Convener of the Committee to consider the subject of Habitual Offenders, which was instituted in Glasgow some years ago?—I was the Convener.

4. In that capacity you had to pay particular attention to the subject of our present inquiry?—Yes; I submit a*Memorial which was presented to Sir George Trevelyan, the Secretary for Scotland, on the subject.

5. This Memorial, I see, commences by calling attention to the difference in the proportionate number of the population and the arrests for drunkenness and disorderly conduct in Scotland and in England. Have you any opinion on that point?—We were accustomed to consider that the difference of the national beverages accounted to a considerable extent for the extraordinary difference — that the Scotsman's glass of whisky was much more conducive to drunkenness than the Englishman's beer. I will not say that the results of the one are in themselves more detrimental than the other, but, nevertheless, it produces drunkenness more rapidly than the other; and there is this further—although I am not quite sure I can give you data for it—that our police supervision is more strict, and that men and women are apprehended, and, as we say, 'run in,' who would be allowed to remain on the streets or taken to their homes in other places.

6. When a man is 'run in,' does that necessarily lead to his being brought before the magistrates?—Not necessarily; but it is regarded as an apprehension.

7. You have a system of letting men out on pledge?—Yes.

8. Could you explain that? In whose discretion does that lie?—The lieutenant who receives the charge. A policeman brings a drunk person to the bar; he is searched, and whatever articles he has in his pocket—money or other articles—are taken from him. When he becomes sober, in the course of the day or night, if he has had in his possession an amount of, say, 5s. to 7s. 6d., the lieutenant accepts that as what you would call bail, and dismisses him with the intimation that he is to appear for trial to-morrow morning. If he does not appear, then the pledge is forfeited, and that is regarded as an apprehension, although he is never really brought before the magistrate.

9. But are there any means taken to ascertain if the man gives his proper name?—No; any name is accepted.

10. Have you any statistics as to the number of pledges forfeited in Glasgow?—In 1893 there were 16,043 apprehensions for drunkenness, and of these 5832 forfeited their bail—that is, considerably more than one-third were released on bail which was forfeited.

11. Their bail being their deposits?—Yes.

12. Averaging from what?—Averaging from 2s. 6d., which would be the smallest amount, to 5s. and 7s. 6d. —that was when the case was one of mere drunkenness.

13. Do you know the total amount of money forfeited for drunkenness?—No; not for drunkenness alone; but the total amounts forfeited altogether are something like £12,000 to £13,000.

14. (*By Professor Dove Wilson.*) That is in a year?—A year.

15. (*The Chairman's examination continued.*) And these are regarded as police funds?—Yes

16. I suppose many of the people who forfeit their pledges in that way are well-known to the police?—There are a number who are well-known parties who give bail or who have money to leave; but there are more of the well-known classes amongst those who come up for judgment and sentence than amongst those who forfeit their pledge. Those who forfeit their pledge, or a very large proportion of them, are men who have been caught in sudden drunkenness—working men going home; and are not to be regarded by any means as habitual drunkards. The great bulk of these 5000 odd pledges are not from regular drunkards but from occasional. *Bailie Samuel Chisholm.* 13 Nov.

17. I suppose the police lieutenant does not discriminate at all? He will take a pledge in any name—whatever it may be?—I believe he does so, as a rule. But in regard to pledges, I may say that not only are those allowed to go out on bail who have money in their pockets, but if, when a man becomes sober, he gives his address, the lieutenant will send to that address, and if his wife or family choose to bail him out he will be released then. Of those released I believe there are a large proportion who have been bailed out by their friends.

18. Of those who are bailed out by their friends, do they turn up again?—Oh yes.

19. (*By Sir Colin Scott Moncrieff.*) Who decides the amount of bail? In whose discretion is it?—The lieutenant decides.

20. (*By Miss Stevenson.*) Does it depend on the amount the man has in his pocket?—No; it really depends on the district of the town, and the character and feeling of the lieutenant. There are certain districts where the pledge is always 7s. 6d., but the lieutenants of certain other districts fix it at 5s. I take it, it is largely on account of the people in a certain district who may be better off and can afford 7s. 6d.; but in any case we notice that we have a long string of pledges in one Court at 5s. and in another Court at 7s. 6d. I may say we have eight Courts in Glasgow altogether.

21. (*By Dr. Farquharson.*) Suppose a gentleman was caught with two sovereigns in his pocket, would you fine him more heavily on that account?—No.

22. (*The Chairman's examination continued.*) Can you give us any statistics on the extent to which this pledging system occurs in the case of habitual drunkards and those for petty offenders? You said the total was something like £13,000?—Yes; I am not sure whether Captain Boyd's annual statistics give us that, but I might be able to get it. With regard to assaults, "breaches of the peace," as they are called, we estimate that out of 20,622 cases 4709 forfeited their pledge.

23. I presume a large number of those are associated to a certain extent with drunkenness?—They are just drunken cases where the drunk man had struck out, and fought with the police officer. Indeed, there are many cases where a man is apprehended simply for drunkenness, but on his way to the Police Office he kicks out, objects, rebels, and if he kicks the policeman then his charge is changed from drunkenness to assault, so that very many of these cases of breach of the peace and assault are really only cases of drunkenness, but I may say, as assault carries a heavier penalty, it is changed to that.

24. About the other pledges?—I have no statistics.

* *Vide* Appendix H.

Samuel lm. v. 1894.

I have taken next, prostitutes, and there is no such thing as taking a pledge from a prostitute.

25. Is that under special instruction?—No; there is no special instruction.

26. The lieutenants simply act upon their own discretion in that matter?—Yes, I think so.

27. Do you take it that the arrests of prostitutes are to a large extent connected with drunkenness?—A very large number of them.

28. Let us take the drunkard who does not escape with the pledge, and is brought before the magistrates. Is there any agreement among the magistrates as to the punishment to give him?—There is no agreement. So far as I am aware, there has been no attempt even, and the result is that the treatment which drunkards receive from the magistrates is very varied; some, disposed to mercy, dealing very largely in admonition and dismissal, or in the minimum fine of 2s. 6d. or three days' imprisonment, and others, who believe that drunkenness is a crime, varying the sentence, according to their judgment, from the minimum up to 15s. or 14 days.

29. What do you call the minimum?—Two shillings and sixpence or three days. There are certain magistrates whose record chiefly consists of sentences of 2s. 6d. or three days.

30. Is there any agreement among the magistrates as to an increase in the punishment inflicted upon drunkards in the case of persons who are very frequently brought before them?—I think there is a general consensus of opinion amongst the magistrates that that should be done, but there has been no discussion at the Board in regard to the matter. That is, the magistrates have never decided it.

31. In the English Licensing Act I understand there is a direction increasing the fines in the case of repeated convictions of drunkards,—that is, so much for the first offence, so much for the second, and so much for the third; the highest reaching up to 40s. Have you anything similar here?—We have nothing of that sort in Glasgow.

32. Or in Scottish law?—No.

33. What is the highest punishment for drunkards you have the right to inflict—for simple drunkards?—The highest punishment is usually 14 days.

34. Or what fines?—The fine requires to be above 10s. to carry 14 days. If it is under 10s. then you can only imprison for seven days.

35. And what fines are inflicted in the heavier cases?—Fifteen shillings or 14 days.

36. Is that common?—No; not at all common.

37. What is the highest in your Court?—I may say there is no magistrate has a Court of his own. We perambulate about, but I have reason to believe that, in the case of habitual drunkards, the highest is 14 days.

38. Where do they put in that 14 days?—The men at Barlinnie and the women at Duke Street.

39. Take the case of drunk and disorderlies, and petty assaults—what do your powers extend to in connection with them?—We have no such thing as drunk and disorderlies. Up to 1865, that phrase was used, but one of the judges, I understand, decided that, if a man was capable of being disorderly, he could not be drunk. Drunkenness goes along with incapability, and therefore a man who is drunk and incapable was not classed as disorderly.

40. Well, then, take the case of the breach of the peace and assault—what do your powers extend to in them?—They vary. If it is simple assault, 40s. or 30 days; or, if it is to the effusion of blood, then it runs up to 60 days.

41. As to vagrants: have you much to do with them?—We have to do with them, but not excessively, in Glasgow. The laws of vagrancy are very strictly enforced. The entire number of vagrants during 1893 was 176.

42. What laws are strictly enforced?—A person found begging can be sent to prison for 14 days.

43. Under the Glasgow Police Act, have you any special powers dealing with vagrants?—These are our special powers.

44. That is for beggary?—Vagrants and beggars are the same under our Act.

Bailie Samuel Chisholm. 13 Nov. 1894.

45. There is no provision in Glasgow such as there is in England for the reception in casual wards?—No. There are a considerable number of persons come to the Police Office for protection, and are kept there over night.

46. As a matter of fact, there are a certain number of casuals received into the Police Office for protection?—There were 5304 persons who, at their own solicitation, received protection in the various Police Offices last year.

47. Is there any provision for giving them food?—Yes, they get a little food.

48. That is at the police expense?—Yes, at the expense of the rates,—that is, the police rates.

49. (*By Miss Stevenson.*) Are they put into cells?—They are kept in some of the rooms, but if there are any empty cells they are put there, but the cells are really comfortable rooms.

50. (*Examination by Chairman resumed.*) Are they mostly fresh comers, or do they come habitually?—A number of them come regularly.

51. (*By Sir Colin Scott Moncrieff.*) Are they tramps?—A number of them are parties who, when they are a little better off, go to the lodging-houses; but when they have no money they go to the Police Office.

52. In connection with the city of Glasgow, is there any provision or accommodation, at a very cheap rate, for people who, without such provision, would find themselves absolutely destitute?—There are our model lodging-houses.

53. Will you describe them?—We have in Glasgow, belonging to the Corporation, seven model lodging-houses, able to accommodate each from 300 to 400 men in the case of six of them, and women in the seventh. There are private beds, and a recreation and dining-room, and a common kitchen with a large hot plate, where they can cook their own food; and they get the run of the house for twenty-four hours, including their bed, and including the use of utensils to cook their food, for prices varying from threepence to fourpence-halfpenny per night.

54. And that accommodation is very largely taken advantage of?—There are, I should say, over 300 nights out of 365 in the year, when there is not a vacant bed in one of them.

55. (*Examination by Chairman resumed.*) Do the class who frequent these houses consist of people without rooms who make these lodging-houses their homes, or are they casuals and a floating lot?—There is a considerable proportion of the floating lot, but it is wonderful the number who really make them their permanent home. One of the superintendents told me the other day that he had a man who had been there for twelve years, having lived there every night. But that, of course, is an exceptional case.

56. Do the authorities in Glasgow consider it as desirable that these model lodging-houses should be kept up for persons who make them their permanent home, or do they discourage them?—We have never done anything in the way of dealing with that question at all. The homes are open, and it is really in the discretion of the superintendent to take or refuse whomsoever he chooses, but we do not wish them to be made a permanent home by any one.

57. In some of the Labour Colonies they have rules as to the length of time in which residence is allowed?—We have no such rules. In general, I believe the superintendent rather likes to have the permanent people, as he gets to know them then.

58. That is, it costs him less trouble?—Well, he knows them, and can get them to do what he could not get a perfect stranger to do, and there comes to be a sort of friendly relation between them.

59. (*By Sir Colin Scott Moncrieff.*) You do not require any work from them?—No.

60. (*Examination by Chairman resumed.*) The lodgers pay in advance, don't they?—Yes.

61. Is that arrangement in Glasgow supplemented by many private lodging-houses of a similar character?—There is a large number of private lodging-houses.

62. In your magisterial capacity, have you had any

Bailie Samuel Chisholm.

13 Nov. 1894.

occasion to acquaint yourself with facts concerning these houses?—I have.

63. Tell us of them?—As a member of the Town Council, I have visited many of these private lodging-houses, in addition to our own, and many of them are conducted on lines, I would not say quite as good, but nearly as good as our own.

64. Every common lodging-house in Glasgow has, I understand, to be registered?—Yes.

65. And inspected?—Yes, open to inspection under the Glasgow Police Act.

66. Are the powers conferred upon the police in connection with the inspection of common lodging-houses in Glasgow special to Glasgow, or do similar powers exist over Scotland?—I believe they are special to Glasgow.

67. Are there any other points that you wish to bring forward in your evidence in chief?—No, I do not think so.

68. (*By Dr. Sutherland.*) Regarding this bail, of which you have spoken, for drunk men: supposing 2s. 6d. or 7s. 6d. is found upon a drunk man, is he liberated at once or kept till he is sober?—He is kept till he is sober.

69. But the amount of pledge is left to the discretion of the lieutenant on duty?—Yes.

70. Do you think it would be desirable to keep a register of those people apprehended for drunkenness?—I think it would, especially in Glasgow, much more almost than in any other place. So far as I am acquainted with the English towns, and I have visited several of them especially in connection with police matters, they have just, as a rule, one Court, and there is a record kept at this one Court of all the apprehensions,—that is, the names and particulars. But in Glasgow we have eight different Courts, and the jurisdiction of each of these Courts extends over only a given area of the city. Very often a person who is apprehended for being drunk, and brought before say the Central Court to-day, and after being sent to prison for seven days is released, may be taken the next day to the Southern Court, and the same may take place as regards the Northern Court, and so on: there is no common register kept of the apprehensions, and we have really no means of telling how many times they have been apprehended, except at one office.

71. (*By the Chairman.*) You speak about being apprehended?—By that I mean taken to the Police Office.

72. But the pledge system prevents you knowing anything about that?—There is a record kept of the name which they give, even of those who are dismissed on pledge.

73. (*Examination resumed by Dr. Sutherland.*) But supposing a register was kept,—that which leads now to confusion with regard to the number of habitual offenders, viz., the lieutenant on duty simply taking whatever name is given him, although he knows it is not the proper name—would be obviated?—To a certain extent, perhaps.

74. And by a comparison of the different Courts you would arrive at an approximate?—Yes.

75. As a magistrate, do you find caution or seek sureties in regard to any person apprehended on a charge of drunkenness?—No.

76. Does not your Police Act enforce it?—No.

77. Do you think there is any use seeking caution or sureties from those who are habitual drunkards?—No.

78. If it were enforced, do you think it would be oppressive to give those people 30 days' imprisonment for the offence of drunkenness, that being the maximum under your Police Acts?—I tell you frankly that I would freely give many of those parties 30 days just to take them off the streets. It might seem to be oppressive, and perhaps in some cases it would, but I think the magistrates would be justified in sentencing these people,—who perambulate the streets and demoralize and lower and deaden the public conscience, to the long period, in order to remove them, unless we had some other method of dealing with them.

79. What method do you suggest?—We leave that to legislators, but I think we should have something which is not simply meant to be punitive, but something that is remedial. Our present system of sending them to prison, where they are kept comparatively comfortable, with nothing of an elevating kind to do, teasing oakum or something of that kind, and just preparing them for going out and returning to a new debauch, instead of doing good, I believe, is doing harm. We should have something that is remedial and reformatory in its character.

Bailie Samuel Chisholm.

13 Nov. 1894.

80. You cannot tell us how much money has been left in the Police Offices by those who did and did not appear again; you can only say between £12,000 and £13,000?—Yes, I can only give you the gross sum.

81. Under this system of pledges, by which a considerable amount of money finds its way every year into the coffers of the Police Exchequer, is the policeman particularly interested in bringing respectable working men or respectable people to the Police Office on a charge of drunkenness? Is there any inducement?—There is no special inducement, save the inducement to a man to show his superiors that he is watchful and attentive to his duties. There is no special gift or reward, apart from something to merit promotion.

82. I am not doubting for a moment the vigilance of the police, but, as you are aware, the police have power, under the licensing laws, to deal with those who supply people with liquor and send them out to the streets in a state of intoxication. Do the police exercise the same vigilance in that matter as they do regarding people on the streets?—Well, if you judge by the number of cases of that kind, they do not; but I cannot say that without saying that I do not blame the police on that account. The evidence of a single policeman would not be taken, and it is not evidence that a publican supplied a man with the drink when he is seen drunk as he goes out of the shop. He may have gone in, and the publican in nine cases out of ten will swear that he did go in drunk and was refused drink. I have never had a case of that kind, but attempts have been made to punish publicans for supplying parties with drink on the evidence of drunk people coming out of their shops, and these attempts failed, because of the defence that the man went in drunk and was not supplied, but was just turned out again. This defence was accepted, and therefore we require some alteration before we can bring such charges home to the publicans.

83. The number of prostitutes apprehended in Glasgow has been increasing. Do you attribute that to the Further Powers Bill of 1892, by which policemen in plain clothes have now power to arrest them?—There is no doubt that it has had a great effect.

84. Do you think publicans might be more effectively dealt with by plain clothes policemen keeping a look-out for drunk men coming out?—I think they might; but you know magistrates and sheriffs have refused sometimes to convict, on the ground that no man had a right to be a spy. If we are to get publicans convicted we will require to do away with those obscured windows, and with those bars facing the doors, which make it impossible for anybody to see what is done, unless you go inside, for even if two detectives in plain clothes went into a public house, they would be recognised at once as being detectives, and the offence, if about to be committed, would at once be stopped. I do not apprehend the same success would follow in the case of publicans as in the case of prostitutes.

85. Supposing the magistrates had power to certify an habitual drunkard, and to order his name to be advertised, as in the Colonies, and to be notified to every publican and pawnbroker, and they were ordained, under penalty, not to supply such a person with drink, do you think that would be any check?—Perhaps it might; I cannot say. I would rather shut up public houses altogether.

86. But until we can do that, we might look for other safe-guards. You recognise a great number of these people frequent certain houses, while respectable publicans will not admit them?—I do not know exactly that, but I have heard it.

87. No pledges are taken from prostitutes?—No; no pledges

88. But they may be fined?—I do not remember to have seen a case in which there was a prostitute who had been dismissed on pledge. I do not remember that in all my experience. They are fined, with the alternative of imprisonment, and sometimes they pay the fine.

89. (*By Sir Colin Scott Moncrieff.*) You have said just now that you would not be sorry to see the drunkards locked up for 30 days?—I am really sorry that they are locked up, even for 14 days, as under our present system, but I would rather lock up a habitual drunkard than allow him to continue his course uninterrupted.

90. And do you think that, by that longer locking-up, a deterrent effect would be produced?—I think we want a change of treatment.

91. You alluded to the opaque glass doors of bars and windows, by which policemen cannot see what is going on. Do you think if, by any legislation, that was forbidden, and clear glass doors were put into drinking bars, that any deterrent would come out of that, or that the police would have better supervision?—Undoubtedly the police would have better supervision.

92. Do you think people would be ashamed to be seen there?—Up to a certain stage, the shame has not wholly left them.

93. (*By Col. M'Hardy.*) You said that it was the practice of the police, or that the magistrates had given instructions to be more active in dealing with these disorderly people than was the case with other police forces?—We have not, as magistrates, given special instructions.

94. Then is the Glasgow police more active, somehow or other, than other forces are in such apprehensions?—I know a little of the police forces in other parts, and I do think that our police apprehend and bring to prison many who in other places are just quietly passed on, either to their own home or on the road to it.

95. (*By Professor Dove Wilson.*) Is it not better to pass them on to their homes than to lock them up?—Sometimes. If a man is to go home in a state of drink, and turn his wife and children on to the streets, it is not better. I am not blaming the police at all, but you need to know the case before you can say which is better and which is not.

96. (*Examination resumed by Col. M'Hardy.*) The last statistics show that the number of apprehensions for breaches of the peace, and so forth, in Glasgow, was 60 per 1000, and in places so close to Glasgow as Govan, 28 per 1000, and in a place like Paisley, close also to Glasgow, 21 per 1000. Can you give us any information as to these enormous differences?—Well, the difference in the proportion of our industrial population, iron-workers, and miners—we have a large number of miners who stay in the city—then what I have said about the extra attention of the police, is very marked between Glasgow and Govan. I have heard Commissioners of Govan, who are now, even at this moment, members of the Corporation of Glasgow, remark on the difference between the Govan police and the Glasgow police.

97. Which force did they approve of?—Well, I do not like to repeat that, as it is hearsay evidence, but they spoke well of the Govan system.

98. Recognising the difference of the system?—Recognising the difference of practice. I believe that what I said before, about many of the Glasgow cases of drunkenness being transformed into cases of assault on the way to the police office, exercises an effect in producing the difference.

99. And would the assault offenders be allowed to give pledges?—Yes, but the pledge is higher, inasmuch as the fine would be higher.

100. This habit of the Glasgow police, is it a new one or an old one?—I cannot state as to that. I do not know of any change that has taken place in the system.

101. As to the number committed to prison now: it is very largely increased from what it was for these disorderly cases; is that not so?—I do not think so. I think you will find that the chief constable will tell you that there was some change in the law of some kind which took place prior to 1875, and that it is not fair to compare statistics before that time with the statistics of to-day. The system was altered in some way or other, prior to that, and if you take the statistics from 1875 up till to-day, while there has been a vast increase in population there has latterly been a diminution in the number of apprehensions. In 1875, the total apprehensions for assaults and breaches of peace, with a population of something like 500,000, was 22,298, and in 1893, with a population of 680,000, the apprehensions, instead of being 22,000, were only 20,000, so that we have not been getting worse during these twenty years.

102. (*By Dr. Sutherland.*) Is not the improvement brought out by the Annexation Scheme in 1891?—Yes, that is true in one sense, but that is not the right way to state it. During preceding years, when the respectable people of Glasgow were going over the city border, we were apparently getting worse, when we were in reality not really worse; and we only got into our proper position when these people were brought back within our borders. In 1875, the number was 22,298, and it has varied up and down,—the largest being in 1890, when it was 22,471. Since then it has come down to 20,622. There has practically been no prominent difference, although the population has increased from 500,000 to 680,000.

103. But since 1865 the imprisonments have been multiplying by three—that is since the time of this previous system?—I cannot say, because I learned that, prior to 1875, the law was altered, and no comparison could fairly be made.

104. (*By Col. M'Hardy.*) You said, in regard to persons arrested for being drunk, that when they became more or less sober the police would send to their friends, so that they might bail them out?—Yes, when they get the address of their family.

105. Would they do that in any case?—Yes, unless in a case where they knew the man was befooling them. If they had reason to believe the man was giving an honest address, they would send a constable to the family. I speak of drunkards. If it were a case of serious assault, and they had no desire to release the offender on bail, they would not do so. In a case of drunkenness, whenever they can send to their friends they do so.

106. (*By Professor Dove Wilson.*) That is out of kindness?—Purely.

107. (*By Col. M'Hardy.*) You said that four or five thousand received some sort of housing in the police stations during the year?—Yes.

108. Were they vagrants, or persons known to the police?—There is no record kept, so far as I am aware, or any particulars regarding these parties, but just the numbers.

109. Have you seen them?—I have seen a number of them at night.

110. And were they sober?—Yes, as a rule they were sober.

111. Sometimes possibly not?—I have seen them touched with drink, but not drunk.

112. Are these, in any cases, deserving men, who are tramping for work, or is there any other place where, if a man who was travelling for work wanted accommodation, he would be able to get it?—The police have no other accommodation to give him.

113. (*By Dr. Sutherland.*) Would they send him to the Night Asylum?—They might give him the address of the Night Asylum, but the police, as such, have no other place except the Police Office to shelter any one.

114. (*By Col. M'Hardy.*) If there was an honest workman travelling in search of work, and if he came to Glasgow penniless, what should he do?—He should try to get work, first of all.

115. We will suppose he arrives in the afternoon or evening: what should he do?—He should try and get work, or put himself in communication with some one whom he might expect to assist him; but we have no provision for men of that kind.

116. (*By Dr. Sutherland.*) Does not the Charity Organisation Society do something of that sort?—Yes,

Bailie Samuel Chisholm.

13 Nov. 1894.

but I am speaking of our city provision. We, as a town council and magistrates, have no provision for parties of that kind.

117. (*By Col. M'Hardy.*) Is there an independent benevolent and charity organisation?—There are a great many, but there is a special Society called the Charity Organisation Society, which charges itself with looking after every case of destitution, and to the giving of temporary relief when the case has been examined and the truth of the statements made by the applicant tested.

118. Take the case of a deserving man. If he went to the Police Office would he be directed to this Society, and would they provide for him or not?—They might. It is their duty to do so, if they are satisfied that his is a proper case. But they might know something about him, and would not do anything for him. They would provide for him a night's rest, and make inquiry regarding him, and they would probably give him temporary work, in all likelihood in the morning, for a day, at preparing firewood, or something of that kind. They have a shelter for such men, but cases of the kind you describe are rare.

119. Why do you say such things are rare?—Because I know something about the Charity Organisation Society, and their experience is that there are not many cases of deserving working men who come into the town without any friends to guide them to any method of living, or any chance of living. The bulk of them are men who have been brought to their position by their own intemperance and misconduct.

120. (*By Sir Colin Scott Moncrieff.*) You have got your model lodging-houses—that is a very good provision, is it not?—Yes. But they require to have their threepence or fourpence-halfpenny before they are admitted there.

121. (*Examined by Dr. Farquharson.*) Do you know whether the police constables in Glasgow have any general instructions given them to guide them in dealing with cases of drunkenness?—The chief constable issues his general instructions. I do not remember what they are.

122. Is it left entirely to the constable's discretion as to what stage of drunkenness warrants apprehension?—Drunk and incapable. A man who is able to walk along the street is not arrested.

123. Is there any legal definition of an habitual drunkard?—Not that I am aware of.

124. (*By the Chairman.*) There is a definition in the General Act?—Yes. I mean that in regard to the people who come up before us, as such, we have no rule to guide us. We may be told a man has been convicted five or fifty times, and it is left to the magistrate to decide whether he regards a man with five or fifty convictions as an habitual drunkard.

125. (*By Professor Dove Wilson.*) When a man is brought up before you for being drunk and incapable, what means have you for distinguishing whether it is a first case or whether he is a habitual drunkard?—Just two means—his own statement, that is, the answers he gives to the direct questions put to him, and the evidence of the police.

126. Are the number of previous convictions or apprehensions entered in the charge-sheet?—No.

127. Does the expression 'habitual drunkard' occur in the Glasgow Police Act?—No.

128. When you give a man 14 days for being drunk and incapable, does that mean you can give him it without the option of a fine?—No; he must get the option.

129. Do you find any connection between habitual drunkards and petty thefts?—I cannot say that I have seen that in my own experience, whatever my own opinion of it may be. I have no experience to warrant my saying I have.

130. In Glasgow, have you any place where a working man or woman can get a night's shelter and breakfast in exchange for work?—No; I do not think we have. The Charity Organisation Society would provide them with work, and give them money at the close of the day to get their shelter and food, but that Society does not provide either food or shelter.

131. (*By Colonel M'Hardy.*) There is nothing that you know of of that kind?—No.

Bailie Samuel Chisholm.

13 Nov.

132. Does it not occur to you that it would be a benefit to have such a place?—Yes.

133. (*By the Chairman.*) Supposing the Committee were to come to the conclusion that some recommendation should be made in regard to habitual drunkards, what would you consider should constitute an habitual drunkard, from a *quasi* criminal point of view? How many convictions, or within what space of time, should justify a man being considered as an habitual drunkard?—I think, and I have often said it at the Court, that for every time a man is convicted of being drunk—and remembering that conviction for being drunk means drinking to the extent of being incapable—for every time he has been convicted of that he has been actually three or four times drunk and has escaped the police and got home. Therefore, when I say that I think six convictions in the course of the year, for being drunk and incapable, warrants a man being regarded as an habitual drunkard, it is because I believe he has really been twenty to twenty-five times drunk during the course of the year.

134. How would you propose to deal with those cases where drunks are converted into assaults by resistance on the part of the drunk man? You would require to classify your assaults in connection with drunkenness?—Clearly.

135. And is there any method of doing so at the present time?—They are charged both with being drunk and with assault.

136. Is that uniformly the case in Glasgow?—I believe it is; we have a great many cases every Monday where the charge is 'drunkenness and assault.'

137. And they are convicted of ——?—Either one or the other.

138. That is the point. As to any practical method of dealing with the question of habitual drunkards, you have told us that for six convictions within a year for drunkenness,—that is, dead drunkenness, you would pronounce a man an habitual drunkard, but, of course, it would be absurd to make that hold good and escape conviction for kicking a policeman?—Clearly.

139. You would require to modify your conviction, so as to obtain a record for the drunken part?—Yes.

140. I mean is there any way in which all cases of drunkenness, as apart from assault, could be brought up?—It would not be done under the present system.

141. Then you would require a change in the present system?—Yes.

142. Have you any figures which would show the number of cases in which persons, petty offenders, given the option of fines, went to prison? The point I wish to find out is whether a large number of persons went to prison as an alternative to the 2s. 6d. fine, so as to get some indication of poverty of persons?—We have no statistics of that kind.

143. (*By Dr. Sutherland.*) Do you think there would be any hardship in entering upon the charge against a petty offender his previous convictions, bearing in mind that under Lord Kingsburgh's Amendment Act previous convictions are excluded from the ken of the jury?—I do not like previous convictions on a charge. I always feel it is very apt to bias one's mind, and to prejudice you in considering the evidence, when you have it before you that this man has been repeatedly convicted. You are very apt to accept evidence which otherwise you might not accept.

144. Then you prefer to have the convictions not in evidence, until the magistrate finds him guilty?—Yes.

145. Do you think a better discrimination might be made between the drunkenness of which working men are sometimes guilty and that class you find amongst the worst offenders in the Police Courts of Glasgow?—Oh yes, it would be greatly advantageous if we could get more discretion.

146. I suppose you are aware that a great number of those people who constantly come before you are really idle, dissolute people who have no employment and no settled home?—A large number are mere loafers.

[The witness withdrew.]

147. Will you state what positions you occupy in Glasgow?—I am Vice-Chairman of the Glasgow School Board, and also Vice-Chairman of the Glasgow Juvenile Delinquency Board. I may say I have been requested by both Boards to represent them here to-day.

148. How long have you been connected with the School Board?—I have been connected with the School Board since it began, in 1873.

149. And with the Juvenile Delinquency Board?—Since its origin, about 10 or 12 years ago.

150. And in connection with the School Board you have, I understand, been brought largely into contact with the children of drunken parents, and had occasion to inquire into their cases in connection with their absence from school?—Yes.

151. Would you please give us your experience, in connection with these Boards, on matters bearing on the subject of our inquiry?—I have been Convener of the School Attendance Committee from the beginning, and that has brought me into contact with the parents of the classes of children concerning whom you are chiefly inquiring, namely, inebriates and drunkards. We have 43 officers under the School Board whose whole duty it has been to visit the houses of the parents of children who are not attending school. We have first of all 'ordinary dealings.'

152. Yes, but take the cases of the drunken parents?—There are four special default officers, and after we have exhausted, so to speak, cases of ordinary default, we have a residuum that amounts to about 4000 families every year, with whom the Board require to deal directly. To these four officers, these cases of aggravated default are committed, and it is in connection with these that intemperance and misconduct come in. These officers have made a report to me showing that, out of 4000 to 5000 cases yearly which are committed to their care, two-thirds, or thereby, require to be brought specially before the Board. We are not allowed by the Act to prosecute, I may explain, until the parents have had an opportunity of coming before the Board to state their cases and explain their circumstances.

153. In what proportion of cases do you attribute the failure of the parents to send their children to school to drunkenness?—I have statements by the default officers, which I will read. It gives the opinion of the officers as to the effect of intemperance on School Board work. James Wilson says:—'After nearly 20 'years' experience as a School Board officer, I am of 'opinion that, in respect of the families whose children 'cannot be got to school by ordinary dealing, and where 'the parents are summoned before the Board, at least '50 per cent. can be traced directly to intemperance 'on the part of either the father or mother, or both, 'while 25 per cent. of the ordinary absences can be 'traced to the same cause. This opinion I have formed 'from personal knowledge and observation gained in 'visiting houses in connection with School Board work.' Anthony Galbraith says:—'My experience of 20 years 'in dealing with defaulting parents summoned before 'the School Board, leads me to the conclusion that 'about 50 per cent. of the cases are caused directly 'through intemperance,—more perhaps on the part of 'mothers than fathers.' William Walker says:—'After '20 years' experience as a compulsory officer, I am 'of the opinion that about 75 per cent. of the children 'who have passed through my hands, and whose educa'tion was partially or wholly neglected, were placed in 'such circumstances, either directly or indirectly, in 'consequence of intemperate habits on the part of their 'parents, more especially as regards mothers.' William Gunn says:—'In order to arrive at as fair a judgment 'as possible on this subject, I have taken 100 names 'out of my book of families whom it has been necessary 'to summon before the Board—not selected, but in the 'order in which tabulated—and I have carefully gone 'over these and marked off such cases as the father or 'mother, or both, are known to me to be of intemperate 'habits, and find that the number so marked is 63 per 'cent. of the whole.' John M'Donald, principal officer of the Board, says:—'Since joining the Glasgow School 'Board, in June last, I have made it a special point to 'inquire particularly into the worst cases of irregularity 'reported by head masters, and to ascertain the cause or 'causes of the irregularity, and my experience goes to 'confirm what has been stated by the fore-mentioned 'officers. There is no doubt whatever that, in the 'majority of the cases these default officers have to deal 'with, the cause of the irregularity is due to the intem'perate habits of one or other, or both parents.'

154. These deal with the question of intemperate habits, but the only form of intemperate habits that we can deal with is the habitual inebriate?—Apart from the ordinary intemperance of the fathers, a great deal of the irregularity of children has been connected with intemperate mothers, and with the drinking at home as well as in public-houses.

155. Then the result of your experience is that this irregularity of attendance is not connected with the people who turn up at the Police Courts?—I should say it is not, to a large extent. The intemperate mothers get into the habit of bringing the drink into their houses.

156. In any case, your opinion is that the irregularity of attendance is not, in the vast majority of the thousands of cases to which you have referred, to be found in the cases of drunkards who make their appearance before the magistrates?—It is so in the aggravated cases, but it is less so undoubtedly in ordinary cases.

157. I think it might have had more bearing if you could have given us some statement of the cost to the city in the pursuit of education, resulting by habitual drunkenness?—The cost of the whole of the department of which I am Convener is largely due to intemperance. I have shown that 60 or 70 per cent. of the default cases brought under our notice are due to intemperance. If it were not for that we would not require to have such an expensive staff.

158. But as to habitual drunkards?—We find it necessary that the children of habitual drunkards should be dealt with individually. We have found what are called Day Industrial Schools of the greatest service to us in this direction, and of course they are an expense to the community—both to the city and the government.

159. As to the Day Industrial Schools, under what circumstances are children sent to them?—I should say about one-half are children of honest poor parents where the mothers, through the loss of their husbands, have to go out to work, and have no home or place to which the children can go during the day, or of widowers in like circumstances. The other half of the children belong mainly to intemperate parents, who, through the intemperance especially of the mothers, have got into such truant neglected habits that they are found in the streets neglected and vagrant.

160. Are these Day Industrial Schools general, or are they peculiar to Glasgow?—They are established by Act of Parliament; by which is constituted the Juvenile Delinquency Board. The Juvenile Delinquency Board is an institution peculiar to Glasgow. These Day Industrial Schools were peculiar to Glasgow, but I understand Edinburgh has now obtained an Act.

161. It is not general Scottish law?—No.

162. Then what do you say is the main work of these schools as affecting drunken parents?—Miss M'Fadyen, of the Rose Street Day Industrial School has drawn up a report which I will read:—'Our Day 'Industrial School work brings us into close contact 'with the parents of the children we have in charge, 'and a very short time suffices to show how much the 'boys and girls are the victims of their home circum'stances. More than half of the scholars are the 'children of dissipated parents, having been brought 'to us as confirmed truants given to pilfering, sleeping 'out at night, &c., and yet their confidence is gained, 'and their interest in school work secured. These

William Mitchell.

13 Nov. 1894.

'habits are gradually broken, and a pleasanter class of 'children could not be wished for. That they, in many 'instances, go to homes where improper scenes are 'familiar, cannot be denied, but it is wonderful how 'little of its effects can be traced in their every-day 'behaviour, showing, I think, that the all-day inter-'course with their teachers is having a beneficial effect.' There are similar reports from the other Day Industrial Schools.

163. You might give us the points bearing specially on the inquiry?—When these children return home at night their influence for good is very marked.

164. How do the children get into the Day Industrial schools?—When we find that the children are neglected, we summon both mother and children, or father and children, as the case may be, before the School Board, and when it is evident that there is no hope for these children except being sent to a Day Industrial School, we recommend that that should be done.

165. You recommend to whom?—The School Board recommends that steps be taken to have these children brought before the Committee of the Day Industrial School. This Committee meets once a month, or oftener if necessary, and the cases are brought under its notice, and both parents and children are brought before them.

166. It is not voluntary then?—No; they are afterwards committed by the Justice of Peace Court.

167. You, in your capacity as a School Board member or official, summon the parents, obtain authority to bring them before the Justice of Peace Court, and the Justices of Peace commit them to these Juvenile Delinquency Schools?—We first have them considered by the Day Industrial School Committee, to see if the cases are suitable and in accordance with the Act.

168. Is that not a matter for the magistrate?—It is a matter for both. These steps are always taken. Cases are very rarely sent directly from the Court; as a rule, they are sent before this Committee, and then to the Justice of Peace Court, which confirms the decision, and the parents are required to pay a certain sum—1s. or 1s. 6d. a week, as the case may be.

169. Then the children in these Day Industrial Schools, I understand, get their meals there?—Yes; they may go as early as six in the morning, when the father requires to go out to work at that time, but the greater number of children go about eight o'clock, and remain till six in the evening.

170. And get their food there?—Yes, and an excellent training and education. The reports from the Home Office are as satisfactory as we could desire.

171. What time can the magistrate commit them?—One year is the shortest time, but they can commit for four years.

172. Can the sheriff also commit them?—Well, our cases of prosecution are not large, in proportion to the defaulters, but it sometimes happens that, in the case of prosecution, the sheriff thinks that in addition to a fine, it is better to send the children to an Industrial School.

173. The Industrial School, in the ordinary acceptation, is different from the Reformatory School?—Yes, the sheriff rarely sends to the Day Industrial School.

174. Have you any form of committal to a Day Industrial School?—The children are committed under a special form.

175. But have you the special form?—I will send you a copy of the form of committal. I may say we are very averse to sever the family tie by sending children away from their homes altogether.

176. You claim that a large number of the children that you deal with would become beggars and vagrants if they were not taken up?—Yes.

177. Have you any petty criminals among your boys. I mean in the Day Industrial Schools do you profess to deal with petty criminals such as pickpockets and that sort. Do you receive them?—When not convicted, they are admitted to Industrial Schools, and not found generally to be worse than other children.

178. I understand there is a practice among the magistrates in Glasgow, in cases of young children brought before them for petty offences, that they do not convict them, but send them to an Industrial School instead of a Reformatory School. Is that practice pursued with respect to the Day Industrial Schools, and not with respect to the regular Reformatory School?—It is pursued with respect to both ordinary and Day Industrial Schools. We have now no Reformatory School in Glasgow, as Duke Street is abandoned, and the boys who used to go there are distributed over the other reformatories in Scotland.

179. So far as vagrants are concerned, and especially the gipsies, on which you are supposed to give evidence, I understand you have not got your notes with you, and that you would prefer to be recalled to-morrow?—I may say that my evidence with regard to the tinkers, as I call them, because they are quite a different class from the gipsies, has reference to Perthshire and north of Perthshire. In Glasgow we have none of the tinker or gipsy class. The few who come in show-vans, and so on, we have no particular fault to find with.

180. The case of vagrants would not come under your notice at all in Glasgow?—In a sense; although they may be called vagrants they have always lodgings or houses to which they resort, and in that way they just come under our notice as regular residenters.

181. Perhaps, with respect to the Perthshire gipsies, you could prefer to refresh your memory by reference to your notes and documents?—I certainly would, and I would prefer to give my evidence along with those parties who are very conversant with the subject, so that you may have all the evidence in a condensed form. There are several parties in Pitlochry who are full of the subject, and, with myself, would be able to place the state of matters before you.

182. But what connection have you with the question?—I live for six weeks every summer in Perthshire, in very close contact with this class, because they are just round about the house where I live in Pitlochry, and I am impressed with the awfully destitute and degraded condition in which the children are being brought up.

183. That you attribute to drink, or what?—They are all drunkards, both men and women, and the children are of all ages, and are as absolutely neglected as the cattle in the fields around them. No man cares for them, and there are certainly more than a thousand such children in the counties of Perth, Sutherland, and Inverness.

184. Do you know whether any provision is made for their education?—There is no provision whatever, and no one thinks of looking after them. They are just roving about the country. No agency and no individual or society ever thinks of asking them a single question.

185. I suppose you may bring them, to a large extent, under the head of police?—The police have nothing to do with them, except when they commit a crime or offence.

186. But in connection with crimes committed by them, the police will have a pretty good idea of them?—Oh yes. At Pitlochry, Sergeant Small is a most intelligent witness, who can give you information such as I hope you will receive, which will convince you that something more stringent will require to be done in regard to them. The evil is increasing, to my knowledge, and has been for 10 or 12 years.

187. So far as Glasgow is concerned, you say nothing is needed to enable you to deal better with the children of vagrants?—No. The vagrants we deal with under the School Attendance Department generally come under the class of parents whom we deal with who are in poor circumstances, or whose conduct is bad, and who are intemperate, and so on. We do not distinguish between what may be called vagrants and the general defaulting class of the community.

188. Have you any suggestions as to how the children of such classes, such as the gipsies in Perthshire, can be dealt with?—As regards the tinker class in the North I have one or two very important suggestions. The first that I would make is this. I under-

stand that both landlords and tenants have the power just now to give them permission to strike their tents on their land, and if the permission is granted no one can interfere. A tenant, for instance, may give permission to a tinker and his family, or two or three families together, to strike their tent, and if he does so the landlord has no right to interfere. I think, when it is proved to the satisfaction of the Local Authority that it is both an insanitary dwelling and an immoral dwelling, and that the children are living under such conditions from year to year, as I have described, no tenant or landlord should be allowed to give permission to such a class of people to set up their tents and thus encourage them to live in the manner they live there. That is my first remedy.

189. Before you go on to give any further remedy, you might explain your use of the word immoral?—Well, I call it immoral in this sense, that a whole family—from the child of a year old to old age, girls of 15, 16, and 17, lads of the same age, and their parents—all lodge and sleep in an area not much exceeding the size of the table at which the Committee is sitting (about 5 feet by 12 feet).

190. Then indecent would describe this?—Well, then, indecent.

191. I wanted to know if you brought a charge of immorality against the gipsies?—Well, there is a difference of opinion. I cannot say anything about absolute immorality in that sense. But you may call it indecent, if you like.

192. Now will you give us your next remedy?—My next remedy is this, that all such movable dwellings should be registered and brought under the control of the Local Authority for inspection; and where, on inspection, they were found so utterly insanitary and indecent as to be unfit for human habitation, they should be closed; and that, where no other provision existed for their housing, the Local Authority, or the Parish Council, or whoever might be the proper party, should provide, in the nearest villages, Refuges to which they might go. I would not propose to send them to the poorhouse. I think they might very well be told 'There is a shelter for you. You cannot remain here 'any longer,' and in the comfortable refuge provided I think they might gradually be absorbed with the labouring population, their children looked after and sent to school, and the whole tinker clan thus gradually brought into association with the other labourers with whom they were already, to a certain extent, in touch. They do labour in the fields a certain number of months or weeks in the year, though not very long. The object of the Committee, I think, might be to try to get these tinkers absorbed in the labouring population, and I think that might be done, so to speak, by driving them into the villages, and giving them such Refuges for a year or two.

193. (*By Sir Colin Scott Moncrieff.*) But if they would not stop any length of time, would you not require to put compulsion upon them?—I would certainly compel them to leave their present wretched dwellings. It is the tent that ties them to this vagrant life, for they won't go under a roof, even when a woman is being confined.

194. Then would you confiscate their tents?—Oh, their tents are nothing but a few potato sacks or old rags thrown over some upright poles.

195. But what means would you take to force them to live in the houses you provide?—By shutting up the places they live in; I would say, through the Local Authority or an official appointed, that they can no longer live here and that they must go somewhere else.

196. (*By Dr. Sutherland.*) Suppose they proposed to have caravans the same as the gipsies in the South of Scotland, would you interfere with them?—If they had a respectable caravan; if it were made equal to an ordinary house or dwelling, I do not know that I should interfere.

197. There are no such vans in the North?—No.

198. A good caravan is got up in the style of a Pullman car?—Perhaps in the South.

199. (*By Professor Dove Wilson.*) Upon what grounds do you say these tents are insanitary?—Because they are open to all the winds that blow. They cannot but be insanitary, there is no bedding, there is no furniture; it is almost like living in the open air with an umbrella, little more than that. *William Mitchell.* 13 Nov. 1894.

200. (*By the Chairman.*) They might object, of course, to any such exceptional treatment, and you would require to justify it by showing that they are a very great nuisance to the community. Do you think that could be done?—They are so, to some extent, but it is not that I look to. It is the awful condition in which they live and in which the poor children are being brought up. They do nothing the whole year, except for a few weeks among the potatoes, or in the woods, for which the farmers engage them. They are the most drunken lot that can be conceived. They are tipsy two or three days of the week, both men and women.

201. Have you any other suggestions?—Well, at the moment I am not prepared to say more. I thought you would be taking evidence on this subject afterwards, but these are the two principal remedies I thought of. My object is to have them extirpated as a class, and absorbed in the labouring population. That is the purpose I have in view. I think it is absolutely necessary, and should be done.

202. (*By Dr. Farquharson.*) If these gipsies encamp on common land, have the Local Authorities any power over them?—I made inquiry at Sergeant Small, and he says there is no common ground he knows of in Perthshire where they can encamp without permission of the landlord or tenant.

203. But on the roadside there is often a little bit of heather or patch of ground belonging to nobody?—Well, they might encamp on that, perhaps; but, by having their tent registered, the sanitary officer would call upon them and tell them that such conditions could not exist.

204. Have you any information to show that the insanitary conditions of these tents have a bad effect upon the children?—Well, take an extreme case. The medical officer finds that a woman insists upon remaining there when confined. Such cases cause a great many deaths.

205. Does the exposure appear to interfere with the health of the grown-up men and women, or of the children?—The parents may be healthy-looking, but the children are not, and a great many of them die. Consequently it is only the stronger children that grow up.

206. Don't you think, of the two excesses, too much air is better than too little?—Of course it may be a case of the survival of the fittest. The open tent and the bare ground at all seasons must aggravate the miserable condition of the children.

207. Are the babies born in legitimate wedlock? Does the immorality come in there?—They have, I understand, certain rules and regulations of their own. They are not married by a clergyman, or by any civil form that I know of. They have some rites of their own.

208. Do you think that the children swell the ranks of the criminal population largely?—I could not say that. The return that Dr. Sutherland has been asking for, shows, I understand, that there is a large percentage of crimes among that class,—mostly, however, petty crimes. The men and the women are constantly quarrelling and fighting with each other.

209. Do you think their tendency to drink is the outcome of their insanitary circumstances and surroundings?—I think the one reacts upon the other; and men and women are both alike in that respect.

210. Would you apply the same code of regulations to the shows and caravans?—No, I am very anxious that a distinction should be drawn. This is a class of people *per se* who must be dealt with by themselves. They are quite a different class from tramps, or the ordinary gipsies, or show-people.

211. (*By Sir Colin Scott Moncrieff.*) Wherein do they differ from the ordinary gipsies?—They differ in

William Mitchell.

13 Nov. 1894.

this respect. From reports I have seen, I understand that the gipsies in the south of Scotland live in moderate decency and comfort, and send their children to school. On the other hand, the tinkers I speak of and their children are positively just like cattle. They have no moral training or teaching of any kind whatever. No minister nor any friend goes near them.

212. (*By Col. M'Hardy.*) In regard to the classes in Glasgow that we have more particularly to deal with, I understand you to say that the children of the habitual offender or inebriate are sent by you, under some process, to Day Industrial Schools?—Where we find that their absence from school is owing to neglect at home, and that there is no probability of getting over that neglect, we recognise and encourage the children being sent to a Day Industrial School first of all. When that is not available or unsuitable, or where there is no proper home, then we recommend them to be sent to an ordinary Industrial School, where they are both lodged and educated.

213. That comes to be that either the habitual offender sends his child to school in an ordinary way or else you take steps so that his child gets to school one way or another?—That is our aim.

214. The means you take are defective, no doubt?——Defective, I should say to some extent, but not absolutely.

215. Then are we to understand that there are a certain number of children of these habitual offenders roaming about in Glasgow on whom you cannot place your hand?—There always will be a certain number, because they move about to such an extent that we cannot always lay hands on them.

216. What proportion of them, would you say, are the real street arabs in Glasgow?—Not a large proportion.

217. If we gave you a certain number of habitual offenders in Glasgow—say you were told that there were a thousand, how many families would there be roaming about in Glasgow, supposing they were all married?—Well, they vary. We may get hold of them to-day and get the children to school. Next week they may be reported as absent, and as having left their former address. Until they turn up again we cannot deal with them. I do not think the number is large in which the children are absolutely beyond our ken or control. I do not think there are 100 children in Glasgow that have escaped the meshes of the School Board net altogether.

218. What number, would you say, do practically escape it, although they probably nominally attend—how many, in fact, are either badly educated or not educated at all?—I should say there are none not educated at all. I do not think a child could be one year in Glasgow without coming under control of the School Board and being educated in some way. So far as reading, writing, and arithmetic go, it is very rare now to find a child of 10 years who cannot read and partially write and count.

219. You have said that, so far as the nomad class was concerned, your experience was confined entirely, if not almost entirely, to Perthshire, and that you had no special knowledge of them in Glasgow?—I have knowledge of them when they come to Glasgow for the Holiday season or for the Fair, to frequent vacant ground where they are allowed to encamp; but I have no special fault to find with these, because, as a rule, they are fairly well cared for.

220. You have inquired about these tinkers in Perthshire largely—why do they go there?—They have been located there for generations past—for many generations, although I do not know how far back.

221. And you mean to say resident in Perthshire?—Yes, but a migratory class, although they have certain districts round which they go.

222. Your inquiries have not led you to believe that they march, some of them, in the summer time from Glasgow northwards to Perthshire?—No, they do not.

223. So that you don't know of the existence of a nomad, or practically nomad class, in Glasgow in the summer or the winter?—No.

224. (*By Dr. Sutherland.*) Do you know if these tinkers of whom you speak spread infectious disease? —There is one kind of infectious disease they are very much afflicted with, and which they spread—that is, vermin. I do not know that they spread such diseases as measles or fever or such like.

225. Supposing these tinkers in Perthshire do not do exactly as you wish, do you propose to punish them by imprisonment?—If they have children for whom they are responsible, I would insist upon their going to a sanitary and fairly comfortable dwelling with these children.

226. But if they play fast and loose with these conditions, do you propose to punish them as a means of bringing them back to civilisation?—Yes, the parents if necessary.

227. You have periodic meetings with parents in respect to neglected children. What is the cause of these parents failing to educate their children?—Well, I read you a communication by the officers, saying—and it is my own experience—that intemperance is one of the chief causes.

228. Yesterday, I think, seven parents were sent to prison for varying periods for failing to educate their children. Is it the case that fathers frequently ascribe their incapacity to send their children to school owing to their having drunken wives?—The drunken wives are a very difficult problem in connection with the School Board. They are very often brought before us. The children have often apparently a decent father, and he declares that he is at his wits' end, and does not know what to do. The very clothes are taken off the children by the mothers, and taken to the pawn in order to get drink. There are no cases that puzzle us more than these.

229. In that case, would it be better to remove that wife from the home, or leave her where she is?—My opinion is, that if there were some kind of Inebriates' Home or Refuge, where they could keep her, at all events, over a probation of six months, or a year if you like, or whatever time may be arranged, and then restore her to her family, and, if reformed, the relations would then be such as could be desired; but if not reformed there should be some easier means to get her separated from her husband and family than there are at present.

230. When you deal with male parents that neglect their children, is it not the case that the real cause is often attributable to the mother, and the father has to suffer?—Such is frequently the case. The husbands are very often decent men with intemperate wives. Where the husband is intemperate the wife is not infrequently led into intemperance.

231. (*By Miss Stevenson.*) Dr. Sutherland says that he understood that yesterday a certain number of parents were sent to prison for different periods for the neglect of their children's education. I suppose these parents had already been brought before the School Board, and had a chance of having their children cared for under your Delinquency Act, by having the children sent under an attendance order, into school, and if they had done that they would never have been brought before the Court?—There is not a case sent for prosecution before the sheriff in which the dealing has not been manifold. First the ordinary officer calls, then the default officer, then a printed notice is served, then a summons before the Board, then possibly efforts to get the children sent to an Industrial School, and it is only after all these means have failed that prosecution is resorted to.

232. Then it possibly was the fault of the father, as well as the drunkenness of the mother, in these cases which Dr. Sutherland has referred to?—It is quite possible. When a father is sent to prison we feel that it is a very extreme measure that the School Board has resorted to, in separating the man from his wife and children, and taking away their means of support, and we invariably inquire what are the circumstances in which the family are left, and I think I may say, almost without exception, the families usually allege that they are much better off when the man is away ten or twenty days in prison than when he is at home.

233. But the punishment of the father does not rest with the School Board, it rests with the Magistrate?—Yes; but whenever we press for a conviction we invariably get it.

234. But that is after all the other steps you mentioned have taken place previously?—That is so. The sheriff invariably fines or imprisons about ninety per cent. of our cases, and, to show the position of the parents, as a rule nine-tenths of the fines are paid at once. It does not appear to be their poverty that prevents them sending their children to school.

235. Do you not find difficulty sometimes in carrying out the compulsory provisions of the Act, owing to the fact that when you cite a defaulting parent, he moves away to another place. We find that constantly in Edinburgh. There is a certain class who are apparently vagrant in the summer, and who settle in the lodging-houses in the winter, and when they are summoned they move off to another place?—Yes; that is the case, but to a limited extent.

236. Then do you think by some registration of these vagrant families that it would be possible for the educational legislation to get more hold of them, or say, by communication between one School Board and the other?—I do not think there could be any more complete system of registration than we have among our officers.

237. In large towns that may work satisfactorily, but I am referring to country districts, and to cases of children moving about who are not long enough under the jurisdiction of a Board to be taken up for default?—We do not find that there is anything like a class of these who are in town in the winter, and absent in the summer. The labouring classes and the poor are mostly resident, and when they move from one house to another the system our officers have of handing names from one officer to the other is a very complete one.

238 Could not some system of that kind be effective in dealing with these Perthshire tinkers?—I think there would be a good deal of difficulty about it. I do not see at the present moment how it could be accomplished. I may add to what I have already said that in my opinion, after 20 years' experience, moral suasion—*i.e.*, counsel, warning, and advice to the parents—is of more importance, and has more effect, than punitive measures.

239. (*By Dr. Sutherland.*) Do you cite mothers of children to come before your Committee?—We summon the fathers, but we take the mothers when they come. We know the difficulties and the loss of pay and so on, that the fathers would have to meet by coming before us, so when the mothers come we accept them.

240. From your observation of these men, are you aware the most miserable specimens of *physique* who go to prison are those sent by the School Board?—If that is so I am not aware of it.

241. (*By Dr. Farquharson.*) Is it just through carelessness that they don't send their children to school? They do not appear to grudge the money, because they pay the fines?—In most of the cases they pay the fines.

242. Is it because of intemperance that they cannot afford to clothe the children properly?—They do not clothe, and they do not feed them, and they spend the money in drink.

243. Do you think there is less of that since free education came into operation?—Oh no.

244. (*By Sir Colin Scott Moncrieff.*) It would not cost the parent anything to send his children to a Board School?—Oh no; but it is the feeding and clothing of them.

245. Do you find parents at all willing to have their children sent to Industrial Schools?—We do not find the parents very anxious to get rid of their children. That is not a feature even of the most wretched of them. They prefer to have their children with them.

[The witness withdrew.]

MR. JAMES R. MOTION called in and examined by the CHAIRMAN.

246. You are the Acting Inspector of Poor to the Barony Parish of Glasgow?—I am.

247. And you have occupied that position since 1885?—Yes.

248. And before that you were collector of Poor Rates from 1878?—Yes.

249. And your work in connection with the Barony Board dates back as far as 1866?—Yes.

250. What is the population of the parish of the Barony?—309,812.

251. It is very thickly populated?—Very thickly, containing 21·04 square miles, of which 10·67 are in the Burgh of Glasgow, and 10·37 in the county.

252. You have some statistics as to the paupers of the parish which you will give to the Committee?—At the last half yearly statistical period at 14th August 1894, there were 2855 applications for parochial relief, and, at the same date, there were upon the out-door roll 4007 persons; in the lunatic asylum 578; lunatics boarded out 201; children boarded out 477; and in the poorhouse 1033; making a total chargeable at 14th August of 6296.

253. Before we pass on from that will you explain what you mean by boarded out lunatics?—They are known in the Lunacy Reports as chronic harmless cases boarded out in private dwellings.

254. And where are they boarded out?—In the country parishes as far east as the county of Fife, and as far west as Ayrshire.

255. Is this system of boarded out and harmless lunatics general throughout Scotland?—Not so general as it ought to be.

256. What other large parishes adopt it?—The City Parish of Glasgow, Govan, Edinburgh, St. Cuthberts, and Dundee.

257. That is practically all the larger Boards of Scotland?—Yes. Aberdeen and Old Machar extensively, but not so much as might be. From the reports I have had, Old Machar Parochial Board had difficulty in getting the sanction of the Medical Superintendents of the asylum to board out suitable cases.

258. You deal with your own lunatics at Woodilee Asylum?—Yes.

259. You might proceed with your statistics?—A comparison of the figures before mentioned for 1884 show that there were 3860 applications; and upon the out-door roll 4389; asylum 495; boarded out lunatics 30; children boarded out 413; in poorhouse 1109; a total of 6436; being a decrease of 146.

260. Explain to the Committee the forms of relief supplied by your board?—The forms of relief are—out-door relief to the ordinary poor, medical relief to those who apply only for such relief, then out-door relief to children boarded with relatives and with guardians in the country, also relief to the sick poor in the Hospital at Barnhill Poorhouse.

261 Explain what you mean by medical relief to those who apply for such?—Men who are out of work, and have wives and children in a bad state of health requiring medical advice and assistance, and the whole circumstances of the case are viewed in as favourable a light as possible in accordance with the instructions of the Board of Supervision, and the Barony Board is extremely open with the relief of such cases. Then there are other cases who apply for medical relief pure and simple, men and women who neither want out-door relief nor want into the poorhouse, but who simply want a doctor.

262. They did not apply directly. They applied to you in these cases?—Yes.

263. Was it with your board that some Seamen's Home or Institution of that kind wished the Parochial Authorities to take charge?—No, we had nothing to do with that.

264. You have a special hospital at Barnhill?—Yes, fully equipped in every respect, trained sick nursing, and everything just as in the Infirmaries in the city.

265. What is the accommodation of your poorhouse for the people, who make up its inmates?—The licensed

accommodation at this time is 1427, and at the 14th August last there were 1033 persons inmates. These have been classified as under:—704 were there by reason of old age, illness, accident, &c., and in connection with the latter I may mention that we have received more cases of accident within the last few years than hitherto. I take from that, that there is not sufficient accommodation in the existing Infirmaries, or that they are just run off to the poorhouse hospital. One hundred and twenty deaf and dumb, blind, weak, and facile-minded; 92 deserted and separated children with parents; and 117 may be classified as depraved, idle, and dissolute.

266. You mention that these 117 people comprise 51 males and 66 females, and you give their ages?—Yes.

267. They are classified by ages?—Yes.

268. It appears that six of the 117 were males between 20 and 29, and that there were nine females of the same age. How did they come within your province? They could not have been able-bodied, or you would not have required to assist them.—They were not. In all probability these females would be with bastard children; the males would be generally venereal cases.

269. But that does not qualify for relief?—They are certified as unfit for work.

270. And you would make the same explanation for all men under 50 or 60?—Not altogether. Last year there were 34 males and 2 females treated in the house with venereal disease.

271. That would hold as making a man not able-bodied, and qualified for relief?—That is so.

272. And that makes up the greater number of the 51 male patients that you classified as dissolute and depraved?—Yes, and commonly certifiable diseases, such as catarrh, debility, and dyspepsia.

273. But that does not come within the scope of dissolute?—Oh yes.

274. Well, one would think it is a man's misfortune if he takes catarrh?—But if you inquire how he gets it, it is by being drunk, and lying in closes at night. I will give other cases illustrative of this.

275. I see you have got your dissolute and depraved of 60 and upwards?—Certainly. I shall give you cases of males first.

276. What is your first case?—John Hunter, aged 40 years, born Calton, single, a slipper maker. First became chargeable to Edinburgh on 22nd February 1876, and has been out and in the poorhouse since; never chargeable for any length of time. He is a well known drinker of 'finish.' I may state I took a gill bottle of 'finish' out of his pocket, and the smell from off him was as if he had been French polishing the whole of the furniture here.

277. Please explain to the Committee what 'finish' is?—'Finish' is a sort of methylated spirit, which goes under the name of 'finish.'

278. Is not 'finish' some preparation of shellac in methylated spirits, used in the polishing of furniture, and called 'finish' because it is employed for giving the finishing touches to furniture?—Yes. Hunter is a loafer, and never seems to do any work, and is always on the look out for drink. He roams over the country, and has been chargeable in Perth, Paisley, Edinburgh, St. Cuthberts, Dundee, &c. parishes. He has been allowed a weekly aliment by the parish, but all to no purpose, he cannot give up drinking—that is, a temporary weekly allowance, to give him a chance to get on his feet. He has been in prison, and is well known to the police. At present he is in prison for drink and disorderliness. He is one of five or six male 'finish' drinkers in Glasgow.

279. Then your next case?—William M'Ilroy, aged 48 years, born in Maitland Street, Glasgow, single, and hawker, applied here in July 1874 when 28 years old. At that time he was certified disabled for work, suffering from debility and deformity of hand, and became chargeable in Barnhill Poorhouse, to which he has since then been admitted 124 different times, remaining chargeable for long periods. He generally designates himself a hawker of 'soft goods,' but the truth is his pack is never heavy, consists only of boot-laces, matches, and light trifling articles, and he is well known to be a confirmed beggar and a lazy character, much addicted to drink. Some time ago he formed the acquaintance of a deserted wife named Perry, who has spent the best part of her life in the poorhouse—a bad character, who on 28th March 1891 gave birth to an illegitimate child, of which he is the father, and when not chargeable they generally are co-habiting outside.

280. And your next case?—Widow Terence Cairns (Agnes M'Kinnon), aged 49 years, born Stobcross St., Anderston. This woman first became chargeable as a pauper on 22nd October 1870, being then aged 25 years, and has been almost continuously out and in the poorhouse since. In 1888 she was married to Terence Cairns, whom she met in Barnhill Poorhouse, and who was another character of the same description. This is a drunken beggar, her field of operations being principally about the city bars, her get up being that of an old frail woman. Should a female bar tender have the hardihood to refuse this old lady's demands, she usually bursts out into a torrent of invectives, and enlightens the company with the sad tale of her son's ruin. She never had one—though a barmaid. Of course her next call ensures a better reception. That is to say she stands at these doors and excites the sympathy of drunk people coming out. She frequently waylays them, and takes them away and robs them, or otherwise. She is very drunken, and has often been in prison.

281. And your next case?—Daniel Paton, single, aged 48 years, born Paisley, a weaver and Protestant. This man originally became chargeable as a pauper on 27th August 1867, when 21 years of age, and has been continuously out and in the poorhouse since. He is lazy, drunken, and has been often in prison for begging. My assistant has seen him in company with two others singing on the streets, and also lecturing at the pitch of his voice of where they had been in search of work, and how long they had been idle. His brother James Paton is another of the same. This man is one of a band of three or four. Ferguson, my chief assistant, saw them in Dumbarton, singing and lecturing, shouting 'who giveth to the poor lendeth to the Lord.'

282. (*By Sir Colin Scott Moncrieff.*) Was this man diseased, or how does he get into the poorhouse?—The usual complaint; debility, catarrh, or other diseases from exposure.

283. (*By the Chairman.*) You speak of debility as a qualification, does it come before your medical officer to the parish?—We have a medical officer whose duty it is to certify these cases.

284. And he would be very much on his guard against imposition?—Oh yes.

285. (*By Professor Dove Wilson.*) The debility is quite genuine, although the result of bad habits?—Yes.

286. (*By the Chairman.*) Then your next case?—Jane M'Polland. This I may say is an illustration of hereditary pauperism. Her grandmother and her great grandmother were chargeable to the parish. Jane M'Polland, aged 34 years, born in Piccadilly Street, Glasgow, single, and weaver, made her first appearance here with her mother in 1860, when both became chargeable in the poorhouse, her mother being then deserted by her husband. In February 1878, when about 17 years old, she was admitted to Barnhill, being then disabled from pregnancy. Since then she gave birth to three illegitimate children to three different men, only one of whom is now alive, and is boarded out by this parish. Since 1878, she has almost been continuously chargeable in Barnhill or other poorhouses, and has also been sentenced to several terms of imprisonment, generally for being drunk. She is well known to parochial and police officials and is regarded as an incorrigible person, who never works, and when in the poorhouse neither persuasion nor strictness seems to have any effect upon her, and having a mad craving for drink (and knowing that she cannot be detained in the poorhouse), she frequently discharges herself when

sufficiently recovered for another 'booze.' When at liberty she lives on stairs, and in the lowest houses in the city, and subsists through what she makes by begging and prostitution. She has been convicted 63 different times since September 1887, the total number of days in prison being 737, and the prison authorities state that upwards of 40 convictions appear against her previous to that date.

287. What are the sort of things she is convicted of?—Drunkenness, disorderly conduct, breach of the peace, malicious mischief, importuning, and theft. Since this statement was made up she appeared last Wednesday at the office about 4·15 in the afternoon. She had been dismissed from Duke Street Prison that morning, and when she appeared in the afternoon she was almost unable to stand. She did fall in a heap at the applicant clerk's window, and then Mr. Ferguson, before referred to, went to her side, and she was so weak or incapable that he had to put his ear to her lips, but even then could get no answer to his questions, and could make nothing of her. He sent for two constables, and she was taken to the Central Police Office, and again sent to prison. She has now appeared in the poorhouse again, and she will just remain till she gets out again.

288. That gives illustration of the class of case which it is interesting to get particulars of, namely, of persons who oscillate between the prison and the poorhouse?—I have such a list of cases here.

289. We shall take them when you finish the illustrations you are giving us. Meantime will you give us an analysis of the periods of imprisonment in the case of Jane M'Polland, stating the offences, and the periods she was imprisoned for each class of offence?—With pleasure; I shall prepare this.

290. What is your next case?—The next is the case of a man, 62 years of age, John Kelly, better known as 'Buck Kelly.' He is a widower, born in Little Street, Calton, and is a tailor to trade. He first became chargeable here in 1881; aged 49 years. Is well known here for years back as a drunken loafer, who does no work, but sponges on all and sundry. He is also well known to the police, and has been often in prison. He has been very frequently in poorhouse, and as often in prison. When out of poorhouse or prison he is always to be found "holding up" Macfarlane's Patent (that is the urinal) at the corner of Orr Street, at Bridgeton Cross. He does not like work, even in the poorhouse. He has been confined to cells for insubordination and assault.

291. (*By Col. M'Hardy.*) You can confine them in the poorhouse cells?—Yes.

292. (*By the Chairman.*) What powers have you in that way?—These powers are defined by the rules of the Board of Supervision, under the authority of the Secretary of State.

293. Then your next case?—James Walter Smith, aged 70 years, born in Dublin, single, and labourer, has been chargeable to barony and city parishes, in the poorhouse seven or eight different times since 1890. Unlike many well known poorhouse pests he has no desire to frequent or become an inmate of that institution, and when he does go, it is usually from the Police Court or Office, whither he often is taken when drunk. For a long time he laboured with butchers, in and around the meat market, but for the past number of years has followed no occupation of any kind, but maintained himself by begging, which he now does in some of the busiest thoroughfares in the city. He is also known to have, in quiet country villages near Glasgow, successfully passed himself off as being deaf and dumb, a pretence to win the sympathy of farmers and others whom he knew, and thought would be disposed to assist such poor people. He is much given to drink, and in this way squanders all his coppers, and although presently residing in Great Hamilton Street Model, he generally lives in the worst hovels about Bridgegate and King Street.

294. (*By Col. M'Hardy.*) Has that man been in prison?—Yes.

295. (*By the Chairman.*) Your next case?—John Hynds. He is aged 33 years, born in Parkhead. Goes about while out of poorhouse selling matches and begging. He is an epileptic. His appearance and affliction command the sympathy of the public. He is a little soft or silly. Has been chargeable more or less since August 1881, then aged 21 years. Between 1886 and 1888 he was sentenced at Eastern Police Court to 230 days' imprisonment for indecent behaviour, begging, and theft. He has been in Barnhill Poorhouse on at least 50 occasions; and has been made to wear 'Punishment Dress' while there on at least eight occasions. He is a silly creature that should never be at large.

296. His case, if he is an epileptic and silly, would rather point to some proper provision for persons of that class, would it not?—To the extent of giving power to confine that man in a poorhouse, because he is not certifiable as insane.

297. (*By Professor Dove Wilson.*) But he is a habitual offender really because he is epileptic and silly?—Yes.

298. (*By the Chairman.*) Then your next case?—James Thomson. This is a single man aged 37 years, born in the Maternity Hospital, Rottenrow. When he does any work puts in coals. He first became chargeable on 16th February 1886, aged 29 years, and since then he has been in Barnhill Poorhouse on at least 53 occasions. He is very much given to drink, and seldom appears at the office unless under its influence. Has had his wrist, ankle, shoulder blade, jaw-bone, &c., &c., either sprained or dislocated by falls, &c., while drunk. Has been often in prison for being drunk and incapable.

299. Now then, give us a few of the cases that oscillate between the poorhouse and the prison.—The first is James Hamilton's wife. This woman was found in Duke Street Prison. She is 44 years of age and a native of Anderston. First chargeability was on 9th November 1881, when her two children were removed to poorhouse from Northern Police Office. Deserted by father and mother; sent 30 days to prison. Since then she has spent the most of her life either in prison or Barnhill. The children were boarded out, and have since gone to service. She is a drunken character, and while out of prison or poorhouse generally lies on stairheads; or, if in the summer time, about Glasgow Green. Her husband left her in 1881, and in November 1888 he got four months imprisonment for bigamy. He was apprehended for wife desertion, but was allowed to go on promising to pay wife 2s. 6d. weekly, which he once paid her, and has not been heard of since. She has now sunk to the very lowest level; is one of the poorest and most depraved characters on our streets.

300. This case was found by your assistants in going over the prison?—Yes.

301. Then how many cases have you of this sort?—I have 29 on the list.

302. (*By the Chairman.*) There is one class I would like to ask you about, that is the class of poor in England called casuals, tramps, and vagrants; what provisions are made in Scotland for vagrants?—In Scotland we have no casual wards. The difference is that in England everyone is entitled to relief. In Scotland a line is drawn at able-bodied, and the only case where such a corresponding ward is in Scotland is the test ward of the poorhouse, for so-called loafers, able-bodied dissolute people, who may be certified as suffering from catarrh, debility, dyspepsia, and such like, but who are able to do a certain amount of work.

303. But how does that correspond to the casual wards provided in England?—It does not exactly correspond.

304. In fact, you have nothing to correspond?—Well, that is the proper answer.

305. Do you think the absence of such wards cause much hardship in Scotland?—I think not.

306. In England a great number of the tramps who frequent the casual wards are decent working men going from one place to another in search of employment, do you know how such men would be accommodated in Scotland?—They could not be accommodated under the Poor Law.

307. We were informed by a former witness that

James R. Motion.

13 Nov. 1894.

something over 5000 people voluntarily took refuge in the Police Offices in Glasgow in one year?—I quite believe so.

308. Do you happen to know anything about these?—These people are what I would call the constitutional loafer, and not the decent working man.

309. These men in the Police Office?—Yes.

310. You have here a number of cases which came to your poorhouse from Barlinnie Prison?—Yes.

311. You have in the course of five years had 47 such cases?—Yes.

312. Does not that appear rather a smaller number than you would have expected?—No: properly speaking I should not expect any.

313. Why?—Because I say that the Prison Authorities, when a man becomes sick and requires hospital treatment, ought to look after him, whereas he is sent from the prison to the nearest poorhouse.

314. Is that the class of cases?—Yes.

315. And that accounts for 5 of the 47 having died within a few weeks of their dismissal from Prison?—Yes.

316. You think in the case of sick prisoners the Prison Authorities should be responsible for them till they are removed?—Well, I used to think so, but it is immaterial who keeps them. It is as broad as it is long.

317. (*By Dr. Sutherland.*) These are prisoners whose sentences have expired, but are unable owing to ill-health to be set at large?—Some of them.

318. (*By Professor Dove Wilson.*) One of them seems to have gone back?—That is the case of a man whom we were asked to send for, and he passed through our books; but, when the van went for him, he was found to be dead.

319. (*By the Chairman.*) What is your experience in administering the Poor Law as to the effects of habitual drunkenness, do you come across very much of that?—A very great deal.

320. And have you any suggestion to make as to how the habitual drunkenness that you complain of might be met, and its effects counteracted?—I think it might be met by utilising the existing poorhouses. There are numerous poorhouses throughout the country, partly vacant, admirably suited for the treatment of these people.

321. But in the first place you have to catch your hare. How would you define your habitual drunkard?—By the frequency of their convictions before the Police Court.

322. Then what is the number you would propose?—That requires some explanation, because my impression is that the magistrates are rather lenient in their sentences at the present moment, and might have a woman six times before the court in as many weeks with short sentences; where in another district, with long sentences of fourteen days and such like, she may not turn up that number of times in six months. It greatly depends upon how the existing acts are put into operation.

323. That is exactly what I am driving at. I want to know if you have thought the matter over, and whether you have any easy method for identifying habitual drunkards, and dealing with them?—Having made that explanation, I should say that if a man or woman has been convicted six times by any magistrate, the sooner they are put under restraint the better.

324. (*By Dr. Farquharson.*) In a year or in a lifetime?—I should say six times independent of what period.

325. But six times in 20 years would be very little—there would have to be some limit?—If a man or woman turns up for the sixth time in 20 years it shows a relapse at all events.

326. (*By the Chairman.*) Were you connected with the deputation which went to Germany to visit the Labour Colonies?—Yes.

327. Is there anything in connection with these Labour Colonies that you think could be utilised for the inquiry that we have before us?—The only point I wish to emphasise is this extract from the report of the Deputation:—'It has to be borne in mind, however, 'that the German Criminal Law is more comprehensive 'than our own, in so far as it confers more extensive 'powers over the class of persons for whom a Labour 'Colony is intended.' That is to say the laws prevailing in Germany take up and deal with these cases.

328. Can you tell us what powers are conferred by the German laws upon the persons who carry on, or manage, or take care of, these Labour Colonies?—The point I wish to emphasise is more as to the imprisonment and punishment. By the 361st section of the German Penal Code, amongst other provisions it is enacted that—'He is punished with imprisonment '(1) Who, after he has been put under Police Super-'vision, breaks through the restrictions under which he 'has been placed. (3) Who goes about as a tramp. '(4) Who begs, or directs or sends out children to beg, 'or fails to prevent persons from begging who are under 'his control and supervision, and belong to his house-'hold. (5) Who gives way to play, drink, or idleness, so 'that he falls into a state in which the help of outsiders 'has to be claimed, through the intervention of the 'authorities, for his maintenance, or the maintenance of 'those for whose support he is responsible. (7) Who, if 'he receives relief from public poor funds, refuses out 'of dislike of work to perform a task suitable to his 'powers, which is assigned to him by the authorities. '(8) Who, after loss of the lodging which he has had 'up to the time, has not, in the interval permitted him 'by the proper authorities, procured for himself a 'lodging anywhere else, and cannot show that, notwith-'standing the trouble he has taken, he has been unable 'to do so.'

329. (*By the Chairman.*) There is a large number of these punishable in this country, and with a good number of them we have nothing to do, so far as our inquiry is concerned, but there is one point in connection with your report. You refer to Compulsory Labour Colonies, Labour Colonies to which men are apparently committed by the magistrates, a sort of *quasi* criminal institution as distinguished from the voluntary ones you describe; can you give us any information about them?—They are simply referred to in the report; we were not instructed to visit them, but we know they exist, and they are referred to in Parliamentary reports.

330. Could you, from among the people you met there, get any of the rules bearing upon these Compulsory Colonies, so that they might be printed in the appendix?—Certainly.

331. (*By Miss Stevenson.*) I wish to ask, in connection with the case of the woman you mentioned, who had been so frequently before the Police Court and so frequently in the poorhouse, and of whose three illegitimate children one had been boarded out and had turned out well, had you any power to keep her in the poorhouse, or could she leave as soon as she liked?—We have no power to keep these cases in the poorhouse.

332. Then, how did you relieve her of the responsibility of this child, and board it out?—In consequence of Jane's bad habits, and her systematic going in and out of the poorhouse, we simply told her that we were going to keep the child, and that she was an able-bodied woman and could go about her business. You see this child kept her an object of relief, and we took the child from her.

333. You had no power to make the keeping of the child a condition of her staying in the house?—No.

334. Had you any right to take away this child?—She might have claimed it, but the court would not have given sanction to her claiming. Parliament has recognised that by the statue of 1892.

335. You have the same powers as one has under the Industrial Schools Act to get a child committed or taken away from improper guardianship?—We have no power such as you speak of.

336. What power have you then?—Simply standing *in loco parentis* to the child. I may supplement that by saying that under that head we have removed 488 children from dissolute parents since 1884.

337. (*By Col. M'Hardy.*) Since 1884 the 'Results

of Parents Relieved' show that of the 270 parents dealt with, 12 are still chargeable owing to ill-health.

338. Two hundred and twenty-four have ceased to be chargeable, and 34 returning at irregular intervals?—That is so.

339. (*By Dr. Sutherland.*) With your knowledge of these restless dissolute people, is it desirable that you should have more power to retain them in the house than you have at present?—It is very desirable.

340. Supposing you have power to retain them, have you at present power to compel them to respect your regulations when they are in the poorhouse?—We have.

341. You speak of confining vagrants in the poorhouse, do you propose to have vagrants and inebriates under the same roof and subject to the same discipline?—I would include them under the same roof. Perhaps you would allow me to explain that the reason for that is this. In some parts of the country there would be very few of both of these classes, and it would be a little absurd to separate them, and to have separate accommodations for them.

342. But in places like Edinburgh, and Glasgow, or Dundee, do you think it desirable to have these three quite distinct classes under the same roof and discipline?—I see no reason why they should not be. I am assuming that they are drawn from the same classes.

343. Is it not the case that in the poorhouse at present you have got a number of honest respectable poor?—Yes.

344. Is it desirable that those persons should be herded along with vagrants and dissolute persons?—Undoubtedly not, but they would not be herded together. In a properly managed poorhouse they would be classified.

345. But, suppose you had poorhouses in Scotland which might be set aside entirely for the different types, would there be the same necessity for putting them together?—There might not. But I do not believe too much in sub-division, or in too particular classification.

346. Supposing in or near Glasgow an institution were to be found with accommodation for 500 of the class referred to, would you not prefer to send inebriates there rather than to mix them up with vagrants, beggars, and paupers?—Probably that would be better from the management point of view.

347. The same discipline I suppose is not applicable to all three types?—No.

348. (*By Col. M'Hardy.*) The numbers in the poorhouse who receive relief are lowest, I believe, about August and September?—Yes.

349. And they are highest about January and February?—Yes.

350. The difference being over Scotland about 3000 or something like that—it varies from something like 92,000 to 95,000, according to last year's report?—That is so.

351. Why are these variations?—There is a class of restless people in the poorhouse who leave it in the spring and summer, and tramp the country, and live in the country; and they return to their homes—namely the poorhouse—in the winter.

352. Then there is a considerable march of poor out of such a town as Glasgow in the summer?—There is.

353. And do these people—I have heard it is so—go in certain circles, some of them in larger circles, some of them in smaller, some of them almost parochial?—That is so.

354. And they form, in fact, I suppose to a certain extent, the tramp class?—That is my opinion.

355. And the children of these people are under your surveillance sometime or other in the winter time?—They are.

356. What do you do with them?—They are kept in a separate department of the poorhouse, what is called the children's department, still further divided into boys and girls, and they are under the charge of a trained sick nurse. They go to school, the Protestants to the Petershill Board School, and the Catholics to the Catholic School in Springburn. Originally an officer was sent with them, but they do not require that now. The boys go out of the poorhouse and go back to it as if they were living in an ordinary home.

357. Then that goes on until the numbers begin to fall, somewhere about April, when the exodus begins?—Yes.

358. Do these children reappear?—They do, but the children of such a class are very few.

359. They die?—No. It is not that. The cases that leave the poorhouse, and go on the tramp, have very few children in comparison with those who remain and live in the poorhouse.

360. You mean, because they have few children or none, that is one of the reasons they march?—Exactly. On an average we won't have any more than 88 children in the poorhouse throughout the year, and probably 50 of these are in the hospital. Our rule is where a parent is likely to be permanently confined in the hospital, is likely to die, is past working or caring for his children, we make arrangements with the parents for the children being boarded out, we bring the children back on a visit to see their parents in the hospital. Also in those cases whom we know by reputation to have a bad name for going on tramp and such like, we take the children from them in the way described to Miss Stevenson, so it is not the case when they leave the poorhouse and go on tramp that they have bands of children with them.

361. As a rule, their children would be kept by you and educated? In fact, so far as the children of those residentary winter people are concerned, there are few of them being educated to the same life?—That is so.

362. (*By Dr. Farquharson.*) I suppose you propose the poorhouse for detention for economical reasons?—On account of economy, and also because they are in good accessible centres.

363. If money were no object would you prefer to build separate institutions?—I do not think so.

364. You think they are as well devised as they can be?—Yes.

365. Supposing this extension of the law were carried out, would there be at once a very large number of inebriates brought under detention?—There probably would be in large centres like Glasgow, but in the provincial towns, if I may so call them, there would not be so many, and these would gradually be removed off their tracks.

366. You mean that the extension of the law would act as a deterrent to evil-doers?—I believe it would.

367. But would not the detention of that large number of people be a serious matter to the community?—I think it would pay itself in the long run.

368. Do you think the product of their labour would largely diminish the cost of their keep?—That is so in Germany, and it is my experience in my own poorhouse.

369. But is there not considerable complaint in regard to unfair and pressing competition with prison and poorhouse labour? Might that not be a difficulty?—It might be, but what can you do.

370. You would give the magistrates unlimited power of detention in these cases?—No, I would limit that.

371. Have you formed any opinion in your own mind what period of detention is necessary to break the drunken habit?—From one to two years. Two years is the maximum.

372. And the minimum?—The minimum would be anything, perhaps from six months up to two years.

373. Is that founded upon theory or upon an experience of foreign countries who have adopted these plans?—It is simply from theory, and dealing with cases in the poorhouse. We have many cases where we use every means possible to keep them in the poorhouse, bribery, and everything else; and if we had the power to keep these cases for a few months longer I am quite certain they would be cured.

374. But do you think it quite fair to brand a man with criminality on account of what many people hold to be a disease?—I do not think it would be branding a man. I think it is far better to keep him off the street than to hurl him through it in a barrow.

375. (*By Professor Dove Wilson.*) Have you thought

James R. Motion.

13 Nov. 1894.

of the possibility of there being difficulty in practically carrying out the power of detention in the poorhouse?—I have had this before me for years past. In 1888 we applied to the Board of Supervision for increased power in connection with these very cases. The maximum period of notice is 72 hours at present. Formerly an inmate of a poorhouse must give 24 hours notice before he or she could quit, but now the 72 hours notice has to be given. We wanted more than that, we wanted a week, because we were under the impression that, if the inmates had to give a week's notice, by the time that period was up they would be no longer in the mind to go out—the idea would have worn off them.

376. Suppose an inebriate chose to go away from the poorhouse, you would not prevent him from doing that?—Just now?

377. No. Suppose he is sentenced three years to the poorhouse. At first he is in very bad health, but he gets better in a few weeks?—He could not walk off. If the Government gave us powers just as in the Industrial Schools, we could bring him back.

378. Would you propose to send him to prison if he tried to escape?—No, I would simply bring him back to the house, But I would make a proviso of this kind, that, if the medical officer of the house would certify him as fit to go, he might be taken before a magistrate and the sentence reduced.

379. But do you think these powers would be sufficient to enable you to detain inebriates if you had them?—I think so.

380. Do you come in contact at all with the class that commit habitual petty thefts?—Yes.

381. Are these largely inebriates?—No, I would not say so.

382. Have you any suggestions to make with regard to that class who are not inebriates?—Well, I have had two or three cases of that kind certified as insane. But I rather thought that that was carrying it too far, that those people who committed petty thefts should be confined in the same way, and in the same institution.

383. Now, these people that you speak of as oscillating between the poorhouse and the prison, when you first come in contact with them what sort of constitutions do they have?—I can hardly answer you that. Most of those cases before my mind came to the board before I had really personal contact with them, and I could not remember. But from passing them over my mind they had fairly good constitutions, because if they had not they would have been in their graves.

James R. Motion.

18 Nov.

384. They have fairly good mental capacities then, you think?—The women have.

385. (*By Miss Stevenson.*) With regard to these boarded out children, you state as a rule they are brought up entirely apart from the vagrant class they belong to. If they were left to their parents they would grow up to the same life?—Most assuredly.

386. Have you any power to prevent the parents claiming them when they become 14, or 15, or 16 years of age?—Yes, under the custody of Children Act, 1891.

387. Up to what age can you prevent a parent reclaiming them?—Any age. The parents must apply to the Court, and get the sanction of the Court.

388. You have that power of detention?—Yes.

389. (*By Dr. Sutherland.*) The inebriate you propose to detain in the poorhouse is an inebriate who has been both in the poorhouse and the prison, and is common to both?—Yes.

390. But the working man who is convicted five or six times a year—you do not propose to put him into the poorhouse?—No.

391. (*By the Chairman.*) There is one point you have not made very clear, namely, that you think that the Government should make some subsidy towards the expenses of such a scheme as you suggest. You give in the summary with which you have supplied us, a number of different costs of maintenance, management, accommodation, and so on. The average for maintenance in Scotland is 3s. 1d., and you say that if an allowance of one-half thereof only were allowed by the Government, it would ease the local taxation. But the Government makes no allowance in the case of paupers, and you propose that the analogy of lunatics rather should be followed?—Yes, in respect that at present a number of these people are confined in prison, and receive medical relief.

392. (*By Dr. Sutherland.*) But that subvention is only for medical relief?—That is so. [The witness withdrew.]

John Boyd.

MR. JOHN BOYD, The Chief Constable of Glasgow, called in and examined.

John Boyd.

393. (*By the Chairman.*) You are the Chief Constable of Glasgow?—I am.

394. We have been enquiring as to the mode of treatment of drunkards in Glasgow, and as to whether there is any peculiarity in it, as contrasted with other parts of Scotland. Can you give us your opinion on that point?—Well, I can only say that the sentences are somewhat similar over the whole of Scotland. Some of the magistrates in Glasgow are very lenient—sentences from 2s. 6d. upwards.

395. Have the police any special powers in Glasgow as contrasted with other burghs?—As contrasted with the burghs, no; but as contrasted with the counties they have.

396. In fact the burghs have adopted the powers of the special Act for Glasgow?—Yes.

397. We have been told about the system that prevails here of liberating men arrested on a charge of committing petty thefts, drunkenness especially, on their leaving behind them a pledge?—That exists all over.

398. How is it worked?—The lieutenant on duty, under the Glasgow Police Act, has the power of liberating offenders brought in on such offences. Suppose a person is brought in drunk, when he is sober and able to take care of himself, and leaves a pledge behind him, he is let out. The maximum penalty is 40s., and the lieutenant is generally instructed not to take under 7s. 6d. But in exceptional cases he may take 5s.

399. Then the amount of the pledges do not vary in different parts of the city?—No. We strike an average of the fines imposed by the magistrates throughout the city, and fix the pledge accordingly.

400. And the instructions are given to the lieutenants to adopt the same rules as to the amount all over the city?—That is so.

401. Have you any information as to the amount of money left in the shape of pledges, separating into different classes the different offences—take drunkenness, for instance?—I was not aware that you wanted that. We have a great many of that class of offender pledged out between Saturday and Monday morning. Take the Central Court, for instance. We may have 70 or 80 drunks coming in, and when the Court on Monday morning arrives there are perhaps a fourth of them pledged.

402. I suppose the men who leave pledges do not turn up?—Very seldom.

403. And these pledges include bails paid for their liberation by friends?—When sober we give them the opportunity of communicating with their friends, and if the friends find the pledge we liberate them. If a man has no money, and if he has a watch or any other article equivalent to the pledge, we take it instead, and he can redeem it as soon as he likes, and if he does not redeem it at the expiry of a year it is sold under warrant of the magistrates.

404. You must have a curious assortment?—We have rather a mixed lot.

405. Do you notice any great diversity of sentences pronounced by the different magistrates?—Oh yes. There are great differences of opinion among the magistrates. Some do very little to the offenders at certain seasons of the year. They allow them to go, perhaps at the Fair time or at the New Year time.

They give them a little more latitude at such times. Others take a different view and impose sharp penalties.

406. And it depends a great deal upon the magistrate that the man is brought before? Yes. Prior to 1873 it was not the custom to bring 'drunk and incapables' before the Court at all. The lieutenant had the power given him by the magistrates, through the Chief Constable, to liberate them without any trial at all, and if they had 2s. 6d., or a pledge of any kind, it was taken from them, but if they had not they were sent away all the same. In the year 1866, when the present Act then came in force, there were 15,218 males and 8704 females arrested, and of that number there were convicted or forfeited pledges, only 368 males and 218 females. All the others were discharged by the lieutenant in the morning when they got sober. A new state of matters came into force in 1873, when instructions were issued by the magistrates that all offenders were to be brought before the Court, or only liberated on pledge.

407. Are you aware of the suggestion made in various quarters that habitual drunkards should be dealt with in a particular way?—Yes.

408. But the preliminary question arises how are you to identify the habitual drunkard, and it has been suggested that so many convictions for drunkenness, or crimes of which drunkenness forms a large part—such as disorderly drunkenness, assault and drunkenness—within a given time, should render a man an habitual drunkard, and make him liable to be dealt with under the powers proposed to be given to the authorities. Now the preliminary objection arises. You keep no record of these prisoners discharged on pledge?—Yes we do. There is a district register in which the apprehension of every man, and the crime with which he is charged, is entered into, and also the time of his discharge.

409. But, I suppose in almost all these cases, false names may be given?—In many cases false names are given. Sometimes you cannot get names at all, until the people get sober.

410. Then forfeiting a pledge does not imply guilt, and it does not imply innocence?—No. Of course it cannot be charged as an aggravation. In fact, at present we cannot charge any person—a drunk, or incapable, or prostitute—with any aggravation of previous conviction. We are asking for that power just now in a Bill which is being prepared.

411. In that respect drunkenness is treated in a different manner to England, for in England a second conviction renders a man liable to a higher penalty, and a third to a still higher?—I am not so certain of the penalties in England, but there are statutes of that kind dealing with certain offences in Scotland, but not in regard to drunkenness. Forty shillings is the highest penalty for drunkenness under the Police Act, but the magistrate may go further. In addition to that penalty he may impose a further penalty of £10, with the alternative of 30 days imprisonment, to ensure the good behaviour of the offender for 12 months, and in the event of his being unable to find the caution of £10, he has to go to prison for the period named. I have never known, however, of a single instance of that power being exercised.

412. I believe it is enforced in England, but not very generally, so far as I know. But we did not get your answer as to what you would consider an habitual drunkard?—I should say that the judge should be left to judge generally as to what is an habitual drunkard. To narrow it down to a certain number of convictions, say for four or five times, or six times, in the course of a year, would be, in my opinion, rather a dangerous thing to do.

413. Why?—Well, we have instances of a working man who many get tipsy at the end of a fortnight when he gets his pay, and gets convicted. He goes off to his work on Monday morning and works all the fortnight sober, and supports his family, and discharges all his duties; and then again, at the end of the following fortnight when he gets his next pay, he again falls into our hands. I think it would be a very hard thing to deprive the wife and family of that man's support.

414. Then you would not say six times?—I should say rather that the police magistrate should be compelled, if a prisoner comes before him on a charge of drunkenness, or an offence involving drunkenness, and he finds the man is an habitual drunkard—of course you would define that in your Act—that he should have to send that man to the sheriff, to be dealt with as an habitual drunkard. I am of opinion that if you give the power to our magistrates, many of them are so lenient that the power would not be enforced. In our Courts, with 200 or 300 drunks passing before the magistrate—one might have 150 before him in the morning—it would be rather sharp work for the magistrate to send a man off to years of confinement. I think it should be stated to the man that he is going to be dealt with under the Act, and that he should be sent to the sheriff for that purpose. He would get a copy of the libel served upon him, the same as in any ordinary criminal case, and would have the opportunity of collecting evidence to defend himself on the charge of being an habitual drunkard, within the interpretation of the act.

415. Can you give us any specimens of habitual drunkards in Glasgow, with whom the police of Glasgow are concerned?—We have a number, more especially these poor unfortunate women who are in our hands very often, and would come under the provisions of such an act. There were in one year 248 females, and 87 males, who were convicted more than four times of offences involving drunkenness and disorderliness, or importuning.

416. That is rather a small number; can you give us six or eight times?—Well, I have not got it here beside me, but I sent a return to the secretary showing the number committed five times and upwards. As I have already said, we have only district registers for these petty offences, and the number of convictions are not so readily obtainable; but, if these offences were to be charged as aggravations, we would have to do as we do in the criminal cases—keep a central register for the whole city.

417. You would not have the drunks all brought into one particular Police Office?—No. I do not think that would do; but I may say that, taking it all round, drunks as a rule stick pretty closely to the district they stay in. It is different with females for importuning, because, whenever they become known in one part of the city, they go to another.

418. We have been told that there is a large number of persons, some 5000 or so, vagrants destitute of accommodation for the night, who go about and sleep in the Police Offices?—We have a great many people who come and ask protection and shelter for the night. We do not encourage them; but we do not at the same time care about turning them out.

419. What sort of people are they?—Destitute people; tramps perhaps passing through the city, or any person destitute of a home. We give the lieutenants leave, if they have accommodation, to give them shelter; but to discourage it. They are not put beside prisoners. They are kept till the morning, and get a little bread, and are then turned away.

420. Is that simply a benevolent thing?—We have no power to do it. We simply do it at their request.

421. Is it done anywhere else?—I think it is done over the whole country.

422. And it to some extent takes the place of the casual wards?—It does to some extent. In the first instance we direct them to the night asylum, and if they come back to us telling us that the night asylum is full, and they cannot get in, rather than have them on the street we take them in.

423. Have you many children among these?—No, not many. Sometimes it happens that a woman with a child may come in, but this practice is decreasing gradually, because we discourage it.

424. No doubt you know of the great trouble that has been given in England about how to deal with casuals. It is said that the greater number of them are

John Boyd.
13 Nov. 1894.

a very bad lot of people. Is that the same sort of class that frequent your office?—No. When they are known to the police to be bad characters, and just coming to take the loan of us for the night, we do not give them protection at all; those we give protection to are mostly people who would create sympathy; people not criminals. As for vagrants we usually take them before the Court if we find them sleeping on stairs, or about kilns, or anywhere at large.

425. How does the magistrate deal with them?—They get 14 days for the first offence, or 30 days for the second; but for the first offence the magistrates as a rule never sends them to prison. For the first offence they are usually advised to go to the poorhouse.

426. But there must be a very large class unqualified for the poorhouse?—Able-bodied men found sleeping out at nights, the magistrates invariably send to prison for short periods.

427. Is vagrancy much of a trouble in Glasgow?—No.

428. Have you any experience of other places?—I have had no experience of other places, but I think in Glasgow it has diminished very much, both vagrancy and drunkenness.

429. Drunkenness decreasing?—Will you give us statistics of that?—Take from 1875, as before that our system of classification was different. The number of convictions, including forfeitures in the city for being drunk and incapable in 1875, was 15,835, while the population then was 500,000. In 1893 the number was 16,043, with a population of 680,000, or close upon 700,000, so that the number I have given you for 1893 is almost similar to that of 1875, and the population has increased as stated. Another thing we have to bear in mind is that about Glasgow the railway facilities are great, and it being surrounded by so many towns and villages, has its streets crowded on a Saturday evening, and many cases arise from persons visiting the city.

430. I notice in reading your return you include convictions and forfeitures of pledges?—I am including forfeitures and pledges here.

431. So that you regard the forfeitures of pledges as in all probability guilt of drunkenness?—Yes.

432. Can you give us the comparative numbers in regard to disorderly and other petty offences not cases of drunkenness?—In 1875 there were 25,298, whereas in 1893 there were 20,662, so that that is a considerable decrease when the increase of the population is considered.

433. We see that the number of arrests and convictions for these petty offences in Glasgow is enormously greater than many other large cities in the three countries?—Glasgow has had Police Acts rather in advance of many places throughout the country, and we have been dealing with offences in Glasgow that escape in other towns. You cannot compare England with Scotland, because the procedure is so different. A man is not dealt with there for drunkenness at all. When a man is brought in there for drunkenness he goes off as soon as he is sober. Here we keep him, and get a pledge from him, or bring him before the Court.

434. Do you think that the excess of arrests and convictions in Glasgow and in Scotland generally, compared with England, is an unmitigated good?—It is bound to do good. The statistics look bad, but it is bound to do good if imprisonment has any deterrant effect.

435. Have you any statistics?—Nothing beyond that. I should like very much to see an experiment made by taking these poor characters away from us for some time, to see if they could get any power over their own will.

436. You have told us how you identify them—persons who have been convicted a number of times, and who are considered by the magistrate to be habitual drunkards?—But I would not wait upon convictions. I would go farther. You might get a man who was brought before the Court and only a single conviction against him, and his wife might then reveal that he gave her no support, that he was never sober, and that he was of no use to his family. I would say that that man should be sent to the sheriff for disposal as an habitual drunkard.

John Boyd.
13 Nov. 1894.

437. Well, that opens up another and very difficult subject; that is, of dealing with drunkards at the instance of their friends and relatives?—Well, I have thought of that, but I am dealing with a man who is brought before a Court for assault upon his wife, and who is stated on the evidence there to be an habitual drunkard. I say you should not wait for a number of convictions.

438. About beggary; have you much of that?—We are pretty free from that in Glasgow.

439. Do you look after it sharply?—Yes; we put out men from time to time in plain clothes, when we think it is bad, the same as we do in respect to fallen women.

440. And the number of your convictions for begging is what?—The number is in my annual return.

441. (*By Prof. Dove Wilson.*) When a person is brought up just now as a 'drunk and incapable,' have you any means to distinguish between an habitual drunkard, and a person who is brought up for the first time?—Unless the constable on the beat knows the man himself personally, we have no means of knowing that, unless we were to make special inquiry.

442. Would it not be much better to have the previous convictions libelled and proved in the ordinary way?—That is what I say. I have in a Bill now proposed for Glasgow got a clause put in that all convictions for contraventions should be charged as aggravations.

443. And do you take care that that aggravation is not to be mentioned to the magistrate?—According to the general law we must first prove our case before we mention the convictions.

444. Then at present it is very much a matter of accident distinguishing between the habitual drunkard and the man in for the first time?—Well, the policeman and the turnkeys come to know them by headmark, and may be able to state their character.

445. Is that done in the court?—Sometimes, although it is not regular. The question is sometimes asked, but the fiscal could take objection to it.

446. Is it not more irregular to deal with a man as a habitual offender without giving him notice of it?—I said I would send him to the sheriff so that he might be dealt with after notice.

447. Have you any provision in Glasgow by which an able-bodied person who is in temporary want can get food and shelter in exchange for work?—We have been in the habit of forwarding any cases of that kind to the Charity Organisation Society, and they have started a home just now—and the police are co-operating with them—where persons may get work such as breaking fire-wood. Last week the society sent us 40,000 circulars, which I caused to be delivered by the police in all the shops and places in the city, so that persons applying could be sent to the Charity Organisation Society.

448. Have you many juveniles committed here to prison?—Not many.

449. Any under the age of 12 committed to prison here?—We have occasionally, but very seldom. I have given the number to the clerk of this Committee of those committed under 14, but they are very few.

450. (*By Dr. Farquharson.*) Are you familiar with people who take their bouts of drinking and are quite sane between times?—Yes.

451. A man of that kind might be brought under Magisterial Supervision five or six times, and yet at other times might be quite sane and discharging all his responsible duties. Do you think there might be an injustice to confine that individual?—Where a man is able to control himself, say for three, or four, or six months at a time, I do not think it would be right to send him away.

452. Then the habitual soaker who does not come under your notice would be a more legitimate person to be put under supervision than that?—Yes.

453. Do you think a short period of imprisonment has any deterrent effect on the habitual?—Very little;

but I would like to see our magistrates more severe with them before they become habituals.

454. You think their power of will is then gone?—Yes; and the only chance for them would be to get them removed altogether.

455. Would you be in favour of some plan for prolonged detention?—Yes; that is the only plan, but even of that I have little hope, for in regard to our convicts very few of them abstain from drink when they come back.

456. In the case of a convict, would that not be because, perhaps, he could not get work when he comes back?—That is not the case. There is more done in my opinion for convicts and prisoners coming out of prison than there is done in many cases for deserving poor. They are taken by the hand by the Prison Society, and a great deal is done for them, and many a one I have got into employment myself.

457. Have you formed any idea in your own mind what would be the minimum period of detention to reclaim the habitual drunkard?—Well, that is more for a medical man, but I should say not less than 12 months.

458. (*By Col. M'Hardy.*) Can you give us any more explanation about the numbers per thousand apprehended in Glasgow in comparison with all the rest of the country. It is so extraordinarily, so immensely different? For instance, I read in the return which has been prepared by our Secretary—for disorderly and breach of the peace over the country—Glasgow, 60 persons per 1000; Edinburgh, 24. Now take Dundee, a good specimen of a town where the population at any rate is not all quiescent, 28 as compared with 60 in Glasgow. Then take Leith, 20 per 1000 instead of 60 in Glasgow. Then here is another town which might be very fairly compared; Greenock, 33 per 1000, as compared with 60—a town with a large Irish population; Govan, which is contiguous to Glasgow, in fact with continuous streets, but with a different police force, I believe, 28 per 1000; and—without going out of this country—could you give any explanation of that?—I think that the general explanation I gave in answer to Sir Charles Cameron goes a long way. Govan is really part of Glasgow. On a Saturday night you find the people come in to Glasgow. You are drawing the average on Glasgow's population, and Glasgow all the time is bearing the burden of those other populous places round about. To compare Glasgow with Edinburgh and Dundee is out of the question. The population is altogether different.

459. Would you say that Dundee's population is better, on the average, than Glasgow's?—I cannot say that it is. Here you have a mining population, and you have ironworkers, many of whom are of the lowest class, and these spend their money freely on drink. In Dundee it is different—cotton workers, jute workers, and mill girls, not likely to spend their money so freely. The people round about Dundee have not the same facilities for getting into the city as in the case of Glasgow; and the inclination of the people is to come into the city on festivals and at times of rejoicing. I could also remark about Dundee that the Government Inspector has pointed out that the force of police there is numerically weak.

460. And it depends to a certain extent on the police?—The more police, the fewer cases of drunkenness will be passed. If you have fewer policemen you will have less cases.

461. There is a very interesting thing you mentioned about different treatment beginning in 1873. The number of disorderly cases before that was comparatively small, but it seems to have bounded up suddenly; was that owing to fresh legislation or police arrangements?—Prior to the 1866 Act cases of disorderly conduct were treated as 'drunk and disorderly,' but that was found inoperative, because in many cases they were disorderly and not drunk. Other cases were classed as 'breaches of the peace.' It was found advisable to reclassify the offences, and drunks, assaults, breaches of the peace, and disorderly conduct were all treated separately.

462. The result of it was to increase largely the number of your apprehension and committals to prison?—After 1873. Prior to 1873 the Police Authorities did not encourage the police to bring in drunk and incapable prisoners, because they were not brought before the Court. After the constables received instructions that all prisoners were to be brought before the Court, then they had some inducement to bring in prisoners, because there was something to show for their work.

463. But the action of the police was not forced upon them by some new statute; it was a fresh instruction given as to the ranking of the cases?—I have explained to you that prior to the passing of the Act of 1866 certain cases were classified together. After the 1866 Act was passed, cases of drunkenness were not taken before the Courts, but when in 1873 the instructions were given to bring all 'drunks' before the Court, that increased the vigilance of the police. Previous to 1873 many cases of drunkenness were passed on the streets which would now be taken up by the police.

464. If a constable comes across a drunken man is the only recourse for him the Police Office?—The police cannot touch a man for simply being under the influence of drink.

465. But if he has committed what might be a breach of the peace, has a constable any instructions to see if he can restore the peace, or quiet the disturbance, and perhaps help the man home?—If it is merely a drunken man about his own door trying to get home, or kicking up a noise and disturbance, in many cases the police would endeavour to get him into his house. I cannot say, however, that they are decidedly told not to arrest the man, but the practice is to get the man away quietly. If they cannot get him away, then they must take him into custody.

466. Now, about nomads who come and go, do you see much of them in Glasgow?—We do not see much of them. They go to the like of the Night Asylum. They may come to us for a night's lodging occasionally, and we may give it to them.

467. But their numbers are not so large that your people take any notice of them?—For many years all vagrants and beggars have been sharply dealt with. No doubt some of the Parochial Authorities would like us to go still farther, and deal with old men and women and others sitting in quiet places begging, but I hold that the people are largely to blame for these being there; if they did not get the coppers they would not continue to beg. We have been, however, exceedingly free of vagrancy in Glasgow.

468. You are, I think you said, now asking for longer sentences?—No: I am asking, under this new Act, that contraventions should be stated as aggravations.

469. But not for any difference in the sentences now in vogue?—No.

470. There is just one point of some importance. We were talking about the effect of long sentences and short sentences on habituals; I suppose you agree that a short sentence has no good effect whatever?—That is so. On the question of long sentences, the effect, as you know very well, often appears in the case of penal servitude prisoners. It does not seem to have very much good effect upon them.

471. In fact, they are very often committed again even when on license?—Very frequently.

472. In talking of prolonged seclusion for cases of inebriates or habitual offenders, there would be a considerable difference of treatment to that of a convict in a penal settlement?—I would expect so.

473. In the case of a convict the sentence is carried out without any respect to the man's will: he has no choice or will in what he may do?—He is under control in every respect.

474. And therefore, it can hardly be expected that a man's will will be strengthened when he comes out from a prolonged treatment of that kind?—Well, I don't know that that follows. A man's will may be strengthened. But I would not give the same treatment. In the case of a convict you are punishing the man for a crime, and it is right that he should

John Boyd. 13 Nov. 1894.

may have some effect on the smaller number of convictions, but the prison authorities have a better opportunity of judging of that than I have.

526. The longer you keep these habituals out of the way, is it not bound to diminish the opportunity of committing an offence, and consequently the apprehensions?—No doubt.

527. (*By Miss Stevenson.*) In your proposal for dealing with habitual drunkards you spoke of getting evidence from the man's family; is it not the case that very often women, after having got their husbands apprehended for cruelty, are very unwilling to give the evidence necessary for the conviction?—Yes.

528. Would it not be necessary to have some further evidence?—That is just why I wanted these cases remitted to the sheriff, so that fuller information might be got from the man's relatives or neighbours. [The witness withdrew.]

[ADJOURNED.]

THIRD DAY.

Glasgow, 14th November 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman*).
Lieut-Col. M'HARDY, R.E.
Dr. R. FARQUHARSON, M.P.
Col. Sir COLIN SCOTT MONCRIEFF, R.E.
Dr. J. F. SUTHERLAND.
Miss F. C. STEVENSON.

The Rev. ALEXANDER R. MACEWEN, D.D., of Claremont U.P. Church, the Rev. ROBERT CAMPBELL of Calton U.P. Church, and the Rev. ALEXANDER BROWN of Pollokshields U.P. Church, as representing the United Presbytery of Glasgow, were called in and examined.

Rev. Dr. A. R. MacEwen. 14 Nov. 1894.

THE REV. A. R. MACEWEN, D.D., examined by the CHAIRMAN

529. You are minister of Claremont U.P. Church?—Yes.

530. And you come before the Committee as the representative of the United Presbyterian Presbytery of Glasgow?—The Rev. Mr. Campbell, the Rev. Mr. Brown, and myself, were appointed to ascertain and express the general mind of our Presbytery; and, although we have no verbal instructions, the Presbytery have been made aware of the lines of evidence which we propose to submit to the Committee.

531. On what point do you wish to give evidence?—It was suggested to us by the secretary of the Committee that there might be special value in our evidence with regard to the treatment of habitual drunkards, and it is on that point we propose to speak.

532. Will you please give us your suggestions on that point?—We are strongly of opinion that compulsory legislation is desirable; indeed, that it is essential as a preventive, not only of misery and poverty, but of crime. According to the existing law the consent of the habitual drunkard is required. We consider it almost impossible to get such consent in the majority of cases where confinement or restraint is essential.

533. What evidence do you desire before proceeding?—We think that evidence of cruelty and otherwise offensive and dangerous behaviour should be sufficient to justify what would practically be incarceration. No doubt it would be difficult to get evidence; yet in extreme cases sufficient evidence would be forthcoming, and of course such legislation should apply only to extreme cases. That is the first point on which we, as representing the Presbytery, are unanimous.

534. Then, as to the second point?—That is as regards the period of detention. We regard that as a medical question, to be determined by individual needs. Our experience, however, is that as a rule, when isolation is enforced as a cure for intemperance, the period of isolation is too short; but that, we think, should be decided by medical men, according to the individual case.

535. Then, as to the question of provision for treatment?—As to the provision of Retreats, we hold that it should not be left to individual enterprise, but that provision should be made for having adequate accommodation within reach of a city—say, like this—and that they should not have the precarious character, which is inevitable when a Retreat is licensed only where an individual thinks it may be for his pecuniary advantage to set one going. Purely permissive legislation, although combined with Government control, is, we think, inadequate.

536. What are your views regarding the upkeep of such Retreats?—It has been suggested to us that this is a matter with which churches or philanthropic agencies might possibly deal. We regard that as quite impracticable and undesirable for several reasons.

537. What are these reasons?—Habitual drunkards as a rule remove themselves out of all relation with the church, and are anxious to avoid contact with the clergy and with church officials of any sort, especially when they are of the well-to-do classes. That is our experience in 99 cases out of 100. When there is an habitual drunkard in a family, for a time the fact is kept out of our notice, and when it does come under our notice there is a likelihood that the whole family may loosen or break entirely connection with the church.

538. That is your first reason—you have other reasons?—Our second reason for saying the churches should not support or contribute largely to such Retreats is that we have no funds for such purposes. No church, whether Established or otherwise, has any such funds; and special contributions could not with propriety be raised. We further think it would be inconsistent and unreasonable to carry out a national and compulsory scheme by voluntary, and therefore precarious contributions.

539. How do you think such institutions should be supported then?—Our idea is that such asylums should be supported by proportionate payment, according to the interests involved. From the relatives or the actual resources of habitual drunkards there should be payment so far as that is possible. If it were manageable, the expenses should be entirely defrayed by them; but the great difficulty is, that there rarely are available resources. I might illustrate how it occurs to us clergymen. I can think of a case where there is an habitual drunkard—a man not drunk every day of the week, but occasionally and dangerously so. His earnings, when

he is sober, are the only resources of the household, and obviously, if he were incarcerated, any payments from his relatives would be absolutely impossible.

540. Do you think that any help would come from outside agencies?—We think that help might be, and occasionally would be, given by churches and other philanthropic agencies, but the cost, in its further incidence, should be defrayed partly by local assessment, the locality having definite interest in the matter, and partly by Imperial funds.

541. Would you please go a little more minutely into the matter of the different classes of habitual drunkards? There are three classes with whom it has been proposed to deal. The first are those who voluntarily are willing to place themselves under restraint, and whose case is partially provided for by legislation at the present time. There is a skeleton of legislation which could be elaborated. The second class are those whom it has been proposed to commit at the instance of their relatives, and who won't submit to compulsion, but whom it has been proposed to bring before Judicial Authorities, and allow them at the instance of their relatives to pronounce them habitual drunkards and confine them at the relatives' own cost. And the third class are the *quasi* criminal drunkards, who are constantly brought before the police, who are a nuisance and a great cost to society, and whom it has been proposed to deal with on behalf of the State. I presume that your recommendations are chiefly in regard to the third class?—Not wholly.

542. Well, we need not take the first class, but let us take the second, whom it has been proposed to pronounce habitual drunkards at the instance of their friends, and against their own wish. Do you think that public opinion in your Presbytery would sanction and justify such a proceeding?—Yes.

543. Do you think from your experience of Scottish society that it is ripe for such a thing?—Yes.

544. As to the third class—the *quasi* criminal class—have you any definite idea as to how you would define a *quasi* criminal habitual drunkard—would you base the definition upon a certain number of convictions within a certain time; and if so, what would be your idea?—This I should say has not been before our Presbytery, but we have talked over the matter. We are not of opinion that actual convictions for crime should be prerequisites to compulsory treatment.

545. For drunkenness?—I have no suggestion to make.

546. Have you in the course of your ministerial occupation met with great numbers of cases in which habitual drunkenness was a great evil?—(*The Rev. Mr. Campbell.*) Oh, a great evil!

547. Do you think that in such cases the families would be able to take the initiative to lock up their bread-winner?—(*The Rev. Mr. Campbell.*) In some cases they would. (*The Rev. Dr. MacEwen.*) Might I say it is very difficult to persuade, say a wife, to give evidence of any sort in such a case. The case requires to be extreme, but we think that only extreme cases ought to be dealt with. (*The Rev. Mr. Brown.*) It might be possible to have a movement originated by some way outside the family, so that the case might be taken up.

548. Whom would you entrust with such a delicate function?—(*The Rev. Mr. Brown.*) Something was said about bringing him before a Judicial Authority on the relatives' suggested action. Could the same complaint not be made by others, not relatives?

549. That was a recommendation by Dr. Dalrymple's Committee, and was a suggestion contained in the first Habitual Drunkards Bill?—(*The Rev. Mr. Brown.*) My reason for referring to it is that, while in extreme cases you will get the wife or a member of the family to complain, yet there are a good number of cases when every member of the family, and all those related to the person, try to conceal and yet the community or the immediate district not only know the fact, but are annoyed and injured. That is why it would be advisable to have a power of initiation outside the relationship, to bring up such a case.

550. Yes; but to whom would you entrust such a matter as the initiation of proceedings, which in such a case would require to be entirely civil, and not even *quasi* criminal?—(*The Rev. Dr. MacEwen.*) Would it not be a police offence?

551. (*By Sir Colin Scott Moncrieff.*) We are just now contemplating cases where the drunkard has not been brought up as a *quasi* criminal, but where he is a nuisance and disgrace to his family?—(*The Rev. Dr. MacEwen.*) And a trouble to the neighbourhood.

552. In that case would he come under the cognisance of the police?—(*The Rev. Mr. Brown.*) I would like to believe the police are always faithful to their duty, but I have an impression that in the better circles of society the police are not particularly anxious to make *quasi* criminals of those who are occasionally or even frequently drunk.

553. (*By the Chairman.*) Then you think the vigilance of the police might be increased?—(*The Rev. Mr. Brown.*) I think they might have the power of initiation where the better classes are concerned. You get police action more amongst the lower classes. Drunkenness can be better concealed by the better off families, so as not to be so visible in the community.

554. But do you think that it is among the better or wealthier classes that the greatest need is felt for powers of committal of habitual drunkards, whose maintenance they would have to pay for, even against his will?—(*The Rev. Mr. Brown.*) It is for that sphere more than any other that I want to see legislation. (*The Rev. Dr. MacEwen.*) We feel that the distinction which you draw, while it may be necessary for your inquiry, is a little apt to complicate the matter—this distinction between classes. There are labouring people who are neither well-to-do nor criminals, but who ought to be reached. Your classification seems hardly to recognise that between what we call the well-to-do class and the criminal class, there is another large class. (*The Rev. Mr. Campbell.*) Who are habitually drunk every Saturday and Sunday, and able to go to their work on Monday.

555. I do not wish to make any offensive distinction between classes, so I will put it classes able to pay for maintenance of habitual drunkards and the class unable to pay.—(*The Rev. Dr. MacEwen.*) Well, what we felt was that that did not touch the working or artisan class. They are outside the criminal class, and equally outside the class of those who could pay; and it is very important that they should be dealt with.

556. Then how do you propose to deal with them?—(*The Rev. Dr. MacEwen.*) It is a police matter.

557. And would you therefore make it *quasi* criminal matter?—Yes; quite so.

558. (*By Sir Colin Scott Moncrieff.*) Do you think there is a large class among the poorer classes who are doing honest work five or six days of the week, and getting drunk on the seventh?—(*The Rev. Mr. Campbell.*) Yes; they work on a number of days of the week, not on the others.

559. But does the tremendous degradation of the habit not very soon pass them out into the semi-criminal class? We have an enormous number of cases of men, and still more unfortunately of women, who are brought up at the Police Court for being drunk and incapable and riotous. Is there besides that a class large enough to be legislated for, who keep within the bounds of the law, and yet are a curse to those connected with them?—(*The Rev. Mr. Campbell.*) A very large class.

560. And whom the police, so to speak, have no professional knowledge of?—(*The Rev. Mr. Campbell.*) All they know is that such and such a man usually goes home the worse of liquor on Saturday night or Sunday morning, and the police may help him along sometimes. (*The Rev. Dr. MacEwen.*) And this is a class which legislation should most carefully regard.

561. On the principle of prevention being better than cure?—(*The Rev. Dr. MacEwen.*) Yes.

562. An additional reason for having an outside power to take the initiative would be, I suppose, the recommendation that it is in no way desirable to en-

John Boyd. 13 Nov. 1894.

may have some effect on the smaller number of convictions, but the prison authorities have a better opportunity of judging of that than I have.

526. The longer you keep these habituals out of the way, is it not bound to diminish the opportunity of committing an offence, and consequently the apprehensions?—No doubt.

527. (*By Miss Stevenson.*) In your proposal for dealing with habitual drunkards you spoke of getting evidence from the man's family; is it not the case that very often women, after having got their husbands apprehended for cruelty, are very unwilling to give the evidence necessary for the conviction?—Yes.

528. Would it not be necessary to have some further evidence?—That is just why I wanted these cases remitted to the sheriff, so that fuller information might be got from the man's relatives or neighbours. [The witness withdrew.]

[ADJOURNED.]

THIRD DAY.

Glasgow, 14th November 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman*).
Lieut-Col. M'HARDY, R.E.
Dr. R. FARQUHARSON, M.P.
Col. Sir COLIN SCOTT MONCRIEFF, R.E.
Dr. J. F. SUTHERLAND.
Miss F. C. STEVENSON.

The Rev. ALEXANDER R. MACEWEN, D.D., of Claremont U.P. Church, the Rev. ROBERT CAMPBELL of Calton U.P. Church, and the Rev. ALEXANDER BROWN of Pollokshields U.P. Church, as representing the United Presbytery of Glasgow, were called in and examined.

Rev. Dr. A. R. MacEwen. 14 Nov. 1894.

THE REV. A. R. MACEWEN, D.D., examined by the CHAIRMAN

529. You are minister of Claremont U.P. Church?—Yes.

530. And you come before the Committee as the representative of the United Presbyterian Presbytery of Glasgow?—The Rev. Mr. Campbell, the Rev. Mr. Brown, and myself, were appointed to ascertain and express the general mind of our Presbytery; and, although we have no verbal instructions, the Presbytery have been made aware of the lines of evidence which we propose to submit to the Committee.

531. On what point do you wish to give evidence?—It was suggested to us by the secretary of the Committee that there might be special value in our evidence with regard to the treatment of habitual drunkards, and it is on that point we propose to speak.

532. Will you please give us your suggestions on that point?—We are strongly of opinion that compulsory legislation is desirable; indeed, that it is essential as a preventive, not only of misery and poverty, but of crime. According to the existing law the consent of the habitual drunkard is required. We consider it almost impossible to get such consent in the majority of cases where confinement or restraint is essential.

533. What evidence do you desire before proceeding?—We think that evidence of cruelty and otherwise offensive and dangerous behaviour should be sufficient to justify what would practically be incarceration. No doubt it would be difficult to get evidence; yet in extreme cases sufficient evidence would be forthcoming, and of course such legislation should apply only to extreme cases. That is the first point on which we, as representing the Presbytery, are unanimous.

534. Then, as to the second point?—That is as regards the period of detention. We regard that as a medical question, to be determined by individual needs. Our experience, however, is that as a rule, when isolation is enforced as a cure for intemperance, the period of isolation is too short; but that, we think, should be decided by medical men, according to the individual case.

535. Then, as to the question of provision for treatment?—As to the provision of Retreats, we hold that it should not be left to individual enterprise, but that provision should be made for having adequate accommodation within reach of a city—say, like this—and that they should not have the precarious character, which is inevitable when a Retreat is licensed only where an individual thinks it may be for his pecuniary advantage to set one going. Purely permissive legislation, although combined with Government control, is, we think, inadequate.

536. What are your views regarding the upkeep of such Retreats?—It has been suggested to us that this is a matter with which churches or philanthropic agencies might possibly deal. We regard that as quite impracticable and undesirable for several reasons.

537. What are these reasons?—Habitual drunkards as a rule remove themselves out of all relation with the church, and are anxious to avoid contact with the clergy and with church officials of any sort, especially when they are of the well-to-do classes. That is our experience in 99 cases out of 100. When there is an habitual drunkard in a family, for a time the fact is kept out of our notice, and when it does come under our notice there is a likelihood that the whole family may loosen or break entirely connection with the church.

538. That is your first reason—you have other reasons?—Our second reason for saying the churches should not support or contribute largely to such Retreats is that we have no funds for such purposes. No church, whether Established or otherwise, has any such funds; and special contributions could not with propriety be raised. We further think it would be inconsistent and unreasonable to carry out a national and compulsory scheme by voluntary, and therefore precarious contributions.

539. How do you think such institutions should be supported then?—Our idea is that such asylums should be supported by proportionate payment, according to the interests involved. From the relatives or the actual resources of habitual drunkards there should be payment so far as that is possible. If it were manageable, the expenses should be entirely defrayed by them; but the great difficulty is, that there rarely are available resources. I might illustrate how it occurs to us clergymen. I can think of a case where there is an habitual drunkard—a man not drunk every day of the week, but occasionally and dangerously so. His earnings, when

Rev. Dr. A. R. MacEwen. 14 Nov. 1894.

he is sober, are the only resources of the household, and obviously, if he were incarcerated, any payments from his relatives would be absolutely impossible.

540. Do you think that any help would come from outside agencies?—We think that help might be, and occasionally would be, given by churches and other philanthropic agencies, but the cost, in its further incidence, should be defrayed partly by local assessment, the locality having definite interest in the matter, and partly by Imperial funds.

541. Would you please go a little more minutely into the matter of the different classes of habitual drunkards? There are three classes with whom it has been proposed to deal. The first are those who voluntarily are willing to place themselves under restraint, and whose case is partially provided for by legislation at the present time. There is a skeleton of legislation which could be elaborated. The second class are those whom it has been proposed to commit at the instance of their relatives, and who won't submit to compulsion, but whom it has been proposed to bring before Judicial Authorities, and allow them at the instance of their relatives to pronounce them habitual drunkards and confine them at the relatives' own cost. And the third class are the *quasi* criminal drunkards, who are constantly brought before the police, who are a nuisance and a great cost to society, and whom it has been proposed to deal with on behalf of the State. I presume that your recommendations are chiefly in regard to the third class?—Not wholly.

542. Well, we need not take the first class, but let us take the second, whom it has been proposed to pronounce habitual drunkards at the instance of their friends, and against their own wish. Do you think that public opinion in your Presbytery would sanction and justify such a proceeding?—Yes.

543. Do you think from your experience of Scottish society that it is ripe for such a thing?—Yes.

544. As to the third class—the *quasi* criminal class—have you any definite idea as to how you would define a *quasi* criminal habitual drunkard—would you base the definition upon a certain number of convictions within a certain time; and if so, what would be your idea?—This I should say has not been before our Presbytery, but we have talked over the matter. We are not of opinion that actual convictions for crime should be prerequisites to compulsory treatment.

545. For drunkenness?—I have no suggestion to make.

546. Have you in the course of your ministerial occupation met with great numbers of cases in which habitual drunkenness was a great evil?—(*The Rev. Mr. Campbell.*) Oh, a great evil!

547. Do you think that in such cases the families would be able to take the initiative to lock up their bread-winner?—(*The Rev. Mr. Campbell.*) In some cases they would. (*The Rev. Dr. MacEwen.*) Might I say it is very difficult to persuade, say a wife, to give evidence of any sort in such a case. The case requires to be extreme, but we think that only extreme cases ought to be dealt with. (*The Rev. Mr. Brown.*) It might be possible to have a movement originated by some way outside the family, so that the case might be taken up.

548. Whom would you entrust with such a delicate function?—(*The Rev. Mr. Brown.*) Something was said about bringing him before a Judicial Authority on the relatives' suggested action. Could the same complaint not be made by others, not relatives?

549. That was a recommendation by Dr. Dalrymple's Committee, and was a suggestion contained in the first Habitual Drunkards Bill?—(*The Rev. Mr. Brown.*) My reason for referring to it is that, while in extreme cases you will get the wife or a member of the family to complain, yet there are a good number of cases when every member of the family, and all those related to the person, try to conceal and yet the community or the immediate district not only know the fact, but are annoyed and injured. That is why it would be advisable to have a power of initiation outside the relationship, to bring up such a case.

550. Yes; but to whom would you entrust such a matter as the initiation of proceedings, which in such a case would require to be entirely civil, and not even *quasi* criminal?—(*The Rev. Dr. MacEwen.*) Would it not be a police offence?

551. (*By Sir Colin Scott Moncrieff.*) We are just now contemplating cases where the drunkard has not been brought up as a *quasi* criminal, but where he is a nuisance and disgrace to his family?—(*The Rev. Dr. MacEwen.*) And a trouble to the neighbourhood.

552. In that case would he come under the cognisance of the police?—(*The Rev. Mr. Brown.*) I would like to believe the police are always faithful to their duty, but I have an impression that in the better circles of society the police are not particularly anxious to make *quasi* criminals of those who are occasionally or even frequently drunk.

553. (*By the Chairman.*) Then you think the vigilance of the police might be increased?—(*The Rev. Mr. Brown.*) I think they might have the power of initiation where the better classes are concerned. You get police action more amongst the lower classes. Drunkenness can be better concealed by the better off families, so as not to be so visible in the community.

554. But do you think that it is among the better or wealthier classes that the greatest need is felt for powers of committal of habitual drunkards, whose maintenance they would have to pay for, even against his will?—(*The Rev. Mr. Brown.*) It is for that sphere more than any other that I want to see legislation. (*The Rev. Dr. MacEwen.*) We feel that the distinction which you draw, while it may be necessary for your inquiry, is a little apt to complicate the matter—this distinction between classes. There are labouring people who are neither well-to-do nor criminals, but who ought to be reached. Your classification seems hardly to recognise that between what we call the well-to-do class and the criminal class, there is another large class. (*The Rev. Mr. Campbell.*) Who are habitually drunk every Saturday and Sunday, and able to go to their work on Monday.

555. I do not wish to make any offensive distinction between classes, so I will put it classes able to pay for maintenance of habitual drunkards and the class unable to pay.—(*The Rev. Dr. MacEwen.*) Well, what we felt was that that did not touch the working or artisan class. They are outside the criminal class, and equally outside the class of those who could pay; and it is very important that they should be dealt with.

556. Then how do you propose to deal with them?—(*The Rev. Dr. MacEwen.*) It is a police matter.

557. And would you therefore make it *quasi* criminal matter?—Yes; quite so.

558. (*By Sir Colin Scott Moncrieff.*) Do you think there is a large class among the poorer classes who are doing honest work five or six days of the week, and getting drunk on the seventh?—(*The Rev. Mr. Campbell.*) Yes; they work on a number of days of the week, not on the others.

559. But does the tremendous degradation of the habit not very soon pass them out into the semi-criminal class? We have an enormous number of cases of men, and still more unfortunately of women, who are brought up at the Police Court for being drunk and incapable and riotous. Is there besides that a class large enough to be legislated for, who keep within the bounds of the law, and yet are a curse to those connected with them?—(*The Rev. Mr. Campbell.*) A very large class.

560. And whom the police, so to speak, have no professional knowledge of?—(*The Rev. Mr. Campbell.*) All they know is that such and such a man usually goes home the worse of liquor on Saturday night or Sunday morning, and the police may help him along sometimes. (*The Rev. Dr. MacEwen.*) And this is a class which legislation should most carefully regard.

561. On the principle of prevention being better than cure?—(*The Rev. Dr. MacEwen.*) Yes.

562. An additional reason for having an outside power to take the initiative would be, I suppose, the recommendation that it is in no way desirable to en-

Rev. Dr. A. R. MacEwen.

14 Nov. 1894.

courage relatives—it is a very humiliating thing for a wife or child to report on the bread-winner. I suppose you would rather have an outside influence?—Yes; I think so.

563. And have you any experience yourself, I do not say as to the theory of the length of detention, but as to practice? We have heard of one or two years and so on of detention. Have you any knowledge of cases which encouraged the hope that detention of one or two years in some well devised reformatory would reclaim the drunkard?—Where it goes beyond a year; but as I said before, we hesitate about speaking about that collectively, as it is rather a medical question. I personally may say I have known cases in which reclamation has been successful through isolation for a period of over a year, and cases where it has been entirely unsuccessful because the period has been shorter.

564. And you have reason to hope that, say within two years, the drunkard might be reclaimed, and have a strong enough will to resist drink?—Yes.

565. (*By Dr. Farquharson.*) Would you take up a case in which the bread-winner is quietly drunk at home, and does not ostentatiously display his drunkenness?—(*The Rev. Dr. MacEwen.*) I am not very sure that I would incarcerate a man who was quietly drunk at home.

566. But although quietly drunk himself he might be ruining his family. Would you consider that that is a fit subject for detention?—I am not prepared to say.

567. If you take away the bread-winner on whose earnings the family depend, would you support the wife and family by the State?—They would fall under the same heading exactly as widows and orphans.

568. Have you considered the question of expense generally? Don't you think it would be very large?—I should not like to speak of that.

569. You spoke as to the money being raised whether locally or by the State. Do you think a division between the two advisable; or could you suggest in what way it should take place?—No; I could not suggest a definite proportion.

570. (*By Col. M'Hardy.*) The class of drunkards to whom you are drawing our attention this morning is not that class that appears in the Police Court?—No.

571. It is a class where the police constable does not appear, but still there is suffering on the part of the family?—Yes.

572. Is the suffering to which you refer a monetary or a physical suffering?—It is both notably. It consists in the utmost difficulty on the part of the wife, for instance, to get from the husband enough to keep the house going; and, in the second place, it consists in a perpetual state of panic of bodily violence, which experience proves often to have a thoroughly good foundation.

573. You don't mean to take action against a workman who, when he gets his wages, drinks to some extent and goes home in some state of intoxication, more or less partial, whose action is thus negative?—No.

574. It is where a man, when he goes home, commits an assault on his wife or children, that you wish to step in?—Yes; and does evil to the other members of the community.

575. Apart from the domestic circle?—Yes. He may be a nuisance to those living on the same stair.

576. But that would be dealt with by the police?—Our general judgment, without criticising such an important body, is that those cases might be more adequately dealt with by the police.

577. But I mean if any assault takes place while the man is in a state of intoxication, a neighbour can appeal to the police?—(*The Rev. Mr. Campbell.*) Although there is no assault, the neighbours often are greatly troubled by drunken men on the stair. A great number of families living on one stair are greatly troubled with men coming home in a state of intoxication, mostly late on the Saturday night or early on Sunday morning.

578. But in the domestic circle the wife and the children suffer by being beaten, in fact there are cases continually cropping up?—Yes.

Rev. Dr. A. MacEwen.

14 Nov. 18

579. There is a society in some towns for the protection of women and children?—(*The Rev. Dr. MacEwen.*) Yes. There are societies in various shapes.

580. Is there such a society in Glasgow?—We have a society for the Prevention of Cruelty to Children, but it is a voluntary agency, and our opinion is that voluntary agencies are inadequate to deal with the case.

581. But is not this particular agency that you allude to, one for the purpose of producing evidence of the suffering of a family by the fault of members of it?—That is the main purpose of the existence of such societies; but, without any idea of criticising these societies, which serve admirable purposes, according to their resources and organisation, we think that they cannot carry them out sufficiently; their powers are inadequate.

582. But would not these societies, with the knowledge they at present possess—which I know in some towns is very considerable—would not they, if the law was sufficient, be quite able to act as prosecutors in the defence of wives and children in such cases?—They might be so organised as to be sufficient; but, as they at present stand, these societies, dependent entirely on the number of people who join them, and the amount of the subscriptions they get, are not strong enough.

583. (*By Miss Stevenson.*) In reference to the large class that has been referred to—those working men who are supposed to be able to work during four or five days a week, and yet may be called habitual drunkards as regards their conduct at the end of the week, is your information based on any inquiry generally?—Our information is based upon the fact that our work takes us habitually among people who are of that class, and also upon conversation which we, as members of the same profession, are habitually having one with another on the subject.

584. Then it appears from what you said that the police are active in apprehending very poor people who are drunk, but that they are inclined to deal more leniently with men who may be said to be of a more respectable class, are they not?—No; we did not mean to imply that. (*The Rev. Mr. Campbell.*) The police are exceedingly long-suffering, I may say, to the poor. (*The Rev. Dr. MacEwen.*) Yes; I agree with Mr. Campbell. I think the police are as tolerant with the poor as with the middle class.

585. You find a great many of the cases that come under your notice are due to the drunken habits of the parents, which result is cruelty to their wives and children?—Yes.

586. In that society to which you refer, I understand the only thing they can do is to remove the children from the care of the parents? I know they do that in Edinburgh, and so relieve the parents of all responsibility for their children?—That is so.

587. And do you think it would strengthen their work if they had more means of taking procedure against the drunken parents?—Yes; but one must remember that it is often the mother and not the father who is the drunken parent.

588. (*By Dr. Sutherland.*) You have been rather severe upon the male sex, have you not? The whole of your replies have been chiefly in regard to drunken men. Now, is the apprehension of drunken men in the cases you speak of, more frequent than that of women?—Our reason for this is that we were asked to consider the question of expense and outlay, and that the men are generally the bread-winners.

589. Is it not the fact that among that class drunken women are more common?—(*The Rev. Mr. Campbell.*) Exceedingly common.

590. Supposing the wife had a drunken husband, such as you describe, don't you think that such a family would be better without him?—Often.

591. If the woman is the drunkard, and you seclude her, the husband might suffer to a certain extent, but how would you propose to deal with the children?—

. Dr. A. R. cEwan. Nov. 1894.

(*The Rev. Dr. MacEwen.*) The father would have to deal with them as if his wife had died.

592. In taking the initiative, you said that it did not matter who took it, and that in many cases the relatives would have a hesitancy about doing so, but would not that difficulty be met by enacting that the relatives, or the police, or neighbours might take the initiative, and the sheriff might cite all of them to the inquiry?—Yes; I think it might take that form.

593. So that no injustice would be done in that case to men or women?—Yes. [The witnesses then withdrew.]

Rev. Dr. A. R. MacEwen. 14 Nov. 1894.

ert herland.

MR. ROBERT SUTHERLAND, Removing Officer to the Barony Parochial Board, Glasgow, called in and examined.

Robert Sutherland

594. (*By the Chairman.*) I understand that Mr Motion of the Barony Parochial Board, who gave evidence yesterday, has sent you here with a woman named Jane M'Polland, who has again got drunk, and whom he has sent along as a material piece of evidence as to the accuracy of the testimony he gave us?—That is so.

595. The Committee think it undesirable to see the woman, but by calling you, the fact will be noticed in the minutes?—Very well.

596. Have you anything to say?—Nothing further than that she is just one of the very worst pests.

597. How is she drunk now?—I expect she has just gone and got drunk after coming out of prison this morning.

598. Drunk already! I suppose you will take her to the poorhouse?—Yes, if she does not make herself so noisy that the police take her up.

599. (*By Sir Colin Scott Moncrieff.*) What age is she?—About 36 years.

600. (*By Dr. Farquharson.*) Is she married?—No.

601. What is her condition now?—She is lying in a state of stupor, but in endeavouring to get her to rise she may get up and drive at me.

602. (*By Dr. Sutherland.*) Where did she get the drink?—I have no idea.

603. (*By Dr. Farquharson.*) Does she take food, do you know, at all regularly?—I think she eats very little.

604. How long has she been in prison?—About 10 days.

605. How did you get her to bring her here?—She came to our office this morning. When she comes we try to persuade her to remain till the doctor comes. On many an occasion I have taken a cab and gone with her to the poorhouse so as to keep her till the doctor gave the necessary certificate.

606. Where does she get money to get drink?—I don't know. [The witness then withdrew.]

rge lvie.

MR. GEORGE OGILVIE, of City Parochial Board, Glasgow, called in and examined.

George Ogilvie.

607. (*By the Chairman.*) Will you explain your position in connection with the City Parochial Board?—I have been a member of the City Parochial Board for 15 years, for 4 years chairman of House Committee, and for 2 years chairman of the Board. I am and have been a member of the Glasgow Juvenile Delinquency Board, and chairman of the Rottenrow Day Industrial School for 12 years. Holding these offices, and from frequent and lengthened visits to the City Poorhouse, during which I held converse with its inmates, I am decidedly of opinion that Parochial Boards and Parish Councils should have powers to detain for lengthened periods men and women of advanced years who are regular frequenters both of prisons and poorhouses. In the City Poorhouse we have accommodation for 1543, but I have seen much larger numbers during some winters. Whilst I am of opinion that a majority of the inmates are deserving of every care and protection, and grateful for the comforts they enjoy, yet unfortunately there is a large number of very disreputable characters, who are constantly running in and out of the poorhouse, and on whose account, I think, Parochial Boards ought to have powers given them to apply to the sheriff or Justice of the Peace for a warrant to detain them for a lengthened period; at present they have only to intimate on their admission—'Governor, I want my 'liberty after three days residence,' and there is no power to detain them longer. It is amongst this class that the Poor Law Act is thoroughly understood; they are as familiar with its details as any inspector or governor.

608. You think that power ought to be given to the Parochial Boards and Parish Councils to detain paupers for lengthened periods?—I do.

609. You speak about the question of detention. Have you that power?—We are testing it. I hold that a woman who will not remain has no right to be admitted, especially when the doctor fills up the application form, a form such as this—'Is the pauper in good health?—Yes. Is the 'pauper able to do any work?—Yes.' If we do not admit them we give them a line of refusal, stating reasons; then they can go to the sheriff, and he can give an order to the Parochial Board to admit them. The sheriff usually gives intimation that if we wish to reclaim this order we are to appear within 14 days before him, and if we do so we have to appear by an agent, and the board has to pay their own agent and also the pauper's agent; and it is thus rarely that a Parochial Board ever goes before the sheriff, owing to the cost, which comes to about £8 or £9 for every case that is appealed to the sheriff. I find this woman I have referred to was refused admission on the 1st July, got admission on the 2nd, on the sheriff's order, and before 14 days had expired she was twice in and twice out, so that it appears absurd to go before the sheriff under such circumstances. From October of 1885 until 16th July of 1887 this woman was 31 times admitted. She is still alive, and regular in her admissions. I understand she has somewhere about 80 or 90 admissions, up to the present time. When we do not admit her she makes a great scene, cursing and swearing and that sort of thing. I hand in a table of her admissions:—

H. D. and Child. Admissions—24.10.85, 5 days; 30.10.85, 4 days; 6.11.85, 4 days; 13.11.85, 4 days; 4.12.85, 4 days; 23.7.86, 4 days; 21.10.86, 4 days; 29.10.86, 4 days; 4.11.86, 5 days; 13.11.86, 5 days; 26.11.86, 5 days; 4.12.86, 5 days; 16.12.86, 6 days; 31.12.86, 6 days; 28.1.87, 6 days; 10.2.87, 5 days; 19.2.87, 5 days; 4.3.87, 5 days; 15.3.87, 8 days; 31.3.87, 8 days; 9.4.87, 5 days; 17.4.87, 8 days; 29.4.87, 5 days; 7.5.87, 9 days; 20.5.87, 10 days; 4.6.87, 4 days; 11.6.87, 4 days; 18.6.87, 9 days; 30.6.87, on 1st July refused admittance; on 2nd July admitted on Sheriff's Order, went out on the 6th, returned again on the 9th, and left on the 13th; being twice in and twice out within the 14 days.

610. With regard to inmates who curse and swear, and display other unamiable propensities, what power have you to deal with them?—There is little power. We have power certainly to put them in a dark cell for so many hours, but only for hours.

611. Has she been often there?—I do not think so. That rule is not very often applied. My own feeling is that it does not conduce much to the comfort of the house. I have been present and seen an effort made to take a party out of the ward and put them in a dark cell, and I can assure you it is a sight I would not like to see again, owing to the rebellion of the whole crew, in order to protect the woman who is being taken away. They abuse the officials to such an extent that they hardly ever resort to it even for destroying property. They rather hand them over to the police.

612. Supposing you had got leave to keep that woman in for so many weeks, she would surely not be

George Ogilvie. 14 Nov. 1894.

a very desirable inmate?—If we had powers of that sort we would require to set aside special wards for special purposes. We have female and male test wards, I may explain, although they are not very much test wards.

613. What is a test ward?—It is a ward which is set apart for such a case as I have referred to, or for bad characters. They are put into the ward, and are kept separate from the ordinary inmates, although there may be six, eight, or ten in the same ward. In the ward for men we make them saw wood and do various other kinds of work. If any of them are very bad they are isolated from the other inmates of the poorhouse, even to the extent that their food is carried in to them. They are not allowed outside, and there is no mixing with the other inmates. The ordinary inmates of the poorhouse may receive a friend, a parcel, a newspaper, or a bit of tobacco; but these people, so long as they remain in the test ward, receive nothing but the common daily fare, and no extras.

614. Have the women any work to do?—They get knitting, but nothing else, and some are not able to do that or won't do it. But with men, when they are able to kick up disturbances we consider them able to work, and they are either set to break stones, or cut up firewood, according to instructions.

615. You want power to detain these characters in the poorhouse. Is your contention that, by detaining a woman such as you have referred to in the poorhouse after having an excess of drink, she would be the better for it?—No doubt of it. If she were to remain in the house she would find it to her own advantage to behave herself. We have different grades in the house. We have our decent old women. They have special comforts, which the ordinary inmates do not have. I have no doubt if they were compelled to remain for a given time with us, the women would become acclimatised more to the circumstances, and would find it to their advantage to be better behaved.

616. How long has that woman been in the house at a time?—At the very longest ten days; but four or five is the average.

617. She has a child. Had she it with her?—Yes, she always had the child with her.

618. Was the child confined also?—The child, I believe, was latterly taken from her by the Board and boarded out. She was then a little girl of about four or five years.

619. Would you explain under what powers you can take the child from her?—Well, up to the present we have not thought that we had powers to force a child from a mother. We have done so in some instances where the woman was either a profligate or sent to prison; and the children not being looked after, we have had to take them for a time, and we have taken the law into our own hands and refused to give the children up.

620. If your powers are doubtful would you not like powers that could not be disputed?—We have thought so all along.

621. Then how would you suggest that that power should be obtained. By applying to the sheriff and getting an order?—The Board of Supervision have sent us a letter within the past three months intimating that they have given us power.

622. But can they do so?—They have done so.

623. The Board of Supervision may point out to you that some provision of the law enables you to do so. Sir Colin Moncrieff tells me that he is not aware of any power which they have to give you in this direction?—Neither have we; and the singularity of the thing is that the information has only come within the last few months.

624. Would you be good enough to send us any letter or circular from the Board of Supervision giving you that power?—Yes, I will be very glad to do so. The reason why we have got this information is that at this season of the year our house becomes overcrowded, and we have a large building occupied by children, and children alone. We sent a deputation to the Board to see if we could get the order that the house is only to contain 1543 inmates relaxed. We asked if they would allow us to exercise a little license, and they said 'No, but we think you ought to board 'out your children.' But we said 'We have no power 'to do so,' and they said, 'Oh yes, you have the 'power.' They could not lay their hands exactly upon the point, but they gave us a copy of a letter sent to an inspector of poor ten years ago on the subject, and said that we ought to have had that power all along.

George Ogilvie. 14 Nov. 1

625. Yes, you have the power to board out children?—We have always exercised that.

626. But take the case of a mother sent to prison. You have boarded out her child, but when she came out and came to you, or cited you before the sheriff, she could make you produce the child?—She could. We have always held she had the right, and we only boarded out the children for the children's own sake. But this order that we have got within the last three months says that if a woman with two or three children comes to make an application for admission to the house, if she and the children go into the house, we have the right to take her children and send them out to board; and if the mother objects to their being boarded out, we say, 'you must leave the house then, 'and take the children with you.' It is only within the past few months, of course, that we have known we could do that.

627. You do that, and the woman goes before the sheriff, and gets an order to have the children?—We have not had the sheriff's opinion on that point yet.

628. But if there is any doubt about it, you would like to have the power you are exercising?—Yes.

629. Do you not think that such a power should be controlled by some judicial authority?—Do you see any hardship in going before the sheriff and stating such and such a case, and asking for power?—If they would give us the privilege of going before the sheriff, and pleading the merits before him ourselves, we would do so, but if we have to employ an agent for the pauper and another for ourselves, and undergo expenses amounting to about £8 or £9, we would rather not go before him.

630. What you would like would be some summary process by which your inspector could bring cases before the sheriff and get an order which might be subject perhaps to some revision?—Yes.

631. (*Examined by Sir Colin Scott Moncrieff.*) Do I understand from you, as Chairman of the Parochial Board, that the sheriff won't allow you to appear before him, or one of your officials, when a pauper raises a case regarding admission?—The sheriff won't listen to us. He tells us to appear by our agent, and forces us to employ an agent also for the pauper. I understand there is not one case defended before the sheriff in the course of two or three years by any of the three Parochial Boards in Glasgow.

632. But if one of the local authorities goes to the sheriff and says, 'here is the case you are forcing upon 'us,' will he not listen to you?—I may be wrong, but I have never known of such a case.

633. (*By the Chairman.*) Supposing he refuses assistance, there is an appeal to the Board of Supervision?—Yes. The pauper would have the right, and I know that several of the paupers frequently travel on to Edinburgh and see the members of the Board of Supervision.

634. At whose expense?—At their own expense.

635. The pauper pays his own expenses?—It is not uncommon for a certain class of these men, and women also, to travel to Edinburgh and see the members of the Board of Supervision. They seem to have a very easy access to them. I know some who have travelled there and come back to us, who have been a dozen times at Edinburgh; I can assure you I often wish some of our officers were as well posted up as they are. Many a time I have had in the wards of our poorhouse a certain individual who is very much better posted up in the poor laws than any official in the poorhouse. Such people can do a great deal of harm in the management of the institution.

636. (*By Sir Colin Scott Moncrieff.*) This recent

instruction that you got from the Board of Supervision authorising you to board out children, was it authorising you to do that with the alternative of the woman leaving the poorhouse?—It gives us the alternative that, if she declines or refuses to allow us to board out her children, then we would have the right to say to her that she must go out.

637. It gave you no authority to keep children boarded out while the mother was on the loose throughout the town?—Well, I presume that if we were to look for lodgings, say at Campbelltown, and send the children there, we ought to have more power than allow the children to be brought back whenever the mother wanted them. From our present instructions we would decline to give her any knowledge of where the children are.

638 Is there any other point?—Yes. If I may be allowed, I might mention a case which the Committee may be interested in, of what women will do when they take to drink. Not more than 100 yards from where we are sitting I know of a case where the husband earns from 40s. to 45s. weekly, and during the last six months he has furnished his house six times. His wife, for drink, starts in the beginning of the week and sells everything in the house to brokers. I have tried to interfere with her, and have asked the Police to do so, but no person seems to have any power to interfere with this man's wife carrying out the furniture and selling it. She has even sold the kitchen grate and the bedding of the house. One Saturday afternoon, while her husband was asleep—I may say he is a cripple—she carried off his walking stick and sold it, and he had to hirple down to me to get another. A lady connected with St. Paul's, and a St Paul's church nurse, and a trained nurse attended to her for a long time, and Sister Vernon fully thought she had got a convert. When she got out again this woman came down to me and thanked me, and said how grateful she was, and within three hours afterwards she was seen as dead drunk as could be. The question is, how far should a broker be allowed to take in a man's furniture from a man's wife with the knowledge that this woman is carrying it away week after week, and selling it to get drink. I have done everything I can by speaking to the Police, but it makes no difference.

639. (*By the Chairman.*) But that is a private case?—Yes. I mention it as being connected with drink and the broker system.

640. (*By Col. M'Hardy.*) You might explain to us again what is the meaning of the word 'test ward'?—We call it a test ward because they do not get mixing with the other inmates of the house beyond two or three at a time, and sometimes only one, and in it they are put to certain kinds of work.

641. You said that you were anxious that this woman should remain in the house—what interest has the Parochial Board that she should remain in it?—I need not say that it would be in the first place for the woman's own good; but I think you will say that where a woman like this comes so often, for four or five days in and out, that it is a very great hardship on all our officers. The woman has first to go to make application; after this she has to be interrogated, and the result of these inquiries have to be written down on a schedule; she has then to attend the medical officer in the district and be examined by him; then she attends a meeting along with the inspector and one of the members—that is what we call our Relief Committee; then she has to go and be admitted through the gate of the poorhouse; and when she is admitted she must undergo the changing of her own for the Poorhouse clothes, undergo a bath, and go through all the necessary cleaning preparations; and we have the trouble of fumigating the woman's clothes and storing them away. We think we should not be put to that trouble for three or four days' residence.

642. Can you say how many cases of this kind come up in connection with your Board?—I have not the exact number, but there are not less than 30 of them running out and in.

643. What population have you under your Board?—Upwards of 177,000 in the parish.

644. (*By Miss Stevenson.*) I want to be quite clear about the power of a parent to claim the custody of his or her child, although it has been boarded out by the parish. I understand that any pauper parent can force the Parochial Board to give up the custody of the child if he demands it, and that he has the right of appealing to the sheriff to claim the child, without repaying the Board to the extent that they have incurred expense?—We always understand that that was the law, although when we came across very dissipated persons we did not give up the children.

645. But if those dissipated persons had chosen to appeal to the sheriff for the custody of the child he would have been within his legal right in doing so?—Up to the last two or three months we understood that that was so, so that we only retained the children for a given time.

646. (*By Dr. Sutherland.*) Supposing you possessed the power which you seem doubtful of, that of removing a child from its parents, would there be any objection if the conduct of the mother continued good, say for a couple of years, to restore the child?—Certainly not.

647. But you would like to have the power of retaining it?—Yes. I am perfectly sure there is not a member of the Parochial Board who would not be very glad to give up a child within 24 hours notice, if the woman or man had been reclaimed from dissipated habits.

648. Can you give the Committee an idea of the number of respectable honest poor in the poorhouse from old age and infirmity?—Out of 1543, I believe, one half are decent respectable people. That means old and young.

649. Then you would not think of herding these honest people with the refractory, dissolute, and worthless, whom you now wish to have the power to detain *nolens volens*?—No.

650. Have you sufficient power now to deal punitively with these refractory people?—We have power, but we have not extent of premises. My own opinion is that, as far as they are able to work, they should be made to work. I was a little surprised within the past 48 hours, to see a strike amongst the hewers of wood in the Barony parish, because they were refused tobacco.

651. What has been the result of that strike?—I do not know the result.

652. But about the refractory people?—They would be sent into the test ward.

653. Have you any opinion regarding the number of times a man or woman should appear in the Police Office before being regarded as a drunkard?—I have seen a great deal about that subject; but in the case of the woman I mentioned, and in other cases, you find people who are far worse, as confirmed drunkards, than many who are known to the police. [The witness then withdrew.]

George Ogilvie. 14 Nov. 1894.

Professor W. Gairdner.

PROFESSOR W. T. GAIRDNER, M.D., LL.D called in and examined.

Professor W. T. Gairdner.

654. (*By the Chairman.*) You are Professor of Medicine in the University of Glasgow?—I am.

655. And you are a Physician-in-ordinary to the Queen?—I am.

656. And you have taken an interest in the question of the treatment of habitual drunkards for a very long time?—I have.

657. You have read several papers on the subject?—Yes.

658. And you have formulated a series of suggestions on this matter?—Yes.

659. Would you sketch them briefly to the Committee?—I may say that I hold in my hand a pamphlet which has grown gradually out of others. My first attempt

Professor W. T. Gairdner.

14 Nov. 1894.

at the subject, was when I was asked to contribute a paper to the now extinct Social Science Association, when it met in Bristol in 1869. The subject of that paper, which was prescribed by the Council of the Association, was 'What legislative measures might be 'proposed to deal with cases of uncontrollable drunken-'ness.' I had not at that time considered it strictly from the legislative point of view, and I do not consider that now I am entitled to give an opinion as a lawyer or legislator would be; but I threw out some views on the subject. I was not there myself, and the paper was hardly discussed at all, and it attracted little attention; but still the pressure of the subject on my mind led me to think of it, and in Birmingham in 1889 I contributed another address upon the matter to a medical assembly, to which there were a number of clergymen and others invited. That meeting also seemed to be so much of one mind that there was really very little discussion of a controversial kind about it, so that I have never had the benefit of hearing my own views discussed and pulled to pieces. But I think the most important point I should wish to bring before you now is the point that the law requires to be strengthened in the direction which Sir Charles Cameron would have strengthened it by the Act that he proposed in 1879. If he had got the original view he imported into that Act passed into law—I do not know that I considered that Act in very great detail—but I was thoroughly convinced of the soundness of it in principle; in fact, being founded upon the Dalrymple Commission of 1872, which I think was an admirably conducted Commission, and came to admirably sound conclusions, it could hardly be otherwise than a good contribution to legislation. But, as you all know, the House of Commons rose up in rebellion against it. The liberty of the subject was touched. And when that cry was raised it was fighting in vain, and Sir Charles Cameron was obliged to withdraw the compulsory element. Now, in medical experience I have never heard a single exception to this point that you cannot deal with an habitual drunkard without the compulsory element. It is in vain to try. To expect the habitual drunkard to say that he is a slave to his passion, and say that therefore he requires detention, is a thing not to be expected of human nature.

660. Before we come to details, might I ask you to give us your opinion of the medical aspect of drunkenness—how far it is a disease, and how far a vice?—To prevent misconception, I may say I do not share the views of those amongst us who, by looking upon inebriety or habitual drunkenness entirely as a disease, would practically annihilate or minimise the sense of responsibility in the drunkard. It has always appeared to me a mere waste of time to discuss how far drunkenness is a disease and how far it is a vice. In the great majority of cases of habitual drunkenness it is both the one and the other—a vice, because it consists essentially of yielding to a temptation which ought to be resisted, and of which the drunkard, of all men, best knows that it ought to be resisted; a disease, because the alterations, both of function and of structure, that follow the constant use of the stronger alcoholic stimulants to excess, amount in many cases to well-marked organic changes in almost every part of the body, and probably in all cases, sooner or later, to a merely physical decay, affecting both body and mind. I am, therefore, not at all disposed to recoil from the application of Coke's principle, that the drunkard, speaking generally, is 'voluntarius dæmon,' and therefore punishable. But just because the stern necessity of maintaining the law as 'an avenger to execute wrath,' compels us to give effect to the 'voluntary' element in a drunken frenzy, and to consider it, with Sir Matthew Hale, as a *dementia affectata*; we may reasonably hold that in proportion as this voluntary element is manifestly subverted, and in the end gradually withdrawn under the influence of long-continued indulgence, the protection of the law ought be thrown around the victims of this frightful tyranny. It is not at all necessary that in advocating a preventive treatment of the habitual drunkard, we should close our eyes to the fact that he is in all, or in most cases, responsible in some degree for his own wretchedness and degradation. What we maintain is that the failure of our existing system demonstrates, and the experience of every medical man confirms the truth, that the habitual drunkard is in only too many cases absolutely a *slave* to his vice; and therefore he requires to be protected against it.

Professor W. T. Gairdner.

14 Nov. 1894.

661. You very properly discriminate between the vice and the physical consequences of the vice. Now the theory of the seclusion of habitual drunkards is based to a large extent on this, that by preventing access to alcohol you can allow the physical consequences to be eliminated, and the man to be put into sound health again?—I think that is very probable; but we have really had very little experience of that, simply because we have not had legislation that gives us sufficient power and a sufficient control. It requires a great deal more time than we have ever had given to it in this country; you must have the drunkard under control, and for a sufficient time.

662. That is a point on which we are particularly anxious to get medical opinion, the length of time that would be required to put the drunkard physically in the best possible condition for future resistance to temptation?—I think it is almost impossible to give a direct limit, because it can only be worked out by experience of the kind we have not got.

663. They have had experience in America?—Yes, they may have it there.

664. You are aware that at present a year is the limit of voluntary restraint. Do you think that sufficient?—It simply lies beyond the scope of medical experience in this country to say what time would be required to reform a habitual drunkard, because we have never had the opportunity of trying; the position now is that when you are called in to these cases, in a sense you feel paralysed, you can do nothing. I was called sometime ago to attend a gentleman in a hotel in Glasgow, the hotel-keeper was most anxious to do what he could; but he could do little or nothing. He could not absolutely withhold drink from the man; the man had gone from his family, and stationed himself in that hotel with the deliberate object of drinking himself as nearly as possible to death. He meant to drink and drink, and drink as hard as he possibly could, and he would not be denied, and I was only sent for when the landlord of the hotel was positively alarmed that the man would die in his premises. I at the time managed to do something, but he had then got beyond the desire of drink; I tried to do everything I could for him, I spoke to him, argued with him, and sent a clergyman to him. He was a man with a wife and family, and a man with a good social position in society, having every social reason for reform, but the callousness of that man, the utter impossibility of reaching him by any kind of moral consideration, struck me very strongly indeed; and what I felt was, that unless I had the power, or unless somebody would take the power, of interfering with that man's liberty, you could not do anything at all with him. He took spells of it, and when he went in for a spell of it nothing would prevent him from drinking to excess. His will was so strong that if he did not get it in one place he would get it in another. I have very great delicacy in speaking about this case, but I corresponded with his wife regarding the matter, although I saw no more of him, and I learned that he had several more bouts, and died suddenly some years later under very distressing circumstances.

665. As to the period of time which it might be made competent to detain a person, you said that medical experience was not sufficient to enable you to give an opinion. Do you think a year would be sufficient?—It would be useless to have less than a year.

666. I quite appreciate your caution in not pronouncing any opinion, but do you think the difficulty might be got over by proposing that after a certain lapse of time the case might be medically examined, and a fresh application made for further detention?—I think so. We would be always learning. If we let one case out too soon we would learn how to deal with the next case.

667. Possibly you could give us an idea of your scheme?—My believe is that the law stands in an utterly illogical position just now. You see a man getting enslaved before your eyes. Your police courts show the state of matters. It is indomitable and incurable, but they will not give you power to make it otherwise; and yet if the habitual drunkard goes and gets into any mess or commits a crime, then the theory of the law is that he is wholly and entirely responsible. The law will not accept the idea that the man is innocent. I am not asking that they should accept it. They will not do so except after a long disputation and proof of insanity. The law recoils from the idea that the mere drunkard is innocent, because the law wants to punish him; but that they should let the man go on month after month, year after year, precipitating himself into this vortex, and that you should take no measures to restrain him, and then, when in a fury of drink he goes and murders somebody, and you should detain him and say you are fully responsible as if you were a sober man, that I think is illogical to the last degree, and I do not think the public should tolerate it.

668. Now as to the position of the case of a patient suffering from *delirium tremens*. Any act committed under *delirium tremens* would be regarded as the act of a madman?—Yes, because any number of medical men would tell you the man was mad.

669. And the moment a man gets *delirium tremens* you get the same power as for a maniac?—Yes.

670. And can he be committed to a lunatic asylum for *delirium tremens*?—I cannot give you my own experience, but I can tell you one of an accoucheur in Edinburgh of very good standing, an old friend of mine for many years, although an older man, who went out one morning at half-past-five. He saw a man thundering at the gate of a bank and insisting upon getting in, as he thought he had some business to transact. The man was making such a row that the only choice was between sending him to prison and sending him to an asylum; and this gentleman, seeing that the man was clearly off his head, thought it his duty to take the latter course and send him to Morningside Asylum, which he did. But in a few days the effect of the drink, whether *delirium tremens* or some other form, had worked off, and the man was sane. They could not detain him, and he was let out, and some months later, being a Highland proprietor, he instituted an action against the doctor who had given the certificate, and although the doctor won the case—the jury upholding him—he told me the action cost him £1000.

671. There are many other forms of insanity of which drunkenness is an exciting cause?—Yes.

672. So that in many cases the division line between insanity and habitual drunkenness is very difficult to hit upon?—Yes.

673. Now you say there is a difficulty in drawing any hard and fast line between habitual drunkenness and insanity?—I go considerably further than the difficulty; I say it is quite impossible to draw the line between habitual drunkenness and insanity so that it will meet all the cases. In the first place, an insane predisposition, or mental instability, which constitutes a large part of the predisposition to insanity, may be also a predisposition to drunkenness, and without being technically insane, a man may, through heredity or other circumstances, have inherited a bad constitution of mind, which readily yields to temptation. Then again, when you come to the habitual and incorrigible class, there is no doubt that they are diseased. The body is diseased, and the mind is diseased, and the whole man is so abnormal, and he becomes such a callous creature, and so inaccessible to ordinary motives, that you cannot but call him insane in the circumstances, although he may not be technically so.

674. There is a power in Scotland, is there not, to accept voluntary cases, on presenting themselves as patients in lunatic asylums; can you tell me whether that power is often taken advantage of by medical practitioners having to deal with persons who through drunkenness or other causes are likely to become insane?—Well, in one or two instances I have managed to get a fellow to go and put himself in confinement, but I never had any confidence that he could be detained a sufficient time to make a cure. I have no data to give you on that matter.

675. I suppose you refer to cases of inebriates?—Yes; I have got them to go and report themselves, and put themselves under care, but I cannot say that I have got any good results from it: I did not follow the cases up.

676. The power of detention is very short; in fact they cannot be detained after they wish to get out?—That is so; they cannot be detained a sufficient amount of time. The present condition of things practically gives a bad character to the whole of these establishments, because the managers or proprietors, knowing that they have not a hold on the patients, they are obliged to relax the regulations. The pecuniary consideration also comes in, and the whole of these voluntary establishments for the reclamation of drunkards are under a cloud from the feeling that drunkards get drunk in them.

677. (*Sir Colin Scott Moncrieff.*) But they can lock them up for six months?—But what good is it locking them up? You put them in the hands of attendants whom they either persuade or bribe to get drink for them.

678. (*By the Chairman.*) You have appended at the end of your pamphlet a scheme headed, 'What 'legislative measures might be proposed to deal with 'cases of uncontrollable drunkenness,' would you give us a résumé of it?—Well, I only give it with this statement before-hand, that it is the production of a man very inexperienced in all matters connected with legislation, and I never could get even a policeman to look at it. He found so many difficulties that he would not look at it. On page 23 I say that to meet these different cases, and cases of different degrees and kinds of those who yield to the snare of strong drink, a variety of methods is required, but the following three principles would, I think, be fitted in the interests of society to deal with most of them, so as to give as much discouragement to deliberate evil-doing, and as much aid to human infirmity in the battle with temptation, as it is possible to afford by any system of law. It is the principle not the details that I am dealing with. *First*—The casual offence might either be passed over altogether—if of the venial kind—or it might be met by a fine or by a very brief imprisonment at the discretion of the magistrate. Then I say the effects of such slight punishment would often be quite inadequate, but they would serve to mark and register the offence. The Commission of 1872 endeavoured to work it on that principle; namely, that a certain number of convictions should involve the idea that a man was an habitual drunkard, and should subject him to further restraint. *Second*—The habitual offence might be met by the sequestration, for a limited time, of the weekly wages or other emoluments or profits of business, applying these under trust to the support of the family, and to the maintenance of the drunkard himself, and so leaving him *pro tempore* free to earn but not free to spend. I based that upon the information that there is a number of even habitual drunkards who are not altogether demoralised, and I think nothing could touch or reach them better, short of imprisonment, than the feeling of being deprived of his position at the head of his family and being put under trustees and given only a certain amount of money to live upon. *Thirdly*—The inveterate offence might be dealt with in two ways not inconsistent with each other but offering also an alternative, to be employed with due regard to the circumstances of the case; (*a*) the property and earnings of the drunkard, if any, might be wholly placed for a lengthened period under the charge of a tutor, as in cases of insanity, and a formal allowance might be made to him on the condition of his living out of the way of temptation, or otherwise the income might be used for the benefit of the family, as in the preceding class of cases; (*b*) the person of the drunkard might be placed under restraint in

Professor W. T. Gairdner.

14 Nov. 1894.

properly regulated establishments, like the inebriate asylums of America, under state inspection and control. In either case the proceedings should be assimilated to those in cases of insanity, but the only facts necessary to be proved should be the inveterate and uncontrollable tendency to consume strong liquors to excess, resulting either in the reckless squandering of income required for proper maintenance, or in disordered health, bodily or mental, and obviously impending ruin to the drunkard's estate and the prospects of his family. It occurred to me that these two ways could be adopted in a law, and I wish to say that that part of my paper was written before the Commission of 1872; but I was glad to find that that Commission practically adopted almost all these principles or went on similar lines.

679. You have not considered specially the case of the *quasi* criminal drunkard who is constantly coming up before the police magistrates?—I have not had very much to do with that class; I have not been in the way of seeing much of them. The cases I have mostly had to do with are cases of men committing murder or serious crimes where the question was raised of how far they were responsible.

680. Have you seen many instances of very serious crimes?—I have had a good deal of interest in such cases, and I have been consulted in a good many of them; but, as I told you, the same thing rules there in how far it is a disease. I think it is not worth while discussing how far it is a disease and how far it is a vice. It is both, and so I do not think that the question of insanity is practical. It is impossible to make the distinction. I am inclined to think that all drunkards are a little mad, but in the sense that they are responsible, and I would like to say in regard to them, that any legislation will not be long tolerated which goes on the principle of coddling the habitual drunkard. I am for making him work; take it out of him, and make him feel his degradation.

681. But in the case of voluntary Retreats—in the case of Retreats supported by the patient out of his means or by his friends, of course you would be entitled to stipulate for what you like?—Of course I would give him every comfort or even luxury he is entitled to. I would not make him a criminal, but I would not make him feel that because of his bad habits he is to be coddled and well off.

682. (*By Sir Colin Scott Moncrieff.*) You cannot give a period of length of time for which a man ought to be set aside and kept in compulsory confinement in order that he might recover his strength of will?—No.

683. Have you known of any cases where drunkards have been reclaimed by a certain period of seclusion?—I know a few, but very few, and these few have been exceptional cases where a man has been happy enough to be married to an amiable, sensible, strong-minded woman, who has helped to pull him through.

684. If this Committee come to the conclusion that there should be confinement we shall have to mention something about time. The want of time so far has been the failure, for three months or six months are not sufficient. Might one reasonably say that two years or eighteen months might do?—I was going to say nothing less than a year.

685. Do you think that would be long enough?—I don't know that it would; it would be the very minimum.

686. Now, about the miserable case of which you told us, of the man who went deliberately to get drunk, who was a perfect maniac for liquor, he would never get into the hands of the police. Would you, on the principle that prevention is better than cure, would you empower certain people to lock him up and treat him almost like a lunatic? The man so far has not done anything outrageous, beyond, perhaps, his own family circle, but on the principle that he may some day commit a murder, or some serious crime, would you place him under restraint?—I would apply the same principle there.

687. To whom would you give the initiative in a case like that?—There you are taking me beyond my beat. Don't give it to the doctor; that is all I would say. Perhaps there might be *a conseil de famille* as they have in France.

Professor T. Gairdner.

14 Nov.

688. (*By the Chairman.*) Do you think that anything could be done by provision of a *curator bonis* in a case of inveterate drunkenness?—That is included in my three principles. You might let a man out after a period of probation, but let him out on the arrangement that he is to be on an allowance, and is not to have the control of his whole means.

689. (*By Sir Colin Scott Moncrieff.*) Do you think there are many cases of habitual drunkenness in the better classes; do they often come before you in your official practice?—Oh yes.

690. Among both sexes?—Yes.

691. Have you any way of dealing with such cases?—If the drunkard sets up his back, and says he won't do anything, you can do nothing as the matter stands at present. They are a pitiable class of cases.

692. (*By Dr. Farquharson.*) I think you say that for the purposes of this inquiry or legislation you do not think it necessary to go into any subtle question, whether drunkenness is a disease or insanity, but would you make a distinction as to whether it is a crime or a vice?—I said not worth while making a distinction. It is a vice rather than a crime. I wish it were a crime to some extent. Drunkenness, apart from the persons being boisterous or unmanageable, ought to be taken notice of. If a man is drunk on the street, I think the fact should be noticed, and the accumulation of the fact should make him an habitual drunkard.

693. You put aside definitions and merely deal with the condition of things?—That is so; I do not think they are of the least use.

694. Would you not require open and ostentatious proof of drunkenness of such violence as would make convictions possible?—I think it would be necessary to have a certain amount of clear, tangible proof, but I think it would be quite possible to give the police and magistrates power to get that.

695. Suppose a case such as you spoke of, where a man goes to a hotel and gets drunk; you could have no proof that he was drinking himself to death?—If a man chooses to go into a chamber, and drink himself drunk, no power on earth can get hold of him.

696. But he may be a most dangerous man from the point of view that he may do harm to himself or his family?—If he has shown his danger to his family it is for them to lay the charge.

697. Do you think that the present condition of the law in giving a short period of confinement for the drunkard is in any degree a deterrent?—Very little indeed.

698. You think a long period of isolation is required?—Yes; but I am not prepared to say that in incipient cases shorter periods might not do, or no periods at all. The chief benefit I would expect appears in what we said when we were before Mr. Asquith last year. We tried to put the matter before him. We saw that he was frightened by the magnitude of the concern. Yes, I said, but it is for you to make it a smaller thing, and the mere effect of the law automatically laying hold of the drunkards, the mere fact of his knowing that he cannot escape the law, that he cannot be allowed to go on, whatever the consequences, is bound to have an enormous effect in restraining drunkenness, more than all your temperance societies and Gothenburg systems. If a man, who was in the course of becoming a slave to drink, knew positively that he could not be allowed to do it—at present he knows he can do it—if he knew that it would invariably bring him under restraint, that knowledge would be the strongest possible deterrent.

699. But it is only when the habit has been formed that you can pick him up?—No, I would not put it so; drunkenness, I would say, *per se* ought to bring a man under the notice of the police. The police ought to report all cases of drunkenness that might come under their notice, and the reporting of that sufficiently often in the books of the police should make that man liable to detention.

700. Is your special difficulty as to a period of deten-

tion, that as human nature varies, different people would require different periods?—It is precisely.

701. Then I presume that an earlier stage would require a shorter period than a more confirmed stage?—I think so.

702. But you would put the maximum period of detention to be set at the discretion of the medical authority?—Well, that is a very difficult subject, what the maximum period should be. There are some people who would need to be detained all their lives.

703. Do you think the benefit to be derived by detention is purely physical, by getting the drink out of the man's tissues?—And breaking the habit, and thereby abolishing the craving, and bringing his whole physique into a better condition.

704. Have you examined the American evidence at all about that?—Chiefly through the Commission of 1872; I think there was a good deal of evidence given there.

705. You would not be prepared to state a maximum period of detention?—No.

706. I quite see your difficulty about putting a hard and fast line, but could you not put a maximum?—I could not venture upon that.

707. Is it not a difficulty about the voluntary position that after a man has been in confinement a short time, and feels himself getting well, that he wants to go off?—Yes; but you must not take the man's impression about how he feels. You must be completely exempted from all possibility of being biassed by what the man wants himself. You must keep him as long as it is requisite in the public interest.

708. You would give to the medical authority of the Retreat full discretion as to the time of dismissal?—In the same sense as you give it over insane people. Of course, you would have a power of inquiry into it. There would be a Commission sitting on the matter similar to the Commission on Lunatics.

709. (*By Sir Colin Scott Moncrieff.*) But you would require to sentence a man to some minimum or he would always be going to the doctor trying to get out?—Of course.

710. But would it not be a very invidious position to put the doctor into?—That is the reason I said I did not think anything less than a year should be adopted.

711. (*By Dr. Farquharson.*) Then if it is to be a sentence of a year the doctor might have power to increase it?—There might be a magisterial inquisition upon it to see whether it should be increased or not. Give it as much solemnity as you can, so as to carry as much impression with it as possible. I don't want the responsibility to rest on the doctor.

712. In addition to the compulsory system you would have a voluntary system?—I would make it all compulsion, but I would not deny a man the right to go and put himself voluntarily under restraint. Sir Charles Cameron's Bill in its present form does that. I approve of all that is in Sir Charles Cameron's Bill, but I want a good deal more.

713. (*By Col. M'Hardy.*) With regard to the point at which you would interfere with the drunkard, could you indicate that in any way, both in the case of the man who brought himself under the notice of the police, and the man who did not?—In that case again my individual experience fails me, because we have no machinery to put into operation. But here is what I noted as being the result of the Commission of 1892:—'That after three convictions within twelve months 'the magistrates should be empowered to require the 'offender to find a surety or sureties for sobriety and 'good conduct for a fixed period, and in default of 'the same, or in case the surety is forfeited by a fresh 'offence, then to sentence the offender to a considerable 'period of detention in an industrial reformatory for 'inebriates as hereafter recommended.' That, I think, is about as wise as anything I could put forward.

714. That hardly refers to the class of cases about which we have heard a good deal this morning, where the husband, or it may be the wife, makes a domestic establishment very unhappy through drink, or violence through drink, and where, for the sake of peace or for other reasons, no complaint is made to the police, but still the family life is wrecked?—If no complaint is made, and if it is effectually hushed up, I do not see how you can get at it in any case. But practically, I think you would get at it if you had all these different ways of dealing with it open to you, because if a man was squandering the resources of his family it would be in the interests of the whole family to stop him doing that. At present it is no uncommon thing that a man in receipt of good wages goes and spends three-fourths of them on drink, and gives the remaining fourth to his wife for the support of the family. That ought not to be tolerated for a single moment. The glorious liberty of getting drunk ought to be abridged in that case, and one way I would abridge it would be to put the man's funds in trust and give the wife the three-fourths, and him the remaining fourth.

715. Then in regard to the treatment; from what you just read I see you would not advise that the treatment in every case should be identical?—Certainly not.

716. Might it be possible, in the earlier stages of drunkenness, to make arrangements for handing the person over to the care of some relation, giving them a certain amount of power over them, some sort of control; would that be sufficient?—I have very great doubts about that. It might do in some instances, but when you consider how very difficult it is in a family to displace the natural relations, and give one power over another, and how apt it is to jealousies and the imputation of interested motives, it is very doubtful. To put the drunkard in the power of whom—his wife?

717. If she will take the responsibility. His son? His uncle?—It is a very dangerous position that, I think. The way I propose would, I think, be better; namely to hand over his funds to a trustee not connected with the family at all.

718. But before any sort of guardianship was appointed there would be a magistrate's order?—Certainly.

719. So that that would relieve the odium of any control?—Yes; but the odium consists of after effects in the family itself. There would never be the same relation between two men—suppose it was two men—if you deprived the one of his liberty by placing him under a relative.

720. I suppose you are aware that that sort of guardianship is in use in the case of lunatics?—Yes; but then lunacy is not considered in the same sense a disgrace.

721. In the alternative way to the family, namely, that the father, or whoever he was, should be confined in some institution, don't you think that that would be an inducement to them to undertake some sort of care or guardianship of him willingly or readily?—Well, I have never considered that question up to this moment. I will give a hurried opinion on it. It might be. The only thing I am prepared to say, that I see my way to, is that I think it would be of immense importance where the drunkard is squandering money which practically is the money of his family; to put a stop to that, and say you are not fit to be the head of the family any longer, and we will make your wife the head, or we will make a trustee the head, with power to give the funds to the wife.

722. You would be prepared, at any rate, to put in the hands of the magistrates a graded power as regards the restraint that he might impose?—Certainly; I do not know that the liberty of the drunkard is worth anything at all.

723. (*By Dr. Sutherland.*) Do you think these inebriate homes, if there were such, should be private?—There we have again the precedent of insanity grown up with a mixture, some of them private, some of them State. I think it would be better that they should not be private. I think they should be all under control.

724. You wish inebriety to be kept quite distinct from lunacy?—I certainly do. I find that Medical Superintendents of Lunatic Asylums are all of that opinion.

725. Do you think that the same civil and legal dis

Professor W. T. Gairdner. 14 Nov. 1891.

advantages attach to inebriates as attach to lunatics?—It depends upon what they can do. A man in an asylum can make a will, I understand, provided that at the moment he has a lucid interval, and capable of understanding what he is doing. I do not think it is at all necessary that an inebriate should not be able to make a will. I think he might do any legal act that his mental condition admits of his doing, and as the mental condition of a drunkard may be perfectly good when deprived of drink, he might, in many cases, do anything that an ordinary man can do in these circumstances.

726. As a medical jurist, you have had to do with some of the most critical cases tried at the Circuit Court in Glasgow, those of men who have committed fatal assaults in a state of intoxication, and where it was found that these men had been notorious drunkards, although they never came into the hands of the police. Have you any suggestion as to how men of that kind can be dealt with before they get into that state in which they commit serious crime. The case I have particularly before my mind is one which you will readily remember?—Well, the case you allude to was one that was a little difficult to disentangle, or to say how far you could anticipate. When his case was first presented to me, it was presented as quite a sudden act.

727. Would not your proposal to deal with drunkenness *per se* have some check on men getting into that state at which they are liable at any moment to commit crime?—I think no man should be allowed to drift into that state in which he might any day commit a crime of the first magnitude, not knowing that he was doing it.

728. (*By the Chairman.*) Was not A. B.'s case one in which he shot a constable, and insanity was pleaded, and he was sentenced to be kept in confinement during Her Majesty's pleasure, and he was confined for two years?—Yes.

729. (*By Dr. Sutherland.*) In your *brochure* you speak of punishing the vendor of liquor as well as the victim; how do you propose to do that?—It is not so much punishing him, but I think the public-house, without taking too strong a view of it, is an institution so dangerous to the public that, when it is ill-conducted or noxious, it is the public interest to come down upon it in every possible way, and the way that I would come down upon it would be to shut it. I am dissatisfied with the present system, where it is a question of suppressing it because of the part which canvassing of the Justices of the Peace and personal influence play in the matter. I think there ought to be some sort of automatic principle—that the police should watch over the public-houses; that they should give notice of public-houses which are constantly turning out drunks on the streets; that that fact should be recorded somehow, and the fact that it has been proved with regard to certain public-houses, these houses should be shut up.

730. (*By the Chairman.*) That is pretty nearly the theory of the law at present?—It may be the theory but it is not the practice.

731. (*By Dr. Sutherland.*) Are you aware that Section 14 of the Public-house, Scotland Acts, Amendment Act, 1862, has a provision which states that the Chief Constable shall, on the first lawful day of every week, furnish the names of license holders from whose premises intoxicated persons have frequently emerged?—I was not aware of that. That would very much meet the case. My suggestion was written before that.

732. (*By the Chairman.*) Could you give us any information respecting the influence of heredity on drunkenness?—Oh, I have no doubt it is very considerable.

733. Have any cases happened to present themselves to you of dipsomaniacs, the children of drunken parents?—I am not prepared to adduce individual instances, but the ground on which that lies in my opinion is this, that habitual drunkenness is undoubtedly like insanity, often a manifestation of a weak and an unstable nervous system, and that it is transmitted hereditarily. I should expect that the people who are liable to insanity in respect of heredity would be liable to drunkenness in the same way.

734. Have you met any instances of dipsomania, or a craving for drink amounting nearly to that, coming on suddenly after some disease or during certain conditions; such, for instance, as pregnancy?—Well, I almost think I have, but I cannot give you a particular instance just now.

735. (*By Dr. Sutherland.*) Does it not come on frequently about the climacteric period in women?—I believe that is a fact. [The witness withdrew.]

James Taylor.

MR. JAMES TAYLOR, Governor, Barlinnie Prison, called in and examined.

736. (*By the Chairman.*) You are at present Governor of Barlinnie Prison?—Yes.

737. How long have you been that?—Six years.

738. You understand the object of our inquiry?—Yes.

739. Have you had many cases passed through your hands whose sentences you attribute to drunkenness?—Well, the great majority of them are for drunkenness.

740. Even short sentences are sent to you?—From a day up to two years.

741. Since when?—The longer sentences used to go to Perth. The short sentences were always confined in the local prisons.

742. You have been 36 years in the prison service?—Yes.

743. You have seen some changes?—Yes.

744. The greatest change, I think, that has occurred, is the very large increase in the number of commitments?—When I entered the prison service 36 years ago, the commitments of males were 11,001, whereas last year they were 32,087.

745. (*By Sir Colin Scott Moncrieff.*) Nearly three times as many?—Yes.

746. (*By the Chairman.*) The females have also increased?—They were then 6921, and last year they were 18,660, which gives a total in 1858, the year in which I joined the service, of 17,922 commitments, and last year of 50,747.

747. Then you have worked out these daily averages?—The daily average has not increased in anything like the same proportion. In fact, females have decreased instead of increasing. In 1858 the daily average of males was 1119, and last year it was 1615. The females were 995 in 1858, and 671 last year.

748. What is it that has increased the number of commitments so enormously more than the daily average?—The shorter sentences. Very much shorter sentences are now given for all classes of offences, serious as well as trivial.

749. But the longer sentences formerly would not be served out in Barlinnie?—No; all these numbers apply to all the prisons in Scotland—not to Barlinnie alone, which did not exist at all a few years ago.

750. Do you wish to express some opinions in regard to the sentences passed upon cases of drunkenness?—Well, I think the number of commitments might be very largely diminished if the magistrates, instead of sending a man to prison for 24 hours, or even three days, let him off for the first offence, within perhaps 12 months, with a warning that if he came up again, a heavy sentence would be imposed.

751. I suppose you have not the means of ascertaining the proportion of men who are unable to pay the fine, and go to prison for a very short time, such as a day or two days?—I think that about half of those sentenced go to prison.

752. Is it that they have no money to pay, or do they prefer to keep the money and go to prison?—They have not got it. I was inquiring the other day about the average amount of money brought in by each prisoner, and it was about eightpence.

753. Is that for drunkenness?—Oh no, all commitments, but of course they are nearly all drunks.

754. Now as to the proportion of drunks among those that come to you; how many are there?—The commitments at Barlinnie Prison for offences that may be attributable to drunkenness were, for last year, 7876 males. There are no females in Barlinnie.

755. That is in respect to breach of the peace, petty assaults, drunk and incapable, begging, vagrancy, and other petty offences?—Yes.

756. You say that you have usually about 700 prisoners in custody?—Yes.

757. Can you give us an analysis of the sentences?—Yes; we have usually about 700 prisoners, and of these 380 have sentences of 60 days and upwards.

758. Give us an analysis of the prisoners first, and their offences?—Of the 700 in custody, 350 were for theft, 170 for assault, 90 disorderly conduct, 50 drunk and incapable, 5 for begging, and 35 for other crimes, including bigamy, poaching, shebeening, and military offences.

759. And their length of sentences?—380 had sentences of 60 days and upwards; 110 had sentences of 30 and under 60 days; 210 were under 30 days.

760. I suppose a very large proportion of the 210 would be drunks?—Yes; or drunk and disorderly.

761. Then what proportion of the whole 700 do you think would be for offences attributable to drink?—I should think that fully one-half. A considerable number of the thefts would be attributable to drink; almost all the assaults and disorderly conduct; begging too, either directly or indirectly; so that fully more than one-half may quite safely be attributed to drink.

762. You mentioned that the sentences for simple drunkenness vary from a day to seven days?—Yes.

763. Have you many prisoners in for that?—The usual sentence is three days for being drunk, occasionally five days; but it depends upon the magistrate.

764. Have you a very large number of cases under a week?—A very large number.

765. Who bears the cost of taking them out to Barlinnie, and sending them back again?—Government.

766. Have you any idea what the expense of that would be?—I could not say off-hand, but it is a good many hundreds. It will amount, I think, to over £1000 a year.

767. I suppose the greater amount of that sum is owing to the frequent journeys of these people with short sentences?—Yes; undoubtedly.

768. What is your experience in regard to the working out of short sentences on these drunks? Do you find it has any deterrent effect; or do you get the same men again and again?—Well, a very large number of those committed for the first time do not come back again.

769. Do you think then that the first committal very often has a salutary effect?—Yes.

770. And even if it is very short?—Yes, I think so.

771. Then how many recommittals have you?—The total committals at Barlinnie Prison were 13,726 for last year, which comprises 10,740 individuals, and 8096 of these 10,000 were committed for the first time.

772. For riotous and disorderly conduct the sentences are longer?—A little longer; but they don't differ very much from those for being drunk and incapable.

773. For begging?—The sentences are still longer; 7 days, 14 days, and up to 30 days are the usual.

774. I suppose you do not know whether you get most of the people sentenced for begging?—Oh, I think they mostly go to prison.

775. Could you tell me the number of persons recommitted, or the number of reconvictions in connection with drunkenness and these crimes?—1245 were recommitted.

776. How often was the worst of these cases recommitted?—A dozen times at any rate.

777. In the course of a year?—Yes.

778. Have you many of these constantly recurring cases?—There were 85 who were in prison on an average five times each during the year, and some of them had been more than a dozen times, almost all for very short sentences.

James Taylor 14 Nov. 1894.

779. Do you think that these fellows who have been in for more than five times would have had more sentences passed on them—that is, would have got off with fines on other occasions?—Yes, some of them tell me they occasionally pay a fine; but a habitual, I think, very seldom pays a fine.

780. He drinks it all?—Yes, and his friends get tired paying for him.

781. But a man may have 2s. 6d. occasionally and be willing to pay it to save a week's imprisonment?—Well, that is not a corresponding amount to the usual sentence, which is 5s. or three days, or up to 10s. or a week.

782. Are many prisoners let out by you on payment of fines by their friends?—Habituals very seldom get out after they come to us; but the first conviction men do. We had for instance no fewer than 13 friends of those up yesterday to get men out. But we very seldom liberate so many by payment of fines, although we have some every day. It is usually a family friend, a wife or a sister, who comes, and I might mention that it is not an uncommon thing for them to bring drink with them, or to be themselves the worse of drink or smelling of drink. I have seen them offer drink to a prisoner the moment he got out at the gate, and it was, of course, swallowed greedily.

783. That shows that they don't take a very serious view of the matter?—No. Those who come to us regularly have seldom their fines paid.

784. You have got some suggestions to make as to the diminution of commitments?—I think, in addition to dealing with those who have been convicted four times and upwards within a year, something might be done to diminish the commitments to prison. (1st.) By dismissing with an admonition, prisoners convicted for the first time in, say 12 months, for being drunk and incapable, or for other trivial offence for which the punishment at present is from one to three days imprisonment failing the payment of a small fine. The night in the Police Office, and the record of the conviction would be quite as effectual a punishment as a day or two in prison. (2nd.) By increasing the sentences on prisoners recommitted within, say 12 months. I would be inclined to propose that a second conviction within 12 months, for being drunk and incapable, or for other trivial offence caused by drink, should be followed by a sentence of at least ten days imprisonment (unless the convicting magistrate again thought fit to dismiss the prisoner with an admonition), and a third conviction within the same period by a sentence of at least 30 days. These longer sentences would give a man time to get thoroughly sober, and would afford him a better chance of breaking with his bad habit.

785. Do you think it would take 30 days to allow some of your friends to get thoroughly sober?—Well, it takes a considerable time We sent out two this morning who were threatened with *delirium tremens*. One of these had been in for seven days, and the other for five.

786. Were they suffering from *delirium tremens* when they came to you?—No; it usually comes afterwards.

787. In that case they simply go to the Infirmary?—To the poorhouse hospital.

788. But in your hands?—We have a padded cell to which we usually confine men suffering from *delirium tremens*, under treatment, and under constant observation.

789. It is rather a lucky thing for a man to get into *delirium tremens* after coming into your hands?—A lucky thing for his friends. We had nine cases of *delirium tremens* last year, I think.

790. None of which had started when the conviction was passed?—No. Some of them don't show any symptoms until they have been in for some days—that is until the supply of drink is stopped. Forty-five men came in in such a shaky condition that we thought they were likely to have *delirium tremens*, and we put them under observation.

James Taylor. 14 Nov. 1894.

791. And were these fellows fresh comers, or had they been before?—The one who went out this morning with *delirium tremens* had never been in prison before, the other had been frequently in prison; I asked the latter how he had been absent so long, and he told me he had been a teetotaller after he went out from his last sentence nine months ago, for six months. His shop-mates had told him that it was not good for him, that he was breaking off the habit too suddenly, and that he ought to try a drop. He was at last induced to taste, and the result was that he was just back where he was. He had saved some money, but some roughs assaulted him and took it from him, and he was in the Infirmary for six weeks in consequence of the assault. He was no sooner out of the Infirmary than he was back drinking again, and then he came to us.

792. When these cases go out there is a Prison Gate Mission looks after them, isn't there?—The Discharged Prisoners Aid Society.

793. Does it do anything for such cases?—Oh yes. They find employment for a large number.

794. Men who are only in for a few days for drunkenness will probably have no difficulty?—They are mostly labourers, and they don't need to care; their imprisonment will not usually prevent them from getting work.

795. Besides, a few days would only give the appearance of richness?—Many of them apply to the agent of the Society, although they have not been in for more than a day or two. The agent gives them breakfast and a word of advice, at any rate.

796. They have no temperance agencies?—No, but they are very glad to get them to sign as teetotallers; but they don't make that a branch of the Mission.

797. Do you find as a matter of fact that many of them repeat the story of this man of whom you were speaking, when they have signed the pledge and broken it?—Oh yes; a great many.

798. You have given us a suggestion about altering the terms of imprisonment. As a matter of fact, there is no graduation of imprisonment?—Well, many men who have been convicted frequently and are in for three days may have been in the week before or the month before; but it does not make any difference in their sentences. I do not think the magistrate knows; there are so many cases coming before the magistrates in the Police Courts that it is impossible for them to inquire into every case.

799. Supposing it were considered desirable to register a man's convictions, so as to make them operate against him as proposed, how would you suggest that it should be done—in the prison you can tell how many times a man has been in your hands, but you cannot tell how many times he has been arrested or convicted?—The police should be able to keep such a record.

800. But the police say that they have a number of different Police Offices, and a man's record at each office can be traced, and there is no central register?—That is a difficulty; but these habituals, I think, are pretty well known all over the city, and if they were brought into any particular office inquiries could be made at the other offices.

801. They say that to some extent the habitual drunkard generally sticks about one place?—That would make it easier.

802. Yes, but I am asking with reference to my proposal. We can easily get the number of times a man has been in prison, but it has been suggested that we cannot get a record even of his convictions, let alone the number of times he may have been arrested and forfeited a pledge—cannot get his record even for the City of Glasgow. That would prevent your proposal from working fairly, would it not?—Well, it would only work out so far as they knew the character of the man. If he was not known, in the particular Court where he was being tried, to have been convicted within 12 months, they would just have to try him as a first offender.

803. You have not spoken about fines. What would you do there?—I think I would continue to impose a fine corresponding to the length of imprisonment.

804. What is the fine corresponding to 30 days?—Different magistrates take different views—perhaps £1 or 20 days, or £2 or 30 days. It is very seldom we get a 30 days with a fine; £2 is the common thing for 30 days.

805. What I wanted to know was whether you would go in for the option of the fine or, after a considerable record, 30 days without the option of a fine?—I think there might be an alternative of a fine in all convictions for drunkenness.

806. A large number of your prisoners that are not in jail are in the poorhouse?—I put it to all the 700 in Barlinnie Prison at one time how many of them had been in the poorhouse, and 45 acknowledged they had been there. I expected there would have been more.

807. In the course of their lives?—Yes. Most of them said it was when they were ill, or when they had an injury and were unable to work. Of the 700, 37 acknowledged having been in an Industrial School or Training Ship, and 35 in a Reformatory School; whilst 45 were old convicts.

808. Are these last men in for drunkenness or breach of certificate?—350 of the 700 were in for theft, and the others for crimes that might be attributable to drunkenness.

809. But if a ticket-of-leave man is pulled up for a breach of his license, he does not come to you, does he?—Oh yes.

810. You have an analysis here as to the condition of the men, whether married or single, and the number of their children. Do you find that has any bearing on the subject of the inquiry?—Well, the majority of them are not married—473, or 68 per cent. are not married.

811. And the number who have children?—201 are married, and have among them 455 children.

812. Besides 26 widowers?—Yes, with 51 children. That gives an average of 2·2 children to each prisoner who has been married.

813. Then you have an analysis here as to their declarations on the subject of drink?—The number of the 700 prisoners who say they don't drink at all is 142. Two or three said they were teetotallers.

814. Do you believe that?—I was quite surprised to hear that so many of them did not drink; I think their statement would be pretty near the truth, but I was surprised at it.

815. Does that mean that they absolutely refrain from drink, or is it that they are not drunken?—They meant that they did not take it at all at any time.

816. Go on with your analysis?—The number who take a little occasionally, 138; the number who take a spree at intervals, 148; the number who get drunk every pay, 74; and the number who say they are drunkards, who get drunk whenever they can, 198.

817. That gives you 270 or so who get drunk at least every pay?—Yes.

818. Do you find any bashfulness or reluctance on their part to give you information?—Oh no. Many of them, on the contrary, volunteered information.

819. You mentioned that the number of prisoners committed to Barlinnie last year was 13,726, of whom about 3000 were transferred from Glasgow Prison?—Yes.

820. How was that; owing to the prison being closed?—No. Male prisoners, when untried, are confined in Glasgow Prison. When convicted, they are transferred to Barlinnie, as are also convicted prisoners from the country received for convenience at Glasgow Prison instead of being sent direct to Barlinnie.

821. What is the highest number of recommittals that you have?—Ten is the highest number. There are several tens.

822. You have not had any very young prisoners in your charge, have you?—We always have a few juveniles under 16 years of age. I had only two at the time I took the statistics that you have, but we have had a good many more since that time.

823. How young have you had them passing through your hands?—Ten and eleven years of age.

824. When had you the last of that age?—A considerable time ago. They don't send so many young boys to prison now as they used to do.

825. Is that owing to new legislation, or simply is it in accordance with change of magisterial opinion?—I think it is more on account of change of opinion.

826. Because, I suppose, they now send direct to the Industrial Schools?—Juveniles have not, I think, at any time passed through the prison to the Industrial School. There has been a very large diminution in the number of juvenile prisoners. In 1882, the number of juvenile prisoners committed to Scottish prisons was 1081, and that had been about the number for a good many years, but in 1893 the number had fallen to 741, being a gradual diminution since 1882.

827. What do you call juvenile offenders?—Under 16 years.

828. Have you many under 15 years for instance?—Not many.

829. Under 14 years?—Not many; still less. The lower you go down the fewer we have.

830. I thought there would be a greater diminution owing to this power of sending these juvenile offenders direct to Industrial Schools?—Yes.

831. Have you experienced any marked change recently?—I think the figures I have given show a very perceptible change.

832. I see you have several other analyses here. What sort of sentences do these boys undergo?—Usually a few days for theft or disorderly conduct—playing pitch-and-toss one of them told me he got in for. One little fellow got sent to prison for making a hole in a show, another for breaking a cock's leg, and so on—very trivial offences, for which a whipping would be very much better punishment.

833. Where is whipping punishment given?—In the Police Office; it used to be in the prison.

834. Any of these boys undergoing long sentences?—None of them.

835. Up to what?—Up to 20 days or 30 days we may have them, or even 60 days; but it is very seldom we get any offenders for the longer periods.

836. Have you many juvenile drunkards?—A few.

837. What age?—One I came across the other day was 16, who was in for being drunk, and who told me he had been several times drunk.

838. Not several times in?—No; it was his first time in prison.

839. Is that about the youngest drunk?—Yes, that I have come across.

840. How are these juvenile prisoners treated by you? Do you keep them apart?—Oh yes. The great bulk of the prisoners are kept in separation; but the juveniles are separated even from each other.

841. So that you don't think they can get any harm from being with you?—I think not.

842. Do you approve of the imprisonment of very young people?—I do not.

843. At what age would you have such responsibility attached as you think would justify it?—I think 16 years is quite young enough.

844. How would you deal with those younger?—By whipping them or sending them to a Reformatory or Industrial School.

845. They used to whip young prisoners?—Yes.

846. Do you know anything about the curative or preventive effect of that?—Well, I am afraid it did not always have the effect of preventing them coming back.

847. (*By Dr. Sutherland.*) Not many came back?—Yes, a good many.

848. (*By the Chairman.*) Came back for another whipping?—Yes, I have seen them twice whipped.

849. And do they come back again?—Yes; but with a good many of course it was effective.

850. The fact of their having been in jail is a stigma upon them?—Some people think so; but I don't know that the jail is a worse stigma than the correction. There are so many various offences for which people get into prison. Some even glory in it.

851. (*By Dr. Sutherland.*) Such as first class misdemeanants?—Yes.

852. (*By the Chairman.*) You have very few commitments for begging?—Very few.

853. Vagrancy does not appear to fill your jail?—No; whatever it may be in country prisons.

854. You have been a very long time in the prison service; where else have you been?—In Glasgow Prison for 5 years; Ayr Prison for 15 years.

855. Well, what about vagrancy in Ayr?—Well, there were more in proportion there, I think, than in Glasgow.

856. Were you much troubled with them?—No; they were not troublesome, nor were they very numerous even there. Like Glasgow there were a few always coming and going.

857. The drunks?—Well, there were comparatively few of them. It was a small prison; there were not more than 150 prisoners altogether. I don't know that they were fewer in proportion than in Glasgow.

858. You have got a suggestion for persons convicted of begging who are old, frail, and weak-minded?—Yes; I would suggest that persons convicted of begging, and who are old, frail, and weak-minded, or who are disabled through loss of limbs or sight, or who in any other way are rendered unfit to earn a living, should be committed to the poorhouse instead of the prison. Five out of six beggars in custody here recently were over 60 years, and of the half-dozen or so who are frequently in Barlinnie for begging, not more than one or two are fit subjects for prison.

859. You make a suggestion that these people should be committed to the poorhouse? You are aware that the poorhouse authorities have no right to detain them, and that they won't be detained?—No; but there is some power in England for that.

860. I am not aware that there is?—I have seen in the newspapers reports of a magistrate ordering a prisoner to be detained in the poorhouse.

861. The authorities have power to detain persons who take advantage of the casual wards until they do a certain amount of work; but I am not aware of any other class?—That was one reason why I made my suggestion—because I thought they had the power in England.

862. You propose therefore something for which legislation would be necessary?—Yes; but there are so few of them, so far as Barlinnie is concerned, that it would be hardly worth while legislating for them.

863. The Barony Parish people complain very much about you sending them a lot of sick discharged prisoners?—Yes; any sick who are unfit for discharge, if they have no friends, we send to the Barony Parish to take charge of them.

864. Do you pay rates?—The Government pays a slump sum I understand; but we are not rated.

865. Supposing it was considered wise by the Committee to make some recommendations for dealing with habitual drunkards, confining them or otherwise, could you give us any idea of what you would think a good line on which to define the habitual drunkard?—Well, I should say a man who spends all his earnings upon drink and gets drunk whenever he can.

866. But what I mean is some practical test for the *quasi* criminal drunkard—you propose to have cumulative punitive penalties?—If a man has been three or four times in prison within a year for being drunk, I think he might be considered an habitual.

867. Three or four times in prison?—Yes.

868. Have you many that would fall under that category?—There are 85.

869. In all Scotland how many are there?—1083; but many who never go to prison are quite as deserving of being considered drunkards as those who go to prison.

870. For the matter of that, those who are able to pay fines—you don't know anything about them?—No; not in the prison.

871. What is your experience as to the effect of seclusion from drink in curing drunkards? How long sentences are undergone in your prison?—Two years we detain them; but not many of them get two years. Twelve and eighteen months are common sentences.

James Taylor. 14 Nov. 1894.

872. Do you find them go out much improved and with a desire for sobriety?—Many of them, at least, go out determined that they won't drink again; but they very soon relapse in many cases.

873. One thing that will account for that is, that they fall into the hands of comrades, who celebrate their release by giving them drink?—Yes, they treat them in the first public-house they come across. There are some who have a little more determination, but the great majority of them ultimately fall back again.

874. You have got some control over earnings, have you not, only giving the prisoner a part?—He gets it in instalments if his credit is 5s. or upwards. It is paid through the Discharged Prisoners Aid Society, and then given to him in instalments, as the agent of the Society sees he requires it.

875. Have you many of these prisoners discharged after putting in a considerable period of imprisonment, returning to you shortly as drunks?—No, not very many. They may get drunk, but they manage to keep out of the hands of the police.

876. You propose, in connection with the seclusion of habitual drunkards, that every individual who gets drunk four times within a year—not gets drunk I suppose—gets convicted of drunkenness within a year, should be shut up for a year or two?—I do not know that I made that proposal. I shall read you what I have said on this subject. There are a considerable number of cases where men and women, especially the latter, are so much addicted to drink that they are a nuisance to themselves and to all connected with them. A good many of those convicted of drunkenness four times and upwards during the year are probably of this class, but if it is proposed to shut up any one for a year or two, with a view to his being cured of the drink habit, a very careful inquiry will have to be made into the man's habits and surroundings before an order is issued for his detention for so long a period. It might not in all cases be advisable to shut a man up for a year or two, although he had been four times convicted during the year. These convictions, notwithstanding the man might be, except when he took say four sprees, a sober well-conducted man who takes the bulk of his wages home to his wife on pay-day and keeps a respectable home. Many a man who has never been convicted of drunkenness might be a more suitable subject for detention for the cure of his drink habit.

877. How would you propose that the case should be sifted?—I think if they are supposed in the Police Court to be habitual, they should be remitted to the sheriff to be dealt with.

878. A very similar suggestion was made to us by another witness, that the magistrate should remit them to the sheriff to deal with?—They could not be dealt with in the Police Courts where they have so many petty offenders to deal with.

879. Do you think it would be an easy job for the sheriff to deal with them?—It would take some careful investigation to discover whether the man's case was one of the kind to be detained—for a year or two.

880. (*By Dr. Sutherland.*) You suggest that an inquiry in regard to habitual drunks should take place before the sheriff. Do you think the presiding judge should necessarily be the sheriff, or would not some kind of inquiry be held in regard to *quasi* criminal drunkards as suggested in the Inebriate Act of 1879, where two Justices of the Peace are provided for?—That might quite well be done, so that the Court has time to go into all the case.

881. To a certain extent you suggest the adoption of cumulative sentences; you propose to go up from 10 to 30 days? Don't you think that is too great a jump from 10 to 30?—Well, it might be 15 days and then 30. I think the magistrates have already power to pass sentence of 30 days in the event of them failing to find caution.

882. Have you seen a discussion on the Scottish Burgh Police Act, in which it was proposed in the House of Commons in 1892 to give 30 days sentences for being drunk?—I have not seen it.

James T 14 Nov.

883. Having regard to the sentences now being passed for many indictable offences, don't you think that 30 days for a second or third act of drunkenness would, as a punishment and nothing more, be an excessive sentence, and would it not, in many instances, impose hardships upon a man himself, who might lose his work, and upon his wife and family?—It might, and therefore each case should be fully investigated and such sentence passed as in the opinion of the magistrate would be good for all concerned. Many drunkards are without family ties, and of the rest many contribute little or nothing to the upkeep of a home.

884. And from your experience of Glasgow prison, where you have been governor for five years, is it not the case that women are more frequently convicted of drunkenness than men?—Yes.

885. What would you say was the proportion of habituals—assuming the number of convictions for such to be four—how many more women than men would come under that category?—I should think there would be double, anyhow.

886. Our return gives five times as many?—Indeed.

887. Our prison returns show 537 women have been convicted four times and upwards, and there were 85 men in Barlinnie, and 23 in Glasgow prison, showing that there are five times more women than men in this category. Does that correspond with your experience?—It is higher than I thought it would be. I knew quite well that women were much more frequently convicted than men.

888. (*By Sir Colin Scott Moncrieff.*) I see by the return there are 23 in Glasgow?—Indeed.

889. (*By Dr. Sutherland.*) Is it not the case, in regard to the time and money penalty, that under the Summary Jurisdiction Act you can only inflict, as an alternative, a money penalty or fine bearing a relation to the time penalty?—I do not know that it is exactly fixed.

890. Is it not in regard to some petty offences regulated under the summary jurisdiction?—I do not know that it is. Up to a certain extent it is pretty much in the hands of the magistrate, I think.

891. (*By Col. M'Hardy.*) Do you know the state in which these habitual drunkards come into the prison? What state is a man in at his reception?—A good many of them are very shaky.

892. And practically unfit for prison discipline for some time?—For a day or two, but they soon come round.

893. But, at any rate, on reception, a very considerable number of them are unfit for prison discipline at all?—I would not say a large number of them.

894. How many would you say?—Perhaps out of 100 commitments there might be a dozen of them.

895. I mean committals for drunkenness?—Yes. There might be a dozen out of the 100 who are hardly fit for their food or their work for a few days.

896. What is the effect, so far as you have observed it, of the prison treatment on the habitual offender—the man who gets 14 days or something like that—what is the effect, so far as you have observed it, in the way of reformation on the man?—If he is an habitual offender it has none. It is only likely to do good to a man who has been in repeatedly.

897. You have seen innumerable instances of imprisonment inflicted upon people without the slightest good?—That is so.

898. As to the character of those people; are there not a certain number of them who are more or less mentally weak?—That is so.

899. Upon a man of that kind you would not expect to find much impression by the prison treatment?—I would not. Many of this kind settle down in prison as if it was their home.

900. There is another class of prisoners who are in for theft, but are there not a considerable number of cases of petty thefts which are very closely mixed up with drunkenness?—A good many. They commit theft with the view of getting drink, or commit theft while they are in a slightly intoxicated state.

901. That is more largely the case with women than men?—I believe it will be.

mes Taylor. 14 Nov. 1894.

902. And therefore you find in the present statistics that the actual returns of drunkenness would not be a perfectly correct statement, without taking into consideration a certain proportion of petty thefts?—That is so.

903. (*By Dr. Farquharson.*) You spoke of an inquiry into the mode of life of the alleged drunkard, would that be an open inquiry, or with closed doors?—Well, it might quite well be an open inquiry, I think.

904. Would it not be a little hard to publish the full details of a man's life, supposing the inquiry failed?—If a man is a drunkard that is a thing that won't hide. It will be well enough known.

905. And what kind of evidence would you take? Of his domestics, or of his wife, or of his neighbours round about?—Do you mean in regard to a man who has been in prison, or is it a case outside?

906. You very properly, I think, lay considerable stress on the fact that many drunkards do not come before the public, and where the police do not interfere, and these are often the worst and most dangerous to their own families. These are the persons into whose case inquiry would probably be made. Would you have evidence taken against him by the insiders, seeing there are no outsiders?—It would be necessary to have some members of the family examined in regard to the matter.

907. What is the longest period of imprisonment you have at Barlinnie?—Two years.

908. At the end of two years are you able to trace the prisoners afterwards?—We very seldom know anything about them till they come back again.

909. You see it would be a very interesting thing to find out whether a man—a drunkard having committed some crime—is cured at the end of the two years, through being deprived of the drink?—Some men who have been in penal servitude have told me that it had not cured them. They might abstain for a little while when they got out, but they very soon went back. The reason perhaps was that they came back to their old haunts and old companions.

James Taylor. 14 Nov. 1894.

910. Then do you think that the present short sentence plan is not a success, either as a deterrent or as a cure?—Well, I did not say that it is not a deterrent. A very large number of those who come in for the first time do not come back, and therefore I think it is a deterrent.

911. But in the case of the habitual inebriate?—It has no effect whatever on them.

912. Do you think a longer period is necessary?—I think so.

913. I think you decline to give any opinion as to what period is necessary to cure a man from drink by detention?—I cannot give any. Many prisoners who have been in prison for long periods for theft, assault, &c., tell me that the imprisonment did not cure them of their love for drink. I only know one outside case in point, that of a woman who was confined in a home for inebriates for twelve months, besides several shorter confinements, and who had a good husband and a nice family, and she was not cured by her seclusion, indeed, her last state was worse than her first.

914. (*By Dr. Sutherland.*) Do you find convicts are habitual drunkards?—Some of them. Many of them, however, are given to drinking bouts.

915. But do they take so many bouts as to constitute them, by your own definition, habitual drunkards?—Some of them do. They drink when they have money; when they get a haul.

916. (*By Sir Colin Scott Moncrieff.*) Where do they get the money when they come out of prison? We had a case brought here to look at, who had just come out of prison this morning and was drunk already?—She may have brought a few pence in with her, and, of course, she would get that, or she might have got it by begging like that old man I spoke of, who went out of the poorhouse to beg for a bit of tobacco, and then he begged for money and got drunk, and came back to prison. [The witness then withdrew.]

ohn Ure rimrose.

BAILIE JOHN URE PRIMROSE, Glasgow, called in and examined. *John Ure Primrose.*

917. (*By the Chairman.*) You are the senior magistrate of Glasgow?—I am.

918. In that capacity your attention has been called to the question with which this Committee has to deal?—From time to time more or less.

919. The first point of the subject is drunkenness, have you any suggestion to make?—On which aspect?

920. Well, in the first place, I may ask you as to the nature of the law. In England, there are prescribed, according to Act of Parliament, increasing penalties for recurring convictions: in Scotland I understand there is nothing of that sort?—There is nothing beyond the discretionary power the magistrate exercises himself.

921. As a matter of fact, one magistrate does not know what the other has done?—That is so.

922. Then do you think it is desirable that any change should be made in that so as to assimilate it to theory of the English law?—Yes: my own observation and my own desire would lead me in the direction.

923. Then there are a great number of people who, in spite of repeated convictions and imprisonment, appear to be quite incapable of giving up their drunken habits, and it has been proposed to deal with these people specially?—Yes.

924. The first practical question that arises is how would you define the habitual drunkard—the *quasi* criminal drunkard with whom it has been suggested we should deal—how would you discriminate between him and the ordinary casual drunkard?—I would speak of a man as being an habitual drunkard who, in addition to appearing before the Court a good many times in the year, may have, if the evidence led showed it, pawned articles of household furniture, or clothing of his family; that, in fact, the craving in him was so strong that he would stick at nothing in order to gratify his passion. I would discriminate between him and a man who might appear as often just because he got drunk on pay-day.

925. You would consider something more than the number of convictions?—That in my opinion would be no proper guide.

926. In addition you would take this other evidence of uncontrollable drink craving; but how many convictions in one year would you take?—If you are going to tabulate it exactly I might be satisfied in regard to some men after three convictions and other corroborative evidence, but to put a figure upon it I would say something like five. But let me carefully explain myself. Five convictions would not at all satisfy me as to a man being a habitual drunkard if it were merely excess on pay-days or the like, unless I had these other corroborative circumstances to which I have alluded.

927. Do you find, as a magistrate, that there are many men who are arrested for drunkenness on pay-days oftener than five times in the year?—Oh no; but I would like to make provision for such cases.

928. But, as I understand, you suggest that a certain number of convictions for drunkenness afford *prima facie* cause for inquiry, and that the police authorities, instead of dealing summarily with such cases, may remit them to the sheriff to be dealt with as habitual drunkards?—I should like that the magistrate should have a measure of discretionary power in that direction.

929. But the magistrate who disposes of the cases of ordinary drunkenness has often to do so in a rather summary fashion, and it has been objected that he would not have time to look into the cases of habitual drunkards, and that the proper way of dealing with them would be to remit them to the sheriff?—The can be no objections to such a course whatever, if desir able.

930. Do you see any advantage in that?—The

John Ure Primrose. 14 Nov. 1894.

advantage I see is that it would give an opportunity to the accused of producing fully, and before perhaps a more deliberative tribunal, all evidence that he ought not to be classified as an habitual drunkard. There would be a protection and safe-guard in that course.

931. Another suggestion has been made that the tribunal should be, not a sheriff, but two Justices of the Peace, as in the Inebriates Act; that I suppose would carry out the same principle?—It would.

932. Do you find that the sentences imposed by different police magistrates in Glasgow in cases of drunkenness vary very much?—They do; I might explain that a little more fully. A good many of them attempt to discriminate, and they may let a man off without any penalty who has only got tipsy from an accidental circumstance, such as pay-day, or meeting a friend. Others adhere rigidly to the 5s. or three days sentence for the same type of offence.

933. Have you much trouble in Glasgow with vagrants?—Speaking from my own experience, a good amount. I could not describe it as a class, but cases come up very frequently. I do not know what the statistics may show.

934. (*By Dr. Sutherland.*) There were 636 apprehended in the course of the year?—It is quite possible.

935. (*By the Chairman.*) These are chiefly for begging, I suppose?—Yes.

936. A suggestion has been made to us that of the beggars sent to prison, many are too old, and weakly, or imbecile, to be good subjects for imprisonment, and that it would be much better that they should be sent to the poorhouse?—I should say that exactly half of those that come before me are in that category.

937. There are certain powers, I understand, that the magistrates have in dealing with 'drunks'—which they do not appear to exercise—by which they may order them to find sureties for their good behaviour, or alternatively undergo a heavy sentence of imprisonment?—I believe such powers exist, but I have never exercised them or known of them being exercised.

938. There is no consultation among the magistrates, I suppose, as to any common lines of action; each man acts on his own discretion?—Entirely.

939. Is there any other point in connection with our inquiry you would like to speak upon? It has been proposed, as you are no doubt aware, that we should deal with habitual drunkards by recommending their relegation to separate institutions; have you any ideas you would like to lay before us as to the incidence of the cost of such institutions?—I have not bent my mind to that, but I am thoroughly convinced in my own mind of the value of such a proposed course of treatment. We are accumulating evidence in institutions around us, and in our midst, where confinement, voluntary for the most part, I think, has been productive of immeasurable good, and really leading to reclamation and better lives.

940. (*By Sir Colin Scott Moncrieff.*) Of drunkards?—Worse than drunkards—prostitutes and drunkards.

941. (*By the Chairman.*) Are you connected with any of these reformatory institutions?—I am not, except that I go round as an entertainer, and, becoming interested in their work, hear of the result from those connected with it.

942. (*By Sir Colin Scott Moncrieff.*) As regards locking up drunkards for any lengthened period, how would you convict them? Who would take the initiative? Would you expect the wife, or the children, or the family to do it?—As a rule I would not.

943. To whom then would you give the initiative? The police?—I think the police would require to be an important factor in it. I know of no other existing machinery that would fit in.

944. We had information given us this morning of a class of workmen who, while continuing to discharge all their responsibilities as bread-winners for their families, get abominably drunk every fortnight when they receive their pay, and make themselves a terror to their wives and children, and a nuisance to the neighbours in the stair, but who never come into the hands of the police?—There are many such cases I doubt not.

945. Do you think such cases could go on for any length of time without the man going down the hill farther and farther?—In my own experience I have known men who got drunk once a fortnight regularly, and in the employment of our firm we have one man who has done that for 20 years, and so far as his family are concerned he discharges all his duties, and is quite moral in regard to them. He is a good, steady workman, but as sure as he gets his pay he has a bout.

946. Would you lock up that man or send him to a Retreat?—I would not.

947. Although he may be a danger, and may some day commit a crime? It is possible that might occur.—In the particular case I have before my mind's eye just now, I don't think he would commit a crime. He fulfils all the other conditions you have indicated, but he never goes the length of actually bringing himself into trouble. I am not sure if he was once taken up.

948. Now as to those satisfactory cases you told us about, of the poor creatures who had been really reclaimed, have you any idea how long it took?—I know of some who have been years in the institutions. I have one particular instance I can cite where it was five years—a woman—and she was traced for five years after. From those directly at the head of that institution I have had letters placed in my hands from those they have reclaimed.

949. Then you believe in the possibility of reclaiming them?—I do undoubtedly.

950. What would be to your mind the minimum of detention that one should propose for cases like these?—You take me into ground where I could hardly speak with any degree of conviction or authority. Those most skilled in the treatment of such cases would be more qualified to express an opinion.

951. What is your feeling about children going to prison?—I avoid it in my practice as a magistrate. I would rather strain a point than send them there.

952. What is the youngest age you think that a juvenile should be allowed to go to prison?—From my own experience I would not like to send any child under 14 years of age to prison.

953. Last year there were 220 children sent to prison under that age; what would you do as an alternative?—I would send them to Industrial Homes wherever I could. In all cases coming before us, if the parents are living we get them to come, and if we think the case is a desirable one for such an institution, we try to persuade them of the expediency of its being done.

954. Or to Reformatories?—To Reformatories or Industrial Schools.

955. Do you think it would be a judicious thing in any new legislation to introduce a rule that no child under 14 should be sent to prison?—I would support that as an individual, my reason being that the prison brand being once put on seems to blight the whole life.

956. (*By Col. M'Hardy.*) *Appropos* of what you have said about the prison brand, one looking at the statistics on this subject must be very much struck by the immense predominance in Glasgow of the number of apprehensions per thousand of population for disorderly conduct, above that of any other part of Scotland?—It is a subject that has often exercised my mind, and I have tried to account for it in many ways, many of them satisfactory to myself.

957. What do you think is the explanation of it?—First, I would lay it to the greater activity of the police in Glasgow, and the running in for smaller offences. For instance, I have repeatedly seen men quarrelling on the streets in English towns, a policeman would come up to them, and, touching one on the back, would tell them to move on. In Glasgow two policemen would come up, and the one would seize the one man, and the other the other man, and march them off to the police office. In London I was so much struck with the way the police let them off that I remarked upon it to a policeman. 'Oh,' he replied, 'they ain't harming anyone, 'they are only harming themselves.' I cite that as a concrete instance of a state of things that exists. In Birmingham I have seen equally marked toleration as

compared with our police here. There is another question. Very much smaller disturbance of the peace involves running in here as compared with all the large towns of England I have been in. To that extent I explain the difference between ourselves and a great many English towns. I have another theory, that is the beer drinking habits of England do not cause such fierce drunkenness.

958. But without going to England, take the Scottish towns where whisky is drunk, and, without going far, take Govan, which is a part of Glasgow to all intents and purposes, you get the apprehensions in Glasgow proper, 60 per thousand of population, and in Govan 28, not half?—Well, I happen to live in the near neighbourhood of Govan, and there the police have made themselves very much more a part of the community than our police have done, and I am bound to say, from observation, that they do more for tipsy men in the way of sending them to their own homes and getting them safely lodged, while in Glasgow such cases are invariably run in.

959. Then, as a magistrate, does it come within your knowledge that this system which you have explained, of greater activity on the part of the police, tends to the benefit of the community in any way?—I think it probably keeps the streets freer and pleasanter for the sober dweller.

960. Is the disorder discernible when you cross the border into Govan?—No, I could not say that it is so apparent that you could mark the transition. Govan is a very well governed town.

961. Paisley is not very far from this; is it a remarkably disorderly place?—No; I would not speak of it as such.

962. It seems to get along with one-third of the apprehensions in Glasgow?—Yes.

963. You do not observe in the streets more disorder?—I do not. I have been in all these towns at all hours of the day and evening.

964. (*By Dr. Farquharson.*) Are most of these small offences noted in the table on page 2 (?), Set III., the result of drink?—In most cases drink is associated with them, and the offences in most cases are the outcome of drink.

965. Do you think the increased activity of the police is good for the offender as warning him off dangerous ground, and acting as a deterrent for a first offender or one beginning?—For that class I think it is beneficial. Many of those who come before the Courts appear to think little of it, but, on the other hand, there are many on whom the first appearance before a magistrate makes a life long impression, and they never return.

966. Although the police activity may be efficient it has a good side?—Yes; but my opinion with regard to the slightly muddled with drink is that, if it were possible, they should be taken to their homes instead of to the Police Office. Many of the men brought to the Police Office are only in a drunken stupor, and they are not dangerous. As it is, they are only brought into the Police Office at the public expense, and boarded till they come before the magistrate.

967. The workman of whom you spoke as getting regularly drunk may not be disorderly so as to bring him under the supervision of the police?—From hilarious to outrageous, but not in the sense of using violence.

968. But in the case of the chronic domestic drunkards, in whose case you would not like to use family evidence, how would you get police evidence brought to bear upon them, and are they not often a most dangerous class to their families, and break up the family comfort?—In regard to them I would say police evidence was most necessary.

969. But if the police did not hear of them? I am speaking of the class that are not detected by officials—the class referred to by Sir Colin Scott Moncrieff—the workman who drinks regularly, but who does not outwardly show any symptom of disorderliness, but who may be all the while ruining himself and his family?—I did not contemplate police evidence covering such a case as that. He could only be reached by the testimony of reliable parties, either belonging to his family, or his neighbours.

970. You would not contemplate the police being put in motion by members of the family?—I did not contemplate that.

971. That appears a difficult though a necessary class of cases to deal with?—Yes.

972. (*By Dr. Sutherland.*) If a man became a nuisance to his neighbours, might not they initiate proceedings?—Yes.

973. And in any inquiry, do you not think full justice would be done to a drunken person, even though he or she did not come before the police, by the evidence of his family and neighbours, if such inquiry were conducted before two Justices?—Yes.

974. Are there not plenty of Justices of the Peace to conduct such inquiries?—Plenty; men of intelligence and ability for such duty.

975. You gave some reasons to account for the increase of the Glasgow statistics; is that increase in any way due to the special legislation of the Further Powers Bill?—Most undoubtedly.

976. It is a very stringent Act?—Yes.

977. Do you mean to say that Glasgow is governed by more stringent laws than any other towns in Scotland?—So far as I know, it is.

978. Is it the case that in Glasgow more sentences of 14 to 30 days have been inflicted for the last year or so than formerly?—I believe so.

979. Have the magistrates had any consultation in regard to the exercise of more uniformity?—Not that I am aware of.

980. You said you would not like to go beyond 14 days for a drunk; that is, you would not ask them to find caution or go to prison for 30 days; why do you decline to go to the full penalty of 30 days?—Because in most cases that would warrant anything more, there are other attendant incidents of drunkenness that give us power to inflict the necessary heavy punishment. For pure drunkenness the limit there affords you all the punishment required.

981. Do you think the country would support legislation giving any more than 14 days?—I do not. I think we have had repeated evidence that the country would not. I think it was attempted, but it met with no support whatever so far as I can recollect.

982. Where was that?—I cannot charge my memory with where it was.

983. Do you mean the Scottish Burgh Police Act?—Yes.

984. In regard to the workman who takes bouts of drinking frequently, it has been suggested that his money should be taken from him, and placed in the hands of his employer or a *curator* for the benefit of his wife and family, but he is not to be deprived of his liberty, would that meet the case of the workman you mentioned?—My firm have done it without legal authority.

985. (*By the Chairman.*) With what result?—Beneficial, no doubt. The family got the money which, otherwise, they would never have seen.

986. (*By Dr. Sutherland.*) Do you think that a register of all 'drunks' should be kept in a city like Glasgow?—Yes; I think it would be highly desirable.

987. Now, in seeking to protect the victim of drinking habits, and preventing others becoming drunkards, could you suggest anything that could be done in regard to the publican and the pawnbroker in this matter?—Of course, the provisions already on the Statute Book in the Public-houses Acts against the publican supplying any drunk man knowingly are very stringent, but I could wish that they were more effectually enforced. Whether there is a necessity for more stringent law on that matter I don't know. I think the existing powers are pretty ample as regards the publican.

988. Is it not within your knowledge that certain publicans, not of a high standing in the city, help to manufacture these drunkards?—Well, it is within my knowledge and observation that some give them facili-

John Ure Primrose. 14 Nov. 1894.

ties for getting drink in the way of giving them credit, and running up a score against them, and practically attaching them to the house. I know many houses who have a certain clientele attached to them through the facilities given them, and through the personal power the proprietor exercises over them.

989. Do you think any good would result from the names of men and women proclaimed hereafter as habitual drunkards being advertised and sent to publicans and pawnbrokers, and these persons forbidden in the one case to supply them with drink, and in the other to take their body clothing or bedding?—Most undoubtedly good would be done. [Witness then withdrew.]

[ADJOURNED.]

FOURTH DAY

Glasgow, 15th November 1894.

PRESENT:—

Sir CHARLES CAMERON, Bt., M.P. (*Chairman*).
Lieut.-Col. A. B. M'HARDY, R.E.
Dr. R. FARQUHARSON, M.P.
Sir COLIN SCOTT MONCRIEFF, R.E.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Robert W. Sinclair. 15 Nov. 1894.

ROBERT W. SINCLAIR, Secretary of the Glasgow Magdalene Institution, called in and examined.

990. (*By the Chairman.*) You are Secretary of the Glasgow Magdalene Institution?—Yes; and the Lochburn Home is one of our Homes.

991. What are your other Homes?—Our other Home is the Probationary Home at 17 Stirling Road.

992. Would you explain how you work your system?—The cases are received at the Probationary Home, as a rule upon their own application, and they receive instruction and probation there for some four or five weeks to test their character, and if their character is satisfactory during that time they are transferred to the permanent Home at Lochburn.

993. In the first place, tell us exactly what class of women you take in there?—Fallen women from the city and neighbourhood under 30 years of age.

994. Do many of them come to you?—They come to us as a rule of their own accord. Sometimes the magistrates send cases to us from the Police Courts coming before them for being found drunk or importuning. We don't find these latter very satisfactory.

995. The magistrates send them to you as an alternative, telling them they may go to you or be sentenced?—If they are willing to reform they are sent to us.

996. These cases are kept five or six weeks to undergo probation and instruction — instruction in what?—In sewing, laundry work, and household duties.

997. And what does the probation consist in?—It is to test their character and their desire for well-doing.

998. How many women have you in this Probationary Home?—At present 54.

999. How many do you receive on an average?—In the year just closed at 31st October we received 219; the previous year the number was 214.

1000. That is to say you pass in about four a week?—Well, the months don't always tally.

1001. But it is the average?—Yes.

1002. If the months don't tally what season increases?—Usually about this season. The admissions begin to increase about the month of November, and continue till the month of May. Our admissions are not so large in the summer months.

1003. Can you tell us how many are sent to you by the magistrates?—I cannot give you the correct number, but I should say not more than 10 or 15 per cent.

1004. That would give you 20 or 30?—About that in the course of the year.

1005. Now, the other women that come to you; why do they come; what is generally the cause of their coming—ill health?—No, we do not take them in if they are ill. They require to be in good bodily health if we receive them. They come to us on account of want of work, and generally on account of their ill-doing, and their wish to reform.

1006. But you mentioned that there was a seasonal increase in the number that came to you?—I fancy the stress of weather and the want of work during the bad weather is the cause chiefly.

1007. You speak of the want of work, but I understand that most of these women are prostitutes: do they work?—Oh yes, many of them do.

1008. They are simply women who eke out their callings by prostitution?—Yes. Then I should mention that we have every year a number of rescued unfallen women.

1009. These are exclusive of the 200?—No; they are all included.

1010. Can you give us the numbers?—Yes; rescued from imminent danger, 32.

1011. These are girls who have come to town to no friends, and whom you take in?—Most of them.

1012. Do you keep them separate from the other women?—No.

1013. You let them all mix together?—They all work together.

1014. Now, we have got them through the Probationary Home, bring them to Lochburn, and tell us what you can about that institution. How many have you there?—We have 117 just now. They are kept there, and the time from their admission to the Probationary Home till they are ready to leave, is two years. We think we cannot do them much good in a shorter period than two years. The two principal departments of work there are laundry work and sewing. Fully three-fourths of the girls prefer laundry work.

1015. But you have got a much smaller number at Lochburn than in the Probationary Home?—No; the number at the Probationary Home was 54, and 117 at Lochburn.

1016. But you detain them at Lochburn for a longer period?—About two years.

1017. Then you take in all the women that pass through the Probationary Home into Lochburn?—They don't all go. We carry on laundry work at the Probationary Home. There are about 20 to 25 retained permanently there during the two years, till they are sent out to situations, or restored to their friends.

1018. Well, take the rescued cases: what do you do with them?—They are dealt with in the same way as the rest.

1019. But you don't think it necessary to keep them in for any length of time?—We do, because in nearly every instance we have got to learn them everything. It is usually six or nine months before they can do any work.

1020. Then do you consider it a desirable thing that virtuous girls who come to you for assistance should be kept for two years mingling with fallen women?—Our directors have had that matter before them once and again, and after very full inquiry we could not lay our hands on a single case that received injury by being in our Homes.

1021. You pass them into your Lochburn establishment and you keep them there for two years; do many of them leave you during that period?—A goodly number do. The number is given in our annual report. Last year the number either dismissed or leaving of their own accord was some 20 per cent. of the whole, and the year just closed is 15 per cent.

1022. I find in the report that for 1893 there were dismissed, absconded, and left, from the Stirling Road Home 25 per cent., and Lochburn Home, 24 per cent. What power have you for detaining them?—We have no power—entirely voluntary.

1023. Do you ever find the inmates recalcitrant?—No.

1024. What means have you for enforcing obedience?—Moral suasion. Then we have a system of premiums. After deducting a certain amount from the earnings for current expenses we give the girls 20 per cent. on the remainder, and our girls as a rule, have sums varying from £7 to £10 at their credit at the end of the two years.

1025. Do you clothe them?—Yes, and feed them. Then when they leave us their outfit is the first charge upon their premium. The cost of that ranges from £4, 10s. to £5, and of the remainder of the premium which may be £3, £4, or £5, we give them half at the end of 6 months if they continue in well-doing, and the remainder at the end of 12 months if they still continue in well-doing.

1026. If you have a girl of the class of domestic servant in your home, and at the end of the time she can have been clothed, fed, and find herself with £10 in her pocket, she is really better off than the average domestic servant?—She does not get the £10. A good outfit is first taken off, and then the remainder, which may be as high as £5, is divided into two parts, and she gets one half at the end of 6 months, and the other at the end of 12 months if she continues in well-doing.

1027. You spoke of the premium being about £10 at the end of the year?—No; at the end of two years.

1028. (*By Sir Colin Scott Moncrieff.*) Premium on the amount of work she has done?—Yes.

1029. (*By the Chairman.*) Have you any system of measuring that?—The general good conduct and industrious habits of the inmates. The superintendent and matrons allocate the premiums monthly, according to the industry and conduct of each girl.

1030. Could you give us any detail of the exact amount of money received by the inmates in your establishment into their own hands. I do not mean for all, but specimen cases?—They do not receive any money into their own hands while they are with us. They get no money until the end of six months after they leave, and then only if they continue in well-doing.

1031. About the girls at Lochburn? I wish to find out what inducement they have to remain in a place where you have no powers to compel them to remain, and how the thing is worked, because it is a difficult problem to get people detained in a place where there is no compulsion, and I wish to understand it?—Well, I suppose the general answer to that question is the desire for improvement and well-doing on the part of the girls. The place also is made attractive and cheerful, and the work is not burdensome.

1032. We will take a girl at Lochburn; can you give us an idea what cash at the end of six months she would get into her hands?—The girl ought to have about 5s a month, and at the end of six months she would have £1, 10s. at her credit in the premium book.

1033. If she wanted some money to herself you would not give it to her?—Certainly not.

1034. At the end of a year she might have some more money at her credit, and again you would not give it to her?—Certainly not.

1035. And if she were guilty of any infraction of the rules you would fine her?—For any grave offence we would take a month's premium off.

1036. We will take her on to the 18 months. She would then have still more premiums unless she had forfeited them, and you would still not give her any money?—No.

1037. At the end of two years she would be ready to go, and then you would give her the cash?—No, we would give her an outfit which would absorb about half or three-fourths of the premium. We pay any expenses she may have in going to the situation which we find for her, and at the end of six months, if we find the girl has continued in well-doing, she receives half of the remainder of the premium standing at her credit.

1038. Which would vary very much?—It might vary from £2 up to £5.

1039. The girls who come to you for rescue are not necessarily ignorant girls and requiring to be instructed?—The great majority of them are.

1040. Is there any machinery in Glasgow for dealing with cases, such as excited attention in London, of country girls lured, it may be, by promise of some false situation, servants—respectable girls and in every way excellent characters—lured into a strange place, or coming to a strange place and finding themselves friendless and deceived?—Does your rescue work extend to cases of that sort?—We frequently do take charge of such.

1041. Do you retain them or do you merely help them on?—We sometimes do the one and sometimes the other. Where it is thought desirable, we send them to their friends, or help them otherwise. In regard to some cases we find that that would not be desirable, hence we take them into the Homes.

1042. And if these are still girls would you still run them through the mill of these two years?—It depends very much on their progress. Two years is the nominal time. From long experience we found that we could not be really in a position to recommend a girl for domestic service till after two years' training.

1043. Well, the majority of your inmates are reformed prostitutes?—Yes.

1044. A large number of them have been addicted to drink?—A considerable number.

1045. A number of them have been very drunken cases?—Yes.

1046. Do you find any difficulty in restraining them when they are with you?—Well, some of them do get impatient, and of course we have no power to detain them, and they leave us.

1047. But they are less than 24 per cent. apparently from your figures?—Yes. About 60 per cent. of the cases admitted are more or less addicted to drink.

1048. Well, we won't take the less; what do you say about the more?—Well, of those under 20 years of age not more than 18 per cent. are addicted to drink.

1049. What number of your inmates are above 20 years of age?—About half.

1050. Have you got the age per centages?—I have here those above 20 years of age. Of those who are admitted above 25, about 70 per cent. have been addicted to drink.

1051. Any of them notoriously bad cases?—Some very bad cases.

1052. Who have been in the hands of the police for drunkenness?—Yes, and perhaps 10 or 15 times in prison.

1053. Have you difficulty in keeping them for two years?—Well, I could not say that we have no difficulty, but we manage it in most of the cases.

1054. How do you manage it, for that is exactly

Robert W. Sinclair.

15 Nov. 1894.

what we are trying to get at?—As you know we have no compulsory power, and it must be all by moral suasion and making the place as attractive and cheerful as possible, by kindly treatment also, and giving them plenty of work to do.

1055. But many of them won't consider that an attraction?—Well, they take a liking to it; they get attracted to it.

1056. Do they understand their own rights when they are in?—Oh yes.

1057. Do they sign any engagement to stay?—No; it is entirely voluntary.

1058. Could you find out a few of the cases of women who had been repeatedly convicted for drunkenness, and who had been notorious drunkards, who have been with you a good long time?—I have several cases in my mind just now.

1059. Have you traced any of these habitual drunkards after they have left you?—Yes.

1060. With what results?—I could give you the names of some of those whom we have ascertained to have continued in well-doing and abstained from drink.

1061. Have you any suggestions on the subject?—No.

1062. You have got no analysis?—No: only private inquiry. We do not put them into the report; it would not do.

1063. But an analysis would not lead to any identification. You have no analysis, however, showing that?—No, I was going to mention that few of the girls go astray through strong drink under twenty years of age, but of those who go astray above twenty years of age, something like 25 per cent. of the cases that come to us have gone astray through the use of strong drink.

1064. I see you work the Stirling Road and Lochburn Homes at a very considerable profit?—There is a slight profit.

1065. The laundry work brings you £5015 a year—88 per cent. of the total expenditure?—Yes. I was going to mention on that point that in our Homes the girls' earnings pay fully three-fourths of the expenditure of the Institution. The work receipts were last year over £5000. This year they have been a little under, and we require about £1000 in donations and subscriptions.

1066–67. How are the Homes managed?—By a Committee of directors.

1068. Elected by the subscribers?—Oh, surely. We have our annual meeting in the month of December when the office bearers and directors are elected.

1069. What staff have you?—Two matrons, 14 lady superintendents, 2 vanmen, an engineman, and secretary. There is one matron in each Home. At Stirling Road we have a matron and 3 assistants, and at Lochburn a matron and 11 superintendents.

1070. Your primary object is to rescue girls from the streets, and I suppose you look more to their moral reclamation than to the work of curing the drunken habit?—We make that the principal object of the institution. The moral well-being of the girls is considered above all other considerations.

1071. Is there anything sectarian in your institution?—No; nothing whatever. We have a number of Roman Catholic girls in the institution.

1072. I suppose you have some religious agency working along with you?—The directors of our institution conduct services every Sunday forenoon in each of the Homes. They take the services in turn, then there are ladies and gentlemen who conduct services in the Probationary Home on Sunday evenings, and I have my own bible class at Lochburn on Sundays.

1073. What about the Roman Catholics?—We never ask them any questions, and they never ask us any.

1074. What do the priests say?—I have no information; we have never had any trouble.

1075. The inmates of all creeds participate in these services?—Yes.

1076. I suppose you have, in addition to that, clergymen visiting?—No; except that we may have a clergyman sometimes at special services. We give two treats to the girls in the year—one at the New Year, and the other in mid-summer, and we have clergymen at these meetings.

Robert W. Sinclair.

15 Nov. 1

1077. What dietary have you; what does it cost per inmate per day?—The cost last year was £10, 1s., or 3s. 10¾d. per week each inmate.

1078. Have you any alcoholic or malt liquors in your institution?—No.

1079. And do you attribute the success, which you claim in the reclamation of habitual drunkards, to the total deprivation of liquor?—Very much.

1080. Have you any medical man connected with your institution?—Yes; Dr. James Gray, Newton Terrace, has been coming to the institution for the last 35 years. He and his son are our medical officers.

1081. Have you any cases of *delirium tremens* coming on after admission?—No.

1082. In Stirling Road?—Well, occasionally a girl has to keep her bed for two or three days after admission, but that is a very rare case.

1083. In connection with the class of girls with whom you deal there will be a number of cases of disease; is there no special provision for dealing with that?—They are sent to the Lock Hospital.

1084. Who sees them?—Dr. Gray sees the girls before they are formally admitted. It is a rule of the institution not to take any girl who is not in good bodily health.

1085. And do you take their declaration for it that they are in good bodily health?—No; Dr. Gray sees them. We have his statement as to the health of each.

1086. (*By Dr. Sutherland.*) I suppose Dr. Gray simply arrives at the conclusion that they are free from disease, by simply putting a question to them—he submits them to no examination of a private character?—I do not think so.

1087. You stated to the chairman that the reformation of the individual was the first factor in your institution? Then do you consider the teaching of habits of industry the second?—Yes.

1088. You stated that a great number came in who could do nothing, and that these go out with a perfect knowledge of laundry work; do you classify them at all?—In the department of work?

1089. Either in the working department or in the dormitories?—Well, the matron classifies them to some extent, but I don't know that I could give you any detail.

1090. You have stated to the chairman that the inmates all mix together, and that you never found any bad effects, might not the classification of the women both in the work-rooms and in the dormitories account for that?—We have no means of separating them.

1091. But you have separate dormitories?—Large dormitories.

1092. But you would classify them as far as possible in these?—Yes; everything is done to improve them morally.

1093. You consider the temperament of the inmates to some extent, do you not?—Yes.

1094. What allowances do you make for these girls in the matter of liberty, and of seeing and writing to their friends?—We do not allow them to go out at all, but they are not only allowed to write their friends, but encouraged to do so.

1095. Except in your own grounds?—That is all.

1096. Are they extensive?—Yes; pretty extensive, a large playground.

1097. Then, after they have put in 18 months, or 2 years, do you suddenly let them loose on the world?—We find them situations, or restore them to their friends.

1098. The necessity does not exist for gradually restoring them to the outer world, by allowing them out now and again before their term of 18 months or 2 years is up?—No; it would destroy the good management of the institution, if girls were allowed to go out and come back again. We have had a specimen of that in Glasgow already, and it had to be abolished.

1099. I think you said the amount of public subscriptions was something between £700 and £1000; is that entire deficit?—Yes.

1100. Have you any difficulty in getting that money?—No.

1101. Is it not the case that the Homes are made attractive by entertainments and that sort of thing?—Well, in the winter time we have what we call recreation evenings. A number of the directors and others, both ladies and gentlemen, take part in a weekly entertainment during the winter months.

1102. Do the inmates take part in the entertainments?—They occasionally do. We have a teacher of music who teaches them sacred and other pieces.

1103. I suppose dancing is not permitted?—No.

1104. You know it is permitted in lunatic asylums? But it is different in our case.

1105. I suppose the female officers you have are of a good class of women?—They must be, otherwise they would be of no use.

1106 Do they stay long with you?—Yes.

1107. You have not frequent changes?—As a rule they stay with us until they become unfit for work and are superannuated.

1108. (*By the Chairman.*) You have left upon my mind not quite a clear impression as to what you do in the Probationary Home. From that Home I see you sent to domestic service or other situations 16; these, I presume, would be the virtuous girls?—No; these are the permanent cases retained in the Probationary Home. About 25 of the inmates are kept there permanently and do the work there.

1109. Then 'Dismissed as unsuitable'?—That is when they may be medically unsuitable, or being above the age at which we admit, or perhaps bad health.

1110. Take your analysis in your report here of the inmates of the Probationary Home. You have 'transferred to Lochburn,' so many; 'restored to friends and sent to domestic service,' so many. These you have explained. Then you have, 'to poorhouse, 4'; 'to kindred institutions, 2'; 'to hospitals, 14'; 'dismissed as unsuitable, 6'; and 'left voluntarily after a short stay, 41.' What I asked you was what these are, classed as 'dismissed'?—These are dismissed for insubordination or perhaps the state of their health.

1111. Then you would expect to have more insubordination in the Probationary Home than in Lochburn, where I find there were only two dismissed, 23 left on their own accord and three absconded: what is the difference?—The absconded are those who go over the wall.

1112. Why do they go over the wall: they are at liberty to go: why did these three go over the wall?—That is a matter of surprise to ourselves.

1113. Have you often people who abscond?—No; very seldom. One of these girls had some £7 at her credit. She had been with us 20 months, and yet she went over the wall with another girl. There is no accounting for these things.

1114. (*By Miss Stevenson.*) I see in your report the number of admissions for the year is 215; it does not read 215 individuals: that does not account for readmissions?—We have no readmissions.

1115. If a woman goes out do you readmit her?—Not as a rule.

1116. If she leaves the institution you won't admit her a second time?—If she leaves of her own accord or wilfully, without the consent of the directors we do not readmit.

1117. I am surprised in reference to the classification that you don't find there are any evil results from introducing, among women of notoriously bad character, girls who are of good character?—I have given you my experience of 34 years.

1118. Have you among your inmates any who are mothers; there for a first fault?—We have occasionally.

1119. How do you deal with them—in the same way as those who have been habitually on the streets?—Yes; they are all under the same arrangement.

1120. What becomes of their children?—In some cases their children are provided for by the Parochial Board.

1121. They are separated from them?—Yes.

1122. They have no responsibility?—No: separated at their own wish.

1123. Do the directors ever take any means to ascertain the parentage of these children so as to make the father responsible?—We have had one or two cases of that kind, but they were so surrounded with difficulties that we had to give the thing up.

1124. Then you say that in some cases the women are not in sufficiently good health to be sent into the Home, and they are sent to the hospital: do they come back to you after being treated in the hospital?—The majority of the cases sent from our Home to the hospital do come back to us.

1125. What proportion of those who have been in the Homes turn out satisfactory?—About 70 per cent. of our innates, who have taken full advantage of the training of the Homes, turn out satisfactory.

1126. For how long do you take supervision over them, or do you follow their cases after they leave the Homes?—Well, our inquiries sometimes extend over five or six years.

1127. As regards those who might be called inebriates, you stated that you very seldom find that a woman under 20 owed her fall to intemperance: in the case of those older—those about 24 or 25—do you mean to imply that their first fall had been due to that?—Yes: from drink. Of course, we have no means to verify the statement beyond their own word.

1128. (*By Col. M'Hardy.*) You have got a system established with these two Homes; has it any connection with the somewhat similar association which has the Hill Street and Whitevale Shelters?—No.

1129. Are you carrying on identical work?—The same kind of work, but with this difference, that they profess to deal, I believe, almost exclusively with discharged prisoners.

1130. Have you any association with the prison establishment?—No.

1131. In what way does the knowledge of your instruction reach the people for whom you intend it?—We circulate leaflets through the city mission.

1132. Is that the only way?—That is the only way.

1133. Do the city missionaries visit the class that you lay *yourselves* out to receive?—They give the leaflets to the women when they meet them in the street, or if they see them in houses where they may be visiting.

1134. So that it has a somewhat religious element in its inception?—Yes; the inception is a religious one.

1135. Now, as to the age and the class of persons that you reach; have you any information as to the average age?—Yes; a statement is given in our report.

1136. Am I right in supposing that the great proportion of the women who come to you voluntarily are moderately aged?—Well no.

1137. (*By Sir Colin Scott Moncrieff.*) You state they are all under 30?—Not above 30.

1138. (*By Col. M'Hardy.*) I see there are 73 of the 215 above 24 years of age?—Yes.

1139. Well, what I am driving at is, that as far as my knowledge of these institutions goes, it is that a young woman will not readily go to them. She only goes after she has found that life has got to be pretty hard for her, and probably her best days are past, I mean physically?—Well, we had according to our statistics last year, 63 under 18 years of age in the total 215, and 77 under 24, that is, between 18 and 24. That is 140 who were under 24, so that a large majority of our cases are under 24 years of age.

1140. Do you find the majority to be in the full bloom of health or the reverse?—In the number of applicants there are a good many who are in bad health.

1141. Weakly?—Yes.

1142. Then as to the number who dislike to remain the full time, can you, in regard to age and physical condition, separate them? Are those who leave you prematurely a physically superior class?—No.

1143. You find that the weakly ones leave you as readily as the others?—Yes.

Robert W. Sinclair.

15 Nov. 1894.

1144. (*By Miss Stevenson.*) In the number of those under 24 years of age do you include those what you might call preventive cases?—Yes.

1145. (*By Col. M'Hardy.*) Do the missionaries who distribute these notices send you applicants?—They do, but the great majority of the cases come of their own accord.

1146. (*By Dr. Farquharson.*) Do I understand you to say that these women are medically examined when they enter your Home?—They are seen by a doctor.

1147. But does he make examination to see whether they are suffering from disease or not?—I cannot definitely answer that question. He certifies to the committee as to the state of health of the applicant, and that enables the committee to dispose of the case as they think best.

1148. Is it not the case that that class of women generally try to conceal their disease?—I believe that is the case.

1149. And if they decline to be examined you have no compulsory power to compel them?—No; but we have never had any difficulty on that score.

1150. Perhaps they have come for the purpose of getting medical treatment?—Perhaps.

1151. Your admissions to your Home are purely voluntary?—Yes.

1152. What power is there to send to any institution a woman who is making herself a nuisance in the street by solicitation? Can they send her to your institution the same as a child to a reformatory?—No; and that is a point I would like to call your attention to. The magistrates, as already stated, send us cases, and, perhaps before the constable who brings them is a 100 yards away from the door they want to get out. They promise anything to get out of the magistrates' hands: and what we want is compulsory power to retain these girls.

1153. On the analogy of boys sent to a reformatory, who are not criminals, but whom you want to detain?—Yes.

1154. Do the police take any part in the reformation of these women by telling them on the streets that they may have an opportunity of going to your Homes?—Many of them do.

1155. You have to be directed specially to those who are on the border line of vice?—Yes. The police have often brought us cases of that kind.

1156. Have you any difficulty in getting places for them?—No; as a rule we have more applications than we can supply: our girls usually turn out very satisfactorily.

1157. Have you any relapses?—Very few. I have stated that about 70 per cent. of our cases are permanently recovered.

1158. Then, one question about the influence of drink. You don't attach much importance, I think, to drink in the primary fall of the woman; do you attach much importance to it in keeping her in her unfortunate position?—Yes; we believe the one reacts upon the other. We think there would be very little prostitution were it not for strong drink.

1159. You think they would come more readily under good influences were it not for the drink?—Yes.

1160. Do you find these women make any attempts to get drink from the outside when they are in the Homes?—They have no opportunity or means for that.

1161. (*By Sir Colin Scott Moncrieff.*) Are your Homes always full?—As a rule.

1162. You admit no one above the age of 30: what is the reason of that rule? Is it simply because it is beyond your financial power or your area of house-room?—Well, we think that we cannot do a depraved woman after 30 years of age any good. We admit, sometimes cases up to 35, but that is the exception.

1163. Has that been the rule of your institution since the beginning in 1859?—In the original rules of the institution, the limit of admission was 25, but we found a very considerable number of cases applying above that age, and the directors having considered the matter, thought it would be well to extend the age to 30.

1164. Have you any evidence as regards the hopelessness of trying to take in unfortunate women older than that?—We do feel that there is very little hope.

Robert W. Sinclair.

15 Nov. 1

1165. Of these young women, are there many of them poor girls who have gone astray only once or twice, or have they been regularly on the street a long time?—They come to us generally pretty early—after a few months wild living.

1166. And you think that the wild living is due chiefly to drink, and not simply to poverty?—It is very often due to intemperate parents; not so much due to acquired habits of the girls themselves.

1167. Do you mean that the girls acquire the habit from their parents hereditarily?—They do.

1168. We have had some melancholy instances of wretched women brought to us who oscillate between the poorhouse and the prison, very degraded and miserable creatures, would you take such cases?—If they were willing to reform.

1169. And have you such a case as that?—Yes; we have several such cases.

1170. Can you trace such cases, and show that there have been really recoveries among them?—Yes; certainly not the rule, but a good many exceptions. Some who had been very far gone have been permanently reclaimed.

1171. I notice you have no ladies in your committee?—No.

1172. Do you not allow ladies on it?—Yes, we allow them. We had a Ladies' Auxiliary for many years, but they dropped out, and the work seems to be going on. Our superintendents seem to prefer a gentlemen's committee to a ladies' committee.

1173. Your women don't go to Church?—No; the necessary services are provided in the Homes.

1174. And you say you never have any trouble with the Roman Catholic question?—No.

1175. Among your lady visitors are there any Roman Catholics?—No.

1176. And do the priests never wish to come in?—No; the Rev. Father Cameron of Maryhill, has visited the Home several times, but we have never had any trouble.

1177. A great many of the girls seem to be Irish?—A good many; something, I think, like 23 last year, and there were 17 from England.

1178. I see the earnings are £5015—that amounts roughly to about £20 earned by each inmate?—Yes.

1179. Besides that there is the premium you give, about £10?—Well, that is the highest: I said from £7 to £10 for the two years.

1180. So that the girl's labour has been worth from £23 to £25 in the year?—Yes, about that.

1181. (*By Miss Stevenson.*) You say you had an auxiliary committee, but the ladies dropped off; what responsibility had they in the management of the Homes?—They visited the Homes during the week, and read with the girls, but not as a committee.

1182. They had no jurisdiction? Do you not think that is very likely the reason why they lost interest in it, when they had nothing to do with the administration or direction?—Well, several of the ladies who were originally on the committee died out, and others were not ready to take their place.

1183. Don't you think it would be of value to the Homes, if ladies were associated with the directors in their administration?—Well, I am scarcely in a position to answer that question. There seems to be a diversity of opinion on the subject.

1184. (*By the Chairman.*) You say that you would like to have compulsory power to detain girls sent to you by the magistrates; would that not involve the necessity for inspection?—Well.

1185. And you are willing to submit to it?—Surely.

1186. There are many people who think that in a place where there is power of detention, there is a liability of people being detained against their will?—Yes.

1187. Would your directors, or yourself, or your officers, have any objection to inspection, even on your

voluntary basis?—I do not see that there could be any objection. All our work is carried on in the most open way possible.

1188. But other institutions of the sort might not be equally well-conducted, and that is why I asked the question?—Well, I do not see any objection.

1189. When a girl comes to you she may have some money. Do you never have a girl coming say with five shillings in her possession?—I am not aware of any such cases. If there are the matron takes care of it.

1190. They don't give it up; at all events you don't get the money?—No.

1191. You are not aware of any case where a sum of money has been handed up?—I can quite understand a case of the matron retaining the money till the girl goes out. But it is quite exceptional when they have money.

1192. But you would not have her have control of the money herself?—No.

1193. What test have you for the age if you draw a pretty hard and fast line at 30?—We can only take their own statement; we have no other means of knowing.

1194. So that if a woman wished to enter she would give her age as less?—Perhaps.

1195. The cases the magistrates have to deal with will very frequently be over 30: do they send them to you?—No; they are usually young cases the magistrates send to us. The magistrates are quite in sympathy with our work, and, as a rule, they understand the cases that will be suitable for our Homes.

1196. You carry on a large industry in connection with laundry work; have any complaints been raised against the system on the ground of its interfering with private laundries?—No. Our price list is the same as that of the Associated Laundrymen of the West of Scotland. We charge as high as any other first-class establishment in the West of Scotland.

1197. Yes; but the workers in these laundries might complain. In fact associated trades do complain, in the case of prison labour, against prison competition with honest labour; and what I wanted to know is whether you have had any complaints?—No; we never have had.

1198. Are the laundresses in Glasgow an associated body?—No.

1199. Is there no association?—There is the Association of Laundrymen.

1200. Employers?—Yes.

1201. But no association of employees?—No. I might mention that several public laundries apply to us for assistants, and we send them girls who have been trained with us.

1202. There is a large Roman Catholic institution in Glasgow with similar objects to yours?—Yes; Dalbeth, in the east end of the city. *Robert W. Sinclair.*

1203. You have no interchange of girls?—No. We send to the Roman Catholic institution girls who profess to be Roman Catholics before admission. Before their admission the matron suggests to them the propriety of going to Dalbeth. We make them fully aware that ours is a Protestant institution, and, in the face of that, we don't find many of them ready to go to Dalbeth. 15 Nov. 1894.

1204. (*By Sir Colin Scott Moncrieff.*) You were saying the girls never or seldom came with money?—That is so.

1205. One knows that these poor girls, if they have money, all dress smartly: I suppose that is not the class you come across—the well-dressed, smart girl?—When they are stripped of their outward decoration they are very poor creatures; but the great bulk of them just come to us because they have no money.

1206. You do not find them coming to you in their days of prosperity?—No.

1207. You mention in your report that a good many went home to their friends; are these satisfactory cases? Do you find their friends anxious to get them back?—We never recommend them to go to their friends until after we have made inquiry. In many cases it would be very injudicious to send them back to their friends.

1208. I suppose you often find they are very untruthful?—Yes.

1209. (*By Dr. Farquharson.*) What means do you take of informing yourselves of the future career of these girls, as to whether they lapse or go on doing right?—The matron corresponds with most of our girls, in fact, with nearly all of them after they leave us, and very extensive correspondence is kept up for years after they leave.

1210. You won't be likely to hear of those that fall back?—Yes; unfortunately we do hear of them.

1211. (*By Dr. Sutherland.*) In speaking of the physical weakness of the majority of those who come in, I presume you refer to the temporary physical incapacity resulting from drink, not organic disease?—The great majority of the cases are through drink, but there are some exceptions.

1212. (*By the Chairman.*) Have you any other point you wish to state?—Well, there is one point, about the short term of imprisonment that is given to many of the girls. They are sent to prison for eight or ten days or a fortnight, and when their health is somewhat improved they just go back again. We find the short term of imprisonment a great mistake. It does a great deal of harm and no good. We have had cases who have been in prison several times, and we find that the short term does no good. [Witness then withdrew.]

Mrs A. A. FERGUSSON, President of the Ladies' Committee of the Glasgow Houses of Shelter, called in and examined. *Mrs A. A. Fergusson.*

1213. (*By the Chairman.*) You are President of the Ladies' Committee of the Glasgow Houses of Shelter; have you been long in that position?—I was for 20 years secretary. I had to give up two years ago and another secretary was appointed. Before that we had no president, but I was made president then.

1214. Would you describe to the Committee the scope of these Houses of Shelter?—The House of Shelter in Hill Street was instituted in 1850. Its object is to provide a home for females, who, on their liberation from prison, are desirous to reform and to support themselves by honest industry. The average number of inmates in the 'Shelter' during the past year was 50. They are employed in needlework, the institution receiving the proceeds of their labour, in return for which the inmates are lodged, fed, and clothed. In addition to this, a suitable outfit is given to those who remain a full year, and go out with the approval of the committee. The inmates of the 'Shelter' are all lodged in the House, and are not allowed out except with special permission. The inmates are made really very comfortable and very happy, and the results are very good.

1215. Then the other Shelter—the Mission Shelter—is in Whitevale Street?—Yes. The Mission Shelter was established in 1878 to provide for wage earning women, many of them with children, who could be taken in for a shorter period. We began there by giving the women wages as they do in the Dublin Refuge. They also I think get wages in another—Mrs. Meredith's I think. After working this Shelter for over 15 years on the plan of the shorter period we found that it would be better to make our inmates stay a year, and so we are trying the same system as in the Hill Street Shelter.

1216. Then, I understand, that in Hill Street you have solely females dismissed from prison, and in Whitevale Street you have an admixture of outsiders?—Not many: they come from the prison chiefly. Of course in our Whitevale Mission they have all been in prison, but they may not come direct from it to us.

1217. Where do you get hold of them?—We have a Bible-woman at the prison gate, and a room opposite

Mrs A. A. Fergusson.

15 Nov. 1894.

the prison in Burnside Lane where we give them breakfast. Our report for the past year shows we gave over 5000 breakfasts. The Bible-woman talks with them, and, when they will go, takes them to our Homes, and the Probationary Home, and other similar institutions.

1218. In Stirling Road are there many females from prison?—Oh yes; I should say that there is a class of our women in prison, no matter what they are, that go to different institutions, but I must say our two Shelters are for prisoners.

1219. Do you work in conjunction with the Prison Authorities?—Yes: Miss Miller, matron in Glasgow Prison, is one of our Ladies' Committee.

1220. I understand that they have some system under which a certain proportion of a prisoner's earnings is reserved and given to the prisoner through you?—There is a Bible-woman who does that through the Prison Aid Society.

1221. But not through yours?—No; we get nothing at all.

1222. Then you keep these women in your Homes for a year, and during that time, I suppose, they get no money?—No.

1223. Do you credit them with any earnings they may make?—No wages are given them. They get a good outfit, and that costs £2, 17s. 9d. usually.

1224. What do they earn?—Last year in the Hill Street Shelter they earned £360, and in Whitevale £1326, for laundry work.

1225. (*By Dr. Sutherland.*) Including lodgings £206, and clothing £83, the total earnings in Whitevale are £1616?—If you add these altogether the total is £1616.

1226. (*By the Chairman.*) Do you find the labour of these women so productive as to enable your institution to be practically self-supporting?—No.

1227. You require how much in subscriptions?—We would require £700 a year of subscriptions just now. They have, however, fallen off to about £500, and we are making an effort to raise the other £200. Our treasurer, Mr. Church, says that with £700 we could go on as we are doing.

1228. Why do you work two Homes instead of consolidating them?—Because I do not approve myself of large Homes.

1229. But does it not cause duplication of staff and extra expense?—We work ours very economically.

1230. I suppose a very large number of your inmates are prostitutes who have been addicted to drink?—I should say half nearly.

1231. Many of them to such an extent as to come under the category of habitual drunkards?—Not the first convictions.

1232. But you don't confine yourselves to first convictions?—No; but they are all the best cases. The matron of the prison usually sends us first convictions.

1233. But I suppose you don't confine yourselves to first offences?—Oh no; if they say they are from prison we must take them.

1234. Have you any statistical statement of the number of imprisonments undergone by any of your inmates during the last year?—I have it in a note-book here.

1235. Generally, have you many women who have been five, or six, or ten times in prison?—Not in Hill Street Shelter; we have them there who have been three times in prison. In Whitevale Mission they have been very often in prison.

1236. And very often for offences connected with drunkenness?—Nearly always.

1237. You keep them in these Homes; what exercise do they get?—Have you grounds round the Home?—That is what I think we are rather badly off for. In Hill Street we have just a little square place, and they walk there during the day at meal times.

1238. And in Whitevale?—We have more room there, as we wash there, and we have a bleaching-ground.

1239. During the time they are with you are they allowed out at all?—After six months in Hill Street they get to church. Anyone who wishes can get, but many of them do not care to go. They can also, after six months, get out to see their friends if they can be trusted.

1240. It is precisely the women who would not be trusted who would probably wish to get out?—After being in that time you have a very good idea. Their friends also come to see them.

1241. How do you keep them from going out?—We cannot keep them because they can go over the wall. The wall is quite low. Perhaps one in a year goes over the wall.

1242. But what necessity is there for them going over the wall?—Because the door is locked, but, of course, we all like freedom.

1243. Suppose a woman came to you and said I want to get out?—Oh well, we have nothing to keep her. We try to put her off the notion, but they can go if they choose.

1244. Now, you have a certain number who are dismissed: I suppose that is for insubordination?—Yes.

1245. When one of your inmates is dismissed or absconds she very probably turns up in the hands of the police again?—I have known cases where they were sent back to prison the very same day they left.

1246. Would you receive them?—Well no; we are very chary in Hill Street. We have 50 inmates working there at three tables, and you can imagine what a commotion it would make in the workroom to bring one back. We do not take them back if we can help it.

1247. Have you many young prisoners?—Yes; from 18 to 20 years of age, and there is one in just now of 16. The youngest we ever had was 15.

1248. What was she in for?—I can't remember.

1249. Have you many young prisoners like that?—No, very few. I should say that 17 and 18 are the youngest we usually have.

1250. And their offences?—Well, some of them are for drink, some running away from home. I admitted two yesterday of the latter. One ran away from Bo'ness and came to Glasgow during the Fair, and, landing in prison, came to us.

1251. For disorderly conduct?—Yes, I think so.

1252. You find, however, practically no difficulty in keeping the women there for 12 months?—No.

1253. What do you do with them afterwards?—We try to get situations for the younger women as servants, and for the others as dressmakers, or in mills and other places.

1254. You don't give them any training for domestic service?—No, except that the whole of the work of the House is done by the women. We employ no outside labour. There is the cooking, there are washers and scrubbers, and the doorwoman, and then there is one trusted woman who goes out the messages and collects the money for the washing.

1255. Are the trusted women ex-prisoners?—Yes.

1256. I suppose you keep them longer than a year?—Well, we try. The cook and the gatewoman get a little wage.

1257. Who collects for your washing?—One of the prisoners; one of the trusted women, and I never knew them to run away with the money.

1258. Have you many of them, or do you stick to the one?—Of late we have had seven. Some time ago we had one old woman for ten years. She died with us.

1259. But you would not turn one of these off at the end of the year?—Well, they are all anxious to go out if they can get situations.

1260. But you must pay these women who go about on this work of trust?—They get a little. The cook gets £3 a year, and the others get about the same. We are not a wealthy institution.

1261. I suppose these women who collect the washing accounts must have often a considerable sum of money?—They have, but they never go wrong with it.

1262. Could you charge your mind, say during the

last five years, with how many of the prisoners you have employed on that work of collecting the washing accounts?—It is always one woman.

1263. But then you have to change her?—Well, I should say there would be five women, but I can't say definitely as I was abroad, and do not know for some 18 months.

1264. You told us that the women are sent out partly to domestic service, partly to mills, shops, and so forth. Do you trace them up afterwards?—At one time we engaged two of our ladies to do that, especially where they were servants; but we found it did not answer. The women did not like it. Our best cases often were those who endeavoured to disown connection with us, and now we do not make any attempt to trace them. But some of the better cases come back to us, and ask us to bank their money, and to see the matron.

1265. To bank their money with you?—They have a little book, and they bring their savings—a good many of them come with their money to our matron and leave it; and she puts it into the bank.

1266. Do you happen to know of any case in which the money banked came to a considerable amount?—No, I do not know; but I will try to get the information from Mrs. Murray. I shall send a few specimens of their bank accounts, if you wish them.

1267. Is there any other point on which you would like to speak? You do not consider that you want any powers of compulsory detention?—No, we have never found them running away much from us.

1268. But your door is locked?—Yes, it is locked; but, as I said before, the wall is low.

1269. Do they ever come and ask you to get out?—Oh yes; when 15 left voluntarily last year.

1270. And you cannot refuse any one?—No; we cannot, it is voluntary. There is more good done if it is voluntary, for the women coming to us in that way really wish to do well.

1271. (*By Sir Colin Scott Moncreiff.*) Do you take any women who come to you?—Yes, from prison.

1272. Even old offenders?—Yes, we do not turn away any prisoners.

1273. That is within the limits of your house being full?—If a prisoner comes above 50, we make up the sick-room into a bed-room, where we can put three beds. We have 51 to-day.

1274. But there must be room for far more than 50 in Glasgow?—We have 50 in one Home and 70 in another.

1275. Among these are there married women often?—Oh yes; a great many. How many have been returned to their homes? Twelve I think, from Hill Street Home. Their husbands often come to us and take them home again.

1276. Do you take children into the Home with the women?—No.

1277. But there are occasionally women with babies who come out of prison?—Yes, if the little babies are born there. They come out about six weeks or two months old, they do not come to us. We have no accommodation for children.

1278. In the Hill Street place you only have sewing work?—Yes: only four of our women wash. We have no room for more washing. It is an old fashioned self-contained house. We find that it is better to have both sewing and washing for the women. Sewing seems to refine the women more, and we find that after a year's sewing the results are better than after a year's washing.

1279. I do not profess to know much about sewing, but I suppose a great many of them cannot do decent sewing when they enter the Home?—They cannot hold a needle many of them, but when they go out they are very often very good sewers.

1280. I have been interested a little in some work in England as regards the number of poor half-criminal, half-imbecile women. Apparently there are a great many who drop into the criminal class, who have no power of self-restraint or control of will?—They are weak by nature; they were born weak. They are hereditarily weak and usually lazy also.

1281. Do you have many of them?—Yes.

1282. And do they pass through your Home?—They do. *Mrs A. A. Fergusson.*

1283. And some will never do well?—I should think that in my 23 years' experience, and constantly thinking about our women and loving the work, that one-third of our women do well. I was just speaking to the matron yesterday before I came here, and she said that I could safely say one-third do well. 15 Nov. 1894.

1284. That is very satisfactory to hear?—It is a large percentage, but that is not magnifying at all.

1285. Would you take in these sort of poor half-imbecile girls?—Yes, if they come from prison.

1286. What is done with them?—They are better washing. They go to Whitevale.

1287. Do you keep them on beyond a year?—We would keep a woman on if she cared to stay. They can stay as long as they like, because they are more valuable to us when the year is out. We would not pass them out unless they have a situation, but they are all, as a rule, very anxious to get out at the end of the year.

1288. Some friends of mine have been interesting themselves lately in places in England for these poor girls. We have made some cottage homes, and they try to make them pay?—That is a great thing.

1289. (*By Dr. Farquharson.*) Do you give the women who come into your Home instruction in sewing?—Yes. They are most beautiful sewers. We got a certificate at the last exhibition.

1290. The theory is to give them a temporary refuge until they find occupation?—It is not an asylum of a permanent character.

1291. Do you meet the women at the door of the prison, or how do they hear of your Home?—All the prison officials help us very much. We work along with them and they are most kind to us. I do not know anyone more kind than another. Both Mr. Alexander, the chaplain, and the matron help us very much.

1292. In a way they advertise your Homes for you?—Yes. Miss Miller, or any of the lady warders, give them a note to our matron if they are a good case.

1293. What sort of offenders are they chiefly?—They are imprisoned chiefly for drunkenness, and get sentences varying from 30 days to 40.

1294. It is not crime or petty theft?—Yes, we have convicts too. But there are very few convicts here in Scotland.

1295. Do you think those criminal women have been largely led into their offences by drink?—Yes.

1296. But do you think there is any form of criminality in which sobriety comes in?—We have many cases of theft, and we find that a woman once convicted of theft very often goes back to it.

1297. But I suppose some of the more scientific forms of crime are spoiled by drink? By that I mean picking-pockets and that class of crime for which you want a light touch and a good eye?—We have very few of that sort.

1298. (*By Col. M'Hardy.*) Having regard to the willingness of the inmates of your institution to remain there voluntarily, I should like to ask the particular character or condition of life in which they are? Do you think that many of them are worn-out women—women, at any rate, unable to sustain the struggle of their life, such as it is?—We have a good many old women, but a great many young ones. Young wives come in for drunkenness, and then they go home, while a number of them we assist to emigrate.

1299. Taking single women to begin with, is there a disposition on the part of a young woman in full vitality, strong of body, and of good looks probably, to go to your institution for reformation?—Yes. We have a great many like that. I do not know why it should be, but we find illegitimate children very often go wrong. We very often find those, where they are illegitimate, and we very often find the father and mother were drunken people. And I believe they also drink from heredity.

1300. The continuity of interest in these individuals is carried on, I think, by the chaplain of the prison going from time to time to see them and counsel them?—He is a very nice man and helps us very much.

Mrs A. A. Fergusson.

15 Nov. 1894.

1301. And, of course, the continuity of interest is one of the most important elements in their reformation?—Yes. It does a world of good. I think the kinder and stricter you are it does them the more good.

1302. I was interested in what you said as to the different effects in the way of reformation of the different kinds of work that you gave these people to do. You said you thought the chances of reformation were more likely when you gave work which was of a character pleasant in itself, such as needle-work and refined sewing, than in coarser work such as washing?—With the long experience we have the results of sewing are better than washing.

1303. So that in any scheme for the reformation of such persons you would think that a very large amount of attention should be paid to the occupation at which they are placed?—Well, of that I do not know, but I think that many of the young strong girls are better washing, even although it does not elevate them. It is not so monotonous, I think. Our own system where we have both is best.

1304. But speaking generally, not simply of sewing and washing, but of anything else, with any occupation which shall be coupled with the reformatory system would want to be more carefully considered—that there are differences in one work as compared with another?—I only know of the two I have mentioned, and I know sewing is the better. We tried bag-making, I may say, but it did not pay.

1305. (*By the Chairman.*) Are such institutions as yours inspected under the Factories and Workshops Acts?—Ours are not inspected at all. We had a note from a Roman Catholic Priest, asking if he might call on any Roman Catholic woman, but we did not allow that.

1306. You employ a large number of women there, and I should think that your place would come under the designation of a factory?—It might, but we have not had an inspector.

1307. Do you observe the rules laid down in the Workshops and Factories Act?—I do not know the rules.

1308. Because if you do not, and the place is a workshop and factory, you might find yourself in a difficulty!—We would be very glad to see an inspector.

1309. (*By Miss Stevenson.*) Is the class of women who come to you very much the same as those who are admitted to the Magdalene Asylum?—Yes, and no. Many of them are, and many of them are not. Many of them are respectable women fallen through drink.

1310. I see in your statement of accounts in regard to the Whitevale Institution you have one item of expenditure—'wages to women, £486, 9s. 3d.'?—That has been for 15 years, though this year we changed it. The women made so much a day. The best washers made about eightpence.

1311. Did this go to the women?—It was put in books, and they got it when they went out, but we changed the system this year. They must stay a year now the same as in Hill Street.

1312. (*By the Chairman.*) Do you allow alcohol or malt liquors to be used in your place?—Never. That matter came up at the recent women's conference in Glasgow, and it was said that in English homes they tried tonics, but we find doing nothing of that kind is the best thing.

1313. I should not have expected that, but I wished to have the fact noted. You mentioned that you had cases of wives who had been committed to prison through drunkenness and who had then come into your hands. Have you many of those?—Yes, many.

1314. And kept them for a year?—Yes. We kept them for a year. They were what we would call respectable women, and they have gone back to their homes after that time and done well.

1315. Cured of their drink habit?—Yes, cured. I know two cases where they fell after they left us, but they pulled up again.

1316. Have you any idea of the number of cases?—I can send you them.

1317. Do you remember any case of that kind within the last 12 months?—No. Miss Mitchell has taken my place as secretary, and I am not so often there.

1318. You brought here a character book and you said that it contained some illustration cases. Would you select one or two and leave them with the Committee?—Yes; I will do so.

1319. (*By Dr. Sutherland.*) There appeared a difference between your total and mine prepared from your annual report. I find you put the figure of profit at £1326, and I £1616; but the £1616 is correct in so far as it contains proceeds of work, lodging money, and clothing repaid?—Yes.

1320. Now you have assimilated the period of detention in both your Shelters, I suppose, for the reason that you found that short periods failed at Whitevale?—We thought a year little enough time; and we did not find the results of six months so good.

1321. You have informed the Committee that 33 per cent. do well?—Yes, especially at the Hill Street Institution.

1322. I understand you to say that you are not quite in favour of compulsory detention, *i.e.*, having power to detain them against their will?—No; that would be a licensed Home; we cannot do that.

1323. But supposing you got powers would you not be benefitted? My reason for putting this question—there is one special case in which I am interested—the wife of a most respectable man?—Yes, I know that case.

1324. Would it not be desirable to have compulsory power in certain refractory cases?—Yes, to have a Home for compulsory cases like that.

1325. May I ask you if you classify your inmates at all?—No.

1326. I was under the impression that the Hill Street women were somewhat different from the Whitevale ones?—They are perhaps a little better; but I think that is owing to the sewing.

1327. Then you classify more by their physical fitness for work rather than by age or by their moral temperament?—We take those into Hill Street who come from prison and they are set to sew, and those we put into Whitevale Street are set to wash.

1328. So that physically you classify the one for laundry work and the other for needle-work?—Yes, but not from their character.

1329. Do you send many to the Rottenrow Hospital?—I should say about five in the year. They are sent at once. Our women are very angry if that appears.

1330. (*By the Chairman.*) But how should that arise among prisoners? That would be already dealt with?—They ought to be dealt with, I think, but they are not.

1331. (*By Dr. Sutherland.*) On that point I am safe in saying a compulsory examination could not be made in prison or anywhere else. Would you inform the Committee how you make your Homes attractive by entertainments and such like?—We have, I think, on the average, an entertainment every six weeks in winter, and we have a trip in summer. Any of our women who are very ill get to a Home by means of a line—what we call (the decent ones) are sent to Lenzie chiefly. We have magic lantern exhibitions, and the Kyrle Society give the women prizes for those who tend their flower-pots best.

1332. (*By the Chairman.*) You say they are sent to a Convalescent Home?—Yes, if they are ailing.

1333. What is the average number of hours a day your women are employed?—From seven in the morning till eight at night.

1334. And what about Saturday?—That is a half-day.

1335. (*By Dr. Sutherland.*) Do you think that heredity has got a great deal to do with the class of people who come about your Shelters?—A great deal.

1336. Do you think that heredity has really more to do with this class than environment and habits of idleness?—I daresay environment and idleness have as much to do with the people we have as heredity.

1337. (*By the Chairman.*) Have you anything further to add?—I should like to state that we see no reason why the Government should not pecuniarily help us in the same proportion as they do male discharged prisoners. [The witness then withdrew.]

DAVID YELLOWLEES, M.D., LL.D., Physician Superintendent of Gartnavel Lunatic Asylum, called in and examined.

David Yellowlees.

15 Nov. 1894.

1338. (*By the Chairman.*) You are the Medical Superintendent of Gartnavel Asylum?—I am.

1339. And you have been so for a great number of years?—For 20.

1340. You are also President of Glasgow Faculty of Physicians and Surgeons?—Until a week ago, I was.

1341. You have taken a great interest in the subject of legislation for the habitual drunkard?—Yes.

1342. Even so far back as the time of Dr. Dalrymple's Committee?—Yes.

1343. And you took an active part in promoting legislation for habitual drunkards that was subsequently allowed to get through?—I tried to do so.

1344. You are of opinion that practically, what legislation has been carried, is of no use?—It is practically useless.

1345. In Scotland, as a matter of fact, there has been nothing done as the result of the Act?—In Scotland it has been a dead letter. No one has thought it worth paying the stamp duty to get a licence.

1346. Can you tell us if there are many unlicensed Retreats?—There are a number.

1347. Can you tell us something about them?—I have no personal knowledge of them.

1348. I do not want to ask you regarding anything which you have no information, but for the information of the Committee, if you could we should like to know the names of any unlicensed Retreats?—There are quite a number of people who write to me. I continually get letters saying 'can you send me a patient—inebriate 'or insane'; but there is no place that is avowedly a Retreat except one near Stonehaven. There is also one, indeed there are several, in Skye. This one in Stonehaven is perhaps best known to me, but I only know it from having sent patients to it, and from the opinion of others.

1349. You don't know the number of patients there?—No.

1350. You only know Stonehaven and Skye?—Yes. I know in Skye there are several places; but my feeling is not favourable to these Retreats. These Retreats receive patients for the sake of the board they pay, and there is a want of curative means, a want of the necessary tone, and a want of the reformation and restoration that one desiderates. The patients are simply easy, jolly boarders, who fish and play billiards and amuse themselves, and who tend to demoralise each other by the low moral tone which prevails among them.

1351. The theory which has led to the fixing of Skye is that it is difficult to get drink there?—Yes; which is apt to prove quite a theory.

1352. You come in contact with many illustrations of the evils of drunkenness?—Continually.

1353. I should like you to give the Committee your opinions on the subject of chronic inebriety and dipsomania, as to whether it is a vice or a disease, and how far the vice and the disease are co-terminous?—I do not think it is possible for anyone to draw an exact line, between drunkenness the vice, and drunkenness the disease. There is a period when a man who is a mere drinker becomes a hopeless and helpless drunkard. He cannot help himself; but no one can draw an exact line, and say in such a month that man passed from one to the other. Of course there are certain cases where from the beginning you trace the drunkenness to some brain condition, and that man is from the first, by reason of disease, not to be dealt with as an ordinary drunkard would be. But in the vast majority of cases the disease grows out of the vice.

1354. Can you give the Committee any illustration of drunkenness arising out of disease?—Such cases are frequent. One of the first indications of the mental disease is relaxation of self-control, and the man who has formerly been right and proper in his behaviour, becomes drunken and dissolute. That is the first step of the break-down, and it has begun in the moral rather than in the intellectual part. These cases occur continually.

1355. I suppose there are frequently cases of persons who have been previously sober, and who after a sunstroke take to drink?—That is another illustration of how a weakened brain may destroy self-control, and the man may lapse suddenly into habits which were previously foreign to him.

1356. On the other hand you have got very large experience of cases in which brain disease has been brought on by drink?—Yes.

1357. I suppose you have many cases passed through your hands in which a short period of enforced sobriety cures the brain disease?—Yes, for the time.

1358. Showing the action again of the vice on the disease, and the disease on the vice?—That is so.

1359. Have you any observations to make with respect to heredity?—I do not think there is any condition more definitely hereditary than habitual drunkenness. I never come across such a case without asking questions regarding the parents, and I am rarely disappointed in getting an answer such as 'oh yes, her mother drank heavily.' I have the most deep conviction of the hereditary character of drunkenness, quite as much so as any other disease you could name. I do not of course mean mere intemperance in the sense of mother or father occasionally exceeding; but when you get the drink disease I regard it as one of the most transmissible of all diseases.

1360. You mean drunkenness sufficient to attract attention—regular debauchery generally culminating in insensibility and complete loss of self-control?—The effect depends very much on the person. It is striking how drink in certain cases will develop successive attacks of *delirium tremens*, in another case will develop insanity pure and simple, and in another case will develop this confirmed drunkenness. The people who take *delirium tremens* may not become permanently insane. In other cases the drink produces brain disease, and they land in an asylum; and thirdly, there are the habitual drunkards who unhappily for their friends do not land there.

1361. But after receiving treatment the insanity disappears until they get out and get drink again?—Yes, it may be so, or the form of insanity may be a permanent kind and does not disappear.

1362. I remember at one time having seen at Gartnavel a woman who told me she had repeatedly been under your treatment. You have cases of that kind?—Frequently; there are some persons who vibrate between the asylums and the public-houses outside. They work for a little and then fall into drink again. In this connection the pauper is really a great deal better off than the wealthier class. If a pauper is an habitual drunkard, and becomes unmanageable, he either lands himself in jail or in the asylum, and either place serves the purpose of keeping him from drink; but if the man is unfortunately of a better class the law gives no power to interfere, and so he ruins his home and brings misery on everyone around him.

1363. There is a peculiarity about the Scottish law as to the detention of the lunatics which I wish you would explain. I refer to that which permits you to take in cases applying to you voluntarily?—I do so frequently. Persons can apply to me for voluntary admission to the asylum. They have only to ask the Lunacy Commissioners to sanction their admission, which they do as a matter of course, and the persons are admitted. They are usually persons afflicted with slight melancholia or something of that kind, and the asylum is an hospital for them. Sometimes the person comes after a debauch in a fit of remorse, saying 'I 'wish you would take care of me, I have been a fool.' Such cases I receive when they come in that mood, but I am sorry to say the mood is often a very transitory one, and in the course of a week or a fortnight they are quite sure they are well again, and want to go away, and it is difficult to keep them.

1364. You have, in fact, no power to keep them?—No, unless I can prove that they are insane, which I cannot. On the other hand some persons are sent

David Yellowlees.

15 Nov. 1894.

to me, who, being essentially drunkards, have had a sudden access of insanity, and their friends take the opportunity and have them sent to an asylum. I always, however, dissuade them from sending such cases. It is a mistake as regards themselves and as regards the patient. A man after being taken in, gets well in a fortnight and often less, and not being legally insane I cannot keep him. He demands his liberty, and the result is that he gets out in the course of a month, embittered against all his friends, and ready to wreak vengeance on his wife; or on the other hand, he has the excuse of being called a lunatic to drink worse than ever. While in the asylum he is often a nuisance to other people. Respectable lunatics do not care to be associated with a man who is just a demoralised drunkard, and I think in their interest he ought not to be there.

1365. You mentioned about *delirium tremens*. How far do you consider that comes under the province of lunacy?—Beyond question, a man under the influence of *delirium tremens* is for the moment a lunatic, but the thing that causes the difficulty is, that the lunacy is so transient. If you take care of him he will be well in two or three days, or a week at most. The social position comes in very much in such cases. If a poor man, living in a small house with other people, is attacked, he is certain to land in a Police Office or an asylum. But, if a better-class person, his wife takes care of him, and he comes round in a few days.

1366. But often he gets into a bad mess?—Oftentimes.

1367. There was the case of a man of the name of R——?—I know it.

1368. That was a case of *delirium tremens*?—It was a case of another form of insanity due to drink. It was a case of the suspicions which drink arouses. The drink produced not *delirium tremens*, not a sudden blazing off into excitement with hallucinations of vision, but created all sorts of suspicions—that so and so had an ill-will at him, that he would serve him out, that if anybody came near he would do for him; he would fire at him.

1369. You are of opinion that many cases of intemperance—of drink craving—would be cured if sufficiently long seclusion from drink could be secured to enable the will to reassert its power?—Some of them would. It depends on the time you get the case, there are few things more hopeless than that confirmed condition. It also depends on the honesty of the patient.

1370. Therefore you would expect in the case of voluntary patients better results than in others?—Yes, if they had sufficient continuity of purpose to desire it all the while. But we find they remain full of remorse the first week, and the second they get self-confident, and the next they want to go away.

1371. And insist upon going out?—Yes.

1372. And I suppose the prospect of getting drunk outside is part of the inducement?—Yes, too often.

1373. We have been hearing to-day of two institutions where they have a number of drunkards or people who have just come from prison and so on, very much addicted to drink, and in many cases had been repeatedly convicted, where they remain voluntarily in institutions—for in one case a year, and in another case two years without any compulsion?—Yes, you do get cases like that where the people honestly intend and desire to get better; I know a patient just now, who is a voluntary one in an asylum, and her great reason for staying there is that she might break into the drink habit again and probably drown herself.

1374. But we were told of a number of drunken inmates, and they stay there voluntarily, and your voluntary cases I suppose very often sacrifice their payments in advance in the case of the lunatic asylums?—The social grade has a good deal to do with it. Probably these inmates you refer to were of that very low class to which a comfortable home was a consideration. The people I have been speaking of were of a different social grade altogether.

1375. And that is an important difference?—I think so.

David Yellowlees.

15 Nov. 1

1376. In dealing with habitual drunkards you are aware that we may divide these roughly into two classes—first the non-criminal habitual drunkard, and then the *quasi* criminal habitual drinking man of the Police Courts?—Yes.

1377. Take the first class, the non-criminal class, who may also be divided into those who submit voluntarily to go into Retreats, whose case is more or less admitted to be provided for, and ——?—But why should the restrictions be so exceedingly irksome and unpleasant.

1378. We will also take your views on that; but I am simply going to make the division. First those who submit themselves voluntarily, and the second class who have not yet been dealt with; namely, those whom it is suggested friends should be able to take proceedings against and get committed. Now we will take the voluntary class first and then those whom we propose to deal with through their friends; and then we have the *quasi* criminal class. You have some remarks to make about the voluntary class?—You mean those who voluntarily go to Retreats.

1379. Yes.—Well, I think it is the greatest possible mistake to put any obstacle in the way of their going. If they are intelligently able to say, 'I have been a 'fool, and I want to be made better,' why should it be necessary to use the words 'habitual drunkard.'

1380. It is now the Inebriates Act?—But they are obliged to say under this Act that they are 'habitual 'inebriates,' that undoubtedly is a much better word, but why should a person have to go before two Justices to do that, why should it not be possible for a person who is sane to seclude himself for three or six months.

1381. It is quite possible that going before two Justices has a deterrent effect; but Parliament has decreed in its wisdom ——?—Or otherwise.

1382. That certain forms shall be gone through before any person can be allowed into these places, and you would propose that there should be less formality?—Why, even a person who wants to go into a lunatic asylum has not to go through such a formality. All he does is to write to the Lunacy Commissioners and say, 'Will you please authorise my 'residing in such a place for a certain time.'

1383. But this man is committed to a Retreat for 12 months, whereas your patient can go out in a little time?—Yes, on three days' notice; but certainly something far less formidable than this is necessary. I have known only one habitual drunkard who would sign that statutory request.

1384. All the habitual drunkards that are to be found in Retreats, that is unlicensed Retreats, belong to the class of which we are speaking?—Yes, voluntary.

1385. And they are frequently more or less wealthy, and they support themselves, or their friends pay for them. Now is there any inspection of those Retreats?—None whatever.

1386. Do you think there should be?—I think there ought to be the same law about them as for keeping lunatics for pay. You are permitted to keep one patient upon a medical certificate, but if the person desires to keep more, then the house must be recognised and licensed by the Lunacy Commissioners, the boarders must not exceed the number specified, and for each boarder a medical certificate and the sanction of the Commissioners is indispensable. I do not think these present places are on a right footing.

1387. Do you think there is a liability to the abuse of the powers of detention?—I do not know how the boarders are detained, but I am quite sure there is detention of some sort or other.

1388. Do you think it is desirable that the same kind of inspection should be applied to them as to licensed houses for lunatics where there is much greater precaution taken?—Certainly, some kind of inspection; but I doubt very much whether I would favour the existence of these places at all. I would favour the

system of one patient being taken into a private house because it might do much good, but I would rather not see any half-way house between solitary treatment and some recognised system of treatment.

1389. But is there not the danger that in the treatment of one single individual in a family that he would be able to get at drink?—You would not send a person to a place unless the people would keep drink from him, and would try to exert upon him the only influence that would do him any good, the strengthening of his moral faculties.

1390. But if you take a man away from his own family who goes off for debauches, he would be free from the family influences exercised upon him; if he is a boarder, and if he had money, he could get drink and would continue there?—He would get no money when he is away; his absence mitigates the evil at home; and when he falls into the hands of a good man the results have in some cases been really satisfactory.

1391. I suppose you send a good lot away?—I am continually asked about drunkards whom I do not see—'can you tell us where to send him or her,' they say, and I turn up a list which I have, and give the address of some farm-house or a place of that kind. I have sent people beyond Stornoway, where there is a remote farm 12 miles distant from a public-house.

1392. In connection with these Scottish unlicensed Retreats, are they all for men, or are there any for women?—I do not know any for women, that are not also for semi-lunatics. I do not know any one for drunkards alone; there is a place in the Canongate of Edinburgh. If all stories are true it is a peculiar place, but I know nothing of it.

1393. With regard to these places that are for women; they receive both habitual drunkards and semi-lunatics. What is the law as to semi-lunatics?—I mean by semi-lunatics those who do not need asylum care. I mean people who are perhaps not ill enough to go to an asylum. They may be sent to houses licensed by the Commissioners, and cases of this kind sometimes go as ordinary boarders.

1394. And are they inspected?—Yes, by the Commissioners, but the habituals who reside there are not inspected.

1395. Now the second class—those whom it is proposed should be dealt with on the initiative of their friends. What is your opinion as to the desirability of that?—I have the very strongest opinion as to the necessity of it. It is the greatest and most clamant need, I think, of our social life just now, to get some means of restraining those people from ruining their homes, and making all their friends wretched.

1396. Have you thought out any details?—No; but I do not see any more difficulty in dealing with them than in dealing with lunatics. If a person becomes insane, his friends go to the sheriff and they produce evidence of the insanity, and the sheriff, if he is satisfied, gives an order to commit that person to the asylum. I think there ought to be a precisely parallel thing here, and I think the friends or somebody interested, just as with the lunatics, ought to be able to go to the sheriff and produce evidence, partly medical and partly non-medical, and the sheriff should have the power of commitment of the patient if he saw fit, and was satisfied with the evidence—that is he would give an order for the detention of that person in such a Retreat for a certain time.

1397. And that would be inspected?—Certainly.

1398. The law makes every provision for the management of a lunatic's property?—Yes.

1399. But there is no such provision made in the case of habitual drunkards?—No; but the habitual drunkard is in the position of a man who is unable to manage his own affairs also; and I see no reason why a curator should not be appointed during his detention. It seems to me the lunacy machinery is perfectly simple and applicable.

1400. You have described the Scottish lunacy system; it is very different from the English system?—Yes; I am happy to say the Scottish system is different. I think if they in England could be enlightened by seeing the simplicity of our system they would be delighted to adopt it.

1401. But do you know the English system?—So far as I know there, I think a patient is reported on by the Inspector of Poor, and that two Justices give an order, and he is sent to the asylum as a lunatic, under proper care and control. That part of the English machinery would work well; but there are other formalities.

1402. In this inquiry, however, we are confined to Scotland?—I am very glad to know it; it seems to me to be so easy in Scotland to draw up a scheme that I earnestly hope something will come out of this inquiry.

1403. Now we come to the third class—that is the *quasi* criminal habitual drunkard. Do you think that your machinery for producing evidence before the sheriff could be easily adopted?—Certainly: and one good reason to be put before the sheriff would be very often that this man is not only an habitual drunkard, wasting his means and ruining his family, but that he had committed some criminal act. This would be part of the evidence against him.

1404. But supposing he assaulted a man with an axe, as the law at present stands would he not find himself charged with being a dangerous lunatic, and sent into your care?—Yes, probably.

1405. And would there not be some difficulty in getting him out?—We would cure him of his drunkenness, but such cases are exceedingly difficult to deal with as regards their future.

1406. Because you are obliged to declare that there is now no risk of injury or danger to any one by his release?—Yes, on that ground they are very difficult to release that declaration involving serious responsibility.

1407. And I understand the medical superintendent cannot declare that, and a patient may be kept in months after he is perfectly sane, because there is no machinery for liberating him?—Well, not months after he is perfectly sane, but because it is doubtful if he is so sane as to be safe.

1408. Months after you think it would be better for him to be out?—Months after the risk was so small that it might have been run, but the law does not choose to run it.

1409. You think that such people might be much better dealt with by being sent to a special Inebriate Retreat?—Yes, in some cases; the man would be taken up short then. He would not be dismissed with a short sentence and allowed to do the same thing again. It would be a good thing to recognise habitual drunkenness and deal with it.

1410. It has been suggested that we should register the convictions against drunkenness. For instance one witness suggested that a man being brought up for the first time should be registered, but dismissed without any punishment; on the next offence there should be some punishment, or it might be no punishment; and again a mark placed him; and that after a certain number of convictions within a certain time he should be sent before the sheriff on a charge of being an habitual drunkard, and the sheriff should receive such evidence as could be produced as to his habitual drunkenness, and thereupon he might be committed?—I do not see anything wrong with that, but it does not meet the case of the better classes who are not arrested.

1411. Then about the monetary arrangement?—I think it would require to be worked out on the same plan as the dangerous lunatic is dealt with when sent to an asylum. The law requires that the parish where the deed of violence has been committed should pay for him, and it has recourse against his Parish of Settlement.

1412. As for the deed of violence?—The deed of violence simply determines that the sheriff shall take action against the man.

1413. But the sheriff would be the judge simply?—The Procurator-Fiscal would take action and say in the case of an habitual drunkard, 'Here is a 'person who has been convicted [say] 25 times, and I 'bring him up for committal to a Retreat'

1414. And the expense would be put against his

David Yellowlees.

15 Nov. 1894.

parish?—Yes; but it might be, as it often happens with lunatics, that the friends say 'we will pay,' and then the matter is arranged with the Retreat by the friends.

1415. With respect to the *quasi* criminal drunkard committed by the sheriff on account of his public appearances, you would have to treat rich and poor alike?—Certainly; in the first instance.

1416. But in the second instance?—The rich man's friends would come forward and say 'we will pay for 'him; we do not want him to be treated as a pauper.'

1417. And in that case you would deal with him as with the civil prisoner, and allow him to get such comforts as he wished, always debarring alcohol?—Yes, and anything the parish had paid I would make that man repay.

1418. You would make everyone repay who could?—Yes, certainly.

1419. And then if a man went from the Retreat to work again the parish would have a claim against him?—Oh no. That would be a weight hanging about many a man which he would never get rid of. With such a weight he would have no self-respect or care for his life.

1420. You think that that would be the simplest machinery, but that of course would leave the wife and dependents of the man often in a bad fix?—They would then be dealt with as in the case of pauperism; they would have to appeal to the parish.

1421. But people of that kind do not get much assistance from the parish?—It would be the most blessed day for them when the man was shut up, and they were thus free to do what they could for themselves.

1422. Now as to the time of seclusion—this is an important matter?—Not the least use in anything less than 6 months, and if he comes back again, 12 months. There are some cases where I think you may safely begin with 12, but certainly nothing less than 6 would be of the least permanent value.

1423. Do you think 12 months is sufficient?—In some cases it would not be, in others it would.

1424. Well, if you were asking for powers?—I would ask power to let him out at the end of, say 6 months, on probation. I would let him out on the footing that if he did not behave he would have to come back to do his period over again.

1425. Among your lunatics whose disease has been brought on by drink, and who have been detained for long periods, and become cured and are sent out, do you find the craving for liquor has been overcome?—Yes, generally; because where it has developed lunacy it has not been going on so long—it has more rapidly produced brain results—and the craving does not usually remain.

1426. (*By Dr. Sutherland.*) You propose that the maintenance of habitual drunkards, or inebriates unable to pay, should fall upon the parish in which, it may be, an act of violence is committed, or the state of drunkenness from its frequency is known?—Upon the man's Parish of Settlement, wherever that might be.

1427. Do you think the parishes would resist having this burden thrown on them?—I do not think they would like it, but I do not see that you can have anything else. It is the same in lunacy. He is a man who must be taken care of for the good of the public.

1428. Would it not bring up fresh questions of settlement and costly litigation?—We are getting wiser in that way, and going to get bigger districts.

1429. You know that in Glasgow there are certain districts where the population is a migratory one, and where a large precentage of the ne'er-do-weels take up their abode. Would there not be a likelihood of heavy burdens falling upon such a parish or district?—Yes, but not more so than in the case of lunacy. So long as the parish has to pay for those accidental classes I do not see what other mode of payment could be suggested. Of course where there is private means the parish has recourse against them. Is it not the case at the present moment that part of the maintenance of those police drunks is borne by the Crown?—I do not know about the police drunkards. I only know about lunacy.

1430. Assume that the maintenance of drunkards at present brought before the Police Courts is borne by the Crown, during their residence in prison. Would it not be likely that the parishes would resist having this part of the cost thrown upon them, and off the Central Government?—Possibly they would, but I do not care whether the Government or the parish pays it. It was a parallel to the arrangement for lunacy which was in my mind, for the two cases seem to me practically the same.

1431. Would it not be a *sine qua non* that the Government would like to have some say in connection with these Homes if in part it contributed to the maintenance of the inmates?—I would not be in favour of the Government maintaining these Homes altogether.

1432. But, if the amount now contributed by the Central Government was calculated, and if it was found desirable to continue that subvention in an altered condition of things, would not the Government have some say in the inspection and management of the Homes?—To that there is an exact parallel in lunacy. The Government gives a grant-in-aid of the maintenance of pauper lunatics, precisely the proposal which you suggest, and if the same arrangements were made the Government would help to the extent of 4s. a week, the same as they do in the support of every pauper lunatic. By all means let the Government help in the support of the habitual drunkard in the same way.

1433. The parishes might resist the whole cost?—Yes.

1434. Is it not the case that where a single lunatic is taken care of, or is in the custody of a respectable family, that the Lunacy Commissioners must be satisfied with the respectability of the family before the lunatic is allowed to go there?—No, that is not so. On my certificate I can send a lunatic, whose malady is not confirmed, for 6 months to any house of my choosing, and the people in that house have the power to detain that lunatic for that period, and the Lunacy Commissioners have no knowledge of it whatever. After the expiry of 6 months, the case must come under their cognisance and inspection. This is a very valuable point in my opinion.

1435. (*By the Chairman.*) Why?—A great many cases that need removal from their homes, and will get well if placed in suitable surroundings, can often be dealt with in that way and saved from being sent to an asylum, or legally recognised as lunatics, if you know the proper person to send them to.

1436. But they must be formally committed to you?—No. They are patients whom I see in consultation, and I give a formal certificate in a form which the Act prescribes, saying that this patient is labouring under insanity, incipient or not confirmed, and that it is advisable that the patient should be sent from home, and should be under the care of a certain person for a certain period. That very often secures recovery.

1437. You do that as the superintendent of an asylum?—I do it as an individual and not as a superintendent at all. Any doctor has this power under 29 & 30 Vict. c. 51, sec. 13.

1438. (*By Dr. Sutherland.*) Is it not the case that those individuals are visited periodically by the Lunacy Commissioners?—No. The persons visited are those who are confined in the houses licensed by them. There are many of these throughout Scotland, receiving it may be one patient, or two, or more, and all these are houses which are specially recognised and licensed by the Commissioners, and are under their inspection regularly.

1439. Do you consider that the same civil and social disadvantages attach to the inebriate as to the lunatic?—No, except in so far as it might be necessary for his business to be managed or carried on while he was in seclusion. It might, of course, be a business which required his personal attention, but so far as his counsel was required he might be allowed to give it.

1440. Do you think the same stigma attaches now in society to the man who drinks to excess as to the man who is insane?—I think the stigma is greater

upon the man who drinks to excess. I think people are getting wiser about lunacy, and do not look upon it as they used to do.

1441. But is it not the case that among commercial men the same stigma and disabilities do not attach to the man who drinks?—That may be so.

1442. Apart from *delirium tremens, mania a potu* or chronic alcoholism, would you describe to the Committee the general physical and mental infirmities not amounting to insanity produced by excessive and prolonged drinking?—There is first of all, *delirium tremens*; then there is next the *mania a potu* of which you have spoken, which is a short attack of acute insanity, lasting for two or three weeks; then there comes what is properly called the *insanity of intemperance*, alcoholic insanity strictly so called, where the patient from long drinking becomes suspicious, is quite certain that so and so intends to do him harm, that somebody slandered his wife, that people whisper base things into his ears, that somebody discredits him in public estimation, that somebody put something into the *Mail* about him, and that he knew all about it. That may assume a violent and dangerous form, or it may be a thing which goes on for months and months, until the man becomes a victim to the delusions and a morose, ill-conditioned, good-for-nothing man. If he drinks still more he gets into a condition of *chronic alcoholism*, when not only his brain but his whole system becomes paralysed, and then he is an utter wreck, body and mind. You also may have *General Paralysis* induced, and of course you may have *Dipsomania, or insane drinking*,—it may be in an acute form, or periodic, or habitual.

1443. Is it not your experience that habitual drinking, short of those defined and pronounced mental conditions, results in many cases in an irritable and ill-balanced brain?—Certainly.

1444. And that a long period of rest is necessary to rectify that condition?—Certainly; and abstinence.

1445. In your long experience as a medical jurist, is it not the case that men and women, more especially men, have been drinking to excess for months, and it may be years before they committed fatal assaults, and that it is only then that they are arrested by the police?—Quite true.

1446. Would you do anything with a man like that before he gets that length?—The only course is that the friends should be able to appeal to the sheriff.

1447. Might not friends, or neighbours, or the police take the initiative?—Yes, and it would be for the sheriff to be satisfied, after inquiry. I really think there is great room for parallel here also to the lunacy procedure.

1448. Would not the public weal and the protection of the lieges be a good excuse for asking an inquiry?—Yes. A neighbour could say 'I live in the same 'stair as this man, he upsets the whole place, and be-'haves like a dangerous madman.'

1449. You have been a medical witness in some 30 such cases as I have referred to?—Yes, probably.

1450. (*By Miss Stevenson.*) In your experience have you found any justification of the assertion which has been made so frequently lately, that there is a large increase of private drinking amongst women of the educated and better class, producing in their case mental disorder?—It is very difficult to be sure, but I confess that my impression is in the direction that among women of the better class there is a greater tendency to tippling that in former times.

1451. Is that not the result of the fact that you, as a specialist, are more likely to be consulted in regard to such cases than the ordinary practitioner would be?—I do not think so, because I have my impression more from what I hear from other practitioners than from my own personal knowledge. A great many of them consult their own doctors before they think it grave enough to consult me. I am speaking rather by the opinions of others than by personal knowledge.

1452. (*By Col. M'Hardy.*) As to the length of time, the minimum length of time of seclusion, I think you said six months?—Yes.

1453. Did you say what in your opinion should be the maximum length of time of power of detention?—I think that would depend on the experience of each case. I should be disposed to dismiss the case at the end of six months for a probationary period of, say three months, and if during that time the patient broke down he must come back and do it over again. I would repeat it until there was some reason to think that his health and behaviour had improved.

1454. You mean repeated periods of six months?—Yes. I would have his limit decided by experience.

1455. But you would have to start with some sort of limit?—I would start with six months, and only if he proved himself worthy would I let him free; if he broke down within three months I would bring him in again and detain him for six months, and I would keep him a longer period if he broke down again after a second trial. I would let the man out only when there was some reasonable hope that he had become a moral being again, and fit to guide himself.

1456. And you don't think you could define the limit with which to experiment?—Yes, I would take power to experiment with him until he was cured.

1457. Or that cure was impossible?—Yes.

1458. In such cases then you would take power to confine him for the rest of his life?—Yes, certainly.

1459. Do you think it would be necessary in every case where there is a case of less advanced inebriety to have the same amount of restraint or seclusion imposed?—No, I think not. That I think would entirely depend upon the kind of case. Often and often more can be done by giving a certain amount of freedom, and putting a person on his honour, than by a severe treatment.

1460. What would be the least form of restraint which you think might be ordered by the magistrate? The magistrate could order, if an habitual inebriate or offender was brought before him and shown to be a man who got frequently drunk, what would be in your opinion the smallest amount of restraint?—That he should live in the institution and not go beyond the bounds of its discipline, and that while there, he should employ himself in some way or other.

1461. But in every case you would move the case, whether an elementary or developed one, you would move him to some distinct institution for the purpose?—I would.

1462. You would not leave him among his family or friends under some sort of guardianship?—No. He would break down within a week.

1463. You said something about sending one lunatic patient to a private house?—Yes.

1464. Can you deal with the inebriate in the elementary stages in that way without sending him to an institution?—It would depend a good deal upon the case, because although they may all have the same name, you may have very different persons under that name.

1465. There may chance to be a suitable place to send the man?—He may go to one where the person in charge has not much else to do, and can devote himself to the patient. Some have benefited very much by such care. But that is a question of the suitability of he guardianship and of the kind of patient.

1466. But you think that, in the same way as certain lunatic patients may be treated by boarding out in proper places, habitual offenders might be similarly treated?—When they have passed through the institution. I would send them all to the institution in the first instance for six months, and then before sending them for the period of trial, I should say 'You don't 'need to live here. You can go either here or there, 'but your break-down will imply your coming back. 'You need to show that you have learnt during the six 'months the self-control and self-restraint which you 'have been deficient in. We cannot take your name 'off the books till you do so.'

1467. What treatment as regards occupation would you give to the persons in any institution? You know the nature of their occupation would be a very important thing in connection with their recovery?—Very important, and very difficult, because of course it must

David Yellowlees.

15 Nov. 1894.

be suited to a certain extent to the former habits and mode of life of the individual; and there must be a certain degree of compulsion. Idle loafing simply means deterioration.

1468. What occupation—say, teasing oakum or some such unsavoury occupation? Would that have an effect?—It must be something else than teasing oakum. I think if the occupation is to be salutory and beneficial it must not be so disagreeable.

1469. (*By Dr. Sutherland.*) It must be educative?—To a certain extent. It depends upon what the man can do. It is a difficult matter to get at.

1470. (*By Col. M'Hardy.*) You said that a man went on until he came to a certain period when he was sent for to be taken to a lunatic asylum, or to a prison, which equally serves the purpose?—In respect to absence of liquor.

1471. You do not mean to convey that a short, or even a long period for the matter of that, in prison is a scientific treatment?—It was simply the fact that he got no more drink.

1472. As a matter of fact, do you consider that imprisonment—I do not know if you are familiar with the details of imprisonment for a short or a long period—is a scientific treatment for continued inebriety?—I do not.

1473. Why is it not a good treatment?—There is nothing regenerative about it. The only hope in treating the habitual drunkard is to awaken his moral sense, and try to lift him back to the position of a self-controlling individual. There is nothing in prison that does that. He becomes a mere part of the machine. There is nothing to improve or elevate his moral nature; and nothing to strengthen his will power. He has no opportunity of using it at all.

1474. Is it the fact that his moral qualities get deteriorated with the deterioration of the actual physical tissues of the body?—Yes.

1475. And by wise treatment in the way of food and so forth, you can restore physical conditions?—— In certain cases, and within certain limits.

1476. And you would expect his moral improvement would go on *per se*?—Yes, with suitable moral treatment and surroundings.

1477. It is necessary for us to think about the financial bearing of the question. It has been suggested that part of the payment for these people in a Retreat should be partly paid by the State and partly by the Local Authorities. Would it be a reasonable arrangement to make that, if you are dealing with a prisoner, a person, *quasi* offender, a culprit, that he should be paid for by the State, as it would relieve the State from a prisoner; whereas in the case of a man or woman who had never been brought before the Court, but for mere reasons of the improvement of society it was found a convenient thing to prevent disorder in the domestic circle, that they should be paid for by the Local Authorities?—Well, it is very difficult to draw the line so definitely as that, because there are a multitude of habitual drunkards who never get the length of being criminals, and who had much better be caught before that, and yet who have no means to fall back upon. I quite see the force of your remark that when they get to be prisoners the State supports them in prison and should support them out of it, but there is a class of the habitual drunkards of the poorer grade who have no means, and yet you cannot wait, until they become *quasi* criminals. There must be some mode of supporting them.

1478. (*By Dr. Farquharson.*) I suppose the first step towards the moral reformation of the drunkard is to keep drink from him?—Yes, abstinence.

1479. Then seclusion is the way?—Certainly.

1480. And there is advantage then in shutting him up in a prison?—Yes, to that extent.

1481. That is the part of the prison discipline that is valuable?—Yes.

1482. Do you call insanity a disease?—Certainly, it is a symptom of brain disease.

1483. But you do not say whether chronic inebriety is a disease or insanity?—It is sometimes one, and sometimes the other, and sometimes both. There is a certain line where the vice becomes the disease.

1484. Then you could treat a man of this class probably through the lunatic asylum?—No, I do not want them at all. I don't think they should be there.

1485. But suppose a medical man would say a case of inebriety was a case of insanity?—If the chronic inebrietey had led to certain acts which were really acts of insanity, then of course I could receive the patient; but I should probably say 'don't send that man to 'me if you can avoid it. He will be quite well in the 'course of a fortnight, and then I must send him out, 'when he will be more angry than ever with his friends, 'and will drink again as before.'

1486. You think your period of detention is not long enough?—It is not. The law requires me to dismiss a patient who is medically sane, and chronic inebriety does not constitute *per se* insanity.

1487. You said you thought drinking was increasing among women?—Yes.

1488. Do you think inebriety has so much increased as to make it desirable that there should be legal measures for its suppression? Are you prepared to say that there is on the whole increased chronic inebriety?—If I were to judge from my own experience I should say there were clear grounds among the better classes for legislation.

1489. But do you think that the conditions are so formidable that legislation is necessary?—Most emphatically, yes. When any person becomes a habitual drunkard, as defined in this Act (Sir Charles Cameron's Act), I most earnestly and strongly say that it is of the greatest consequence that there should be legislative means to confine and care for that man or woman.

1490. Are you sanguine of the curative effects of prolonged isolation?—I am not.

1491. Not even in early cases?—There are some cases in which the treatment will be effectual and the patient recover. There are a certain number in which there will be no permanent good to the individual, but a mighty and blessed deliverance to the people connected with him.

1492. Is that because some distinct or organic disease of the brain has taken place, or only for family reasons?—It may be the length of distinct organic change, or even if not, there may be such perversion of will as to make the man as hopeless as if there were organic change. The wretchedness caused by such cases is unspeakable.

1493. Your suggestion then is to get these people out of the way?—Both for the sake of the person and the friends,—just as in the case of lunacy.

1494. You are familiar with the literature of foreign countries on this subject?—You mean the American cures. No; I don't believe in it, and they don't believe in these cures themselves.

1495. They don't?—Well, many of them do not.

1496. Do you think the results of the Dalrymple Home are valuable for statistical purposes?—I do not know the results.

1497. Of course they are a small number of cases?—I don't know the results, I can only speak of my own knowledge, and I say the cure of such cases is a very very difficult matter, and that I have known in my life only a small number of them.

1498. You think the period of detention must be decided by the medical man in attendance?—It should depend entirely on whether the detention has attained its result or not. If the man cannot keep sober for three months outside, what is the use of letting him go.

1499. Would you have a fixed maximum. You would not keep him in ten years, say?—If a man is tried and continually breaks down what is the use of letting him out.

1500. Would it be essential to sentence him to a definite period at first?—Yes, and that could be extended if a man broke down during his three months' probation.

1501. You would have a sort of ticket-of-leave, then?

—Yes; but we call it in the Lunacy Department 'probation.'

1502. (*By Sir Colin Scott Moncrieff.*) You mentioned six months as the time you would detain them?—Yes.

1503. In the case of habitual drunkards—these miserable cases which qualify for being called habitual drunkards—would there be any reason to hope that six months would be sufficient?—It would be perfectly useless in many cases.

1504. We should only have confirmed cases, semi-police cases, those curses to society and to our streets; would six months be long enough to give them a chance?—I don't think it would; but the sentence could be six months, with supervision for other three months, during which he could be watched and brought back again if necessary.

1505. Would it not be better to make it 12 months at once?—In certain cases it might. I think 12 months would be rather severe for a universal law. I think there are some persons who, if they get well at all, would get well in 6 months.

1506. (*By the Chairman.*) But don't you think that would be left to the sheriff?—Yes.

1507. (*By Sir Colin Scott Moncrieff.*) You would allow the sheriff to sentence a drunkard to 12 months if the evidence warranted?—Certainly; giving a period of supervision thereafter.

1508. Talking of hereditary cases; can you, as a physician, say beforehand, after examining a child whose parents are drunkards and where there is a bad hereditary record, whether that child is certain to be a drunkard or not?—Nobody could say that.

1509. You can get no indication from the brain or in any other way?—No, but you would earnestly admonish the guardians of such a child never to allow it to taste alcohol in any form, and it should be explained to the child as soon as he or she was old enough to know.

1510. There are a tolerably large class, are there not, who are not quite insane enough to be sent into a lunatic asylum, but who yet are so utterly feeble of will as to approach very nearly to imbecility—miserable girls, some of them who produce wretched creatures?—A large class.

1511. What should you do with them?—That is a very large question; I don't know.

1512. I understand in their case it is more of an infirmity than absolute moral weakness?—That is quite so. The same question in a certain sense comes before me continually in my department. It comes to me in this way:—Am I to allow this poor wife or this epileptic husband to go home, where they may beget more children, who may be lunatic or epileptic? That is a question that is coming up continually; it ought to be spoken about far more plainly.

1513 Have you any distinct ideas as to how such cases should be treated. Would you recommend that the Commissioners of Lunacy should have the power of shutting them up for life?—It is a very large and very difficult question. I would not like off-hand to give an opinion; certainly not an opinion that could be put on evidence, although I have very definite opinions in a direction which Dr. Sutherland has indicated.

1514. You talk about the people who go voluntarily into Retreats, being able to support themselves, but a poor man however much he might wish restraint could not do that?—The only thing for him to do would be to go himself to the sheriff and say, I appeal to you to protect me against myself.

1515. But the law just now can do nothing?—Nothing.

1516. In drawing a parallel between lunacy and inebriety, is it not the case that a physician can tell far more distinctly that a man is now mentally sound, than he can tell that he is sound as regards the temptation to inebriety?—Certainly.

1517. And that makes it all the more difficult to let the inebriate out?—The question is the testing of the will power of a man, and you cannot guage that unless he is subjected to temptation.

1518. So on that particular point you cannot draw an exact parallel?—That is why I advise a period of probation, so that he may have an opportunity of showing whether he will stand or fall. *David Yellowlees.* 15 Nov. 1894.

1519. In these asylums you consider that occupation and employment would be necessary?—Most needful.

1520. What compulsion would you put upon the lazy rascal who declines to work?—In asylums we say that if a man does not work neither shall he smoke. I think that addition to the decalogue might be put in force there, and other inducements might be given in addition, especially that a certain amount of remuneration would be given for the work done. Granting or withholding indulgences, and giving a man the feeling that he was working for his wife and children outside, would induce him to do some work.

1521. (*By Miss Stevenson.*) In regard to the management of the proposed Retreats for inebriates, do you think that there should be private management or private asylums, or that they would be better like the district asylums, where it is no one's interest to detain persons?—They must be on no account anything except public in the latter sense. It must be no one's interest to have any one there.

1522. (*By Dr. Sutherland.*) You have told us that you do not wish to do what I may call, coddle the drunkard. Would you not consider the deprivation of liberty for a considerable time, and the insistence upon the performance of work would be in itself a punishment?—No; I think it would be treatment. That is the word I would use.

1523. Do you not think that the deprivation of liberty for six months would make the inebriate pause and reflect?—Yes; but you have brought it on yourself.

1524. While he remained there you would expect a beneficial change to take place in the tissues of the man's body from the healthy recreation and diet he receives?—Yes; and the abstinence.

1525. From your knowledge of American Homes do you think they are properly conducted?—I think they are a mistake, I do not approve of private Homes such as Miss Stevenson has alluded to.

1526. But you have no fault to find with the American Statutes for the creation of those Homes?—I do not know sufficient about them.

1527. In answer to Col. M'Hardy you said different cases required different treatment. Does not that suggest that there should be a classification of inebriates, either in different institutions, or in the same institution?—You are obliged to have a classification of some kind. You cannot place a man from the lowest parts of the city, and a man whose surroundings have always been something totally different, together. The one is able to pay for his privileges and the other is not.

1528. But do you not find that the mental obliquity in inebriety is very considerable?—Certainly.

1529. And that being the case would it not be desirable either to classify them in different institutions or in the same one?—To a certain extent, but the variation in obliquity is nothing like the variation in lunacy. The variation would be more of a social than a medical one.

1530. (*By the Chairman.*) Now as to the definition of an habitual drunkard, do you think it is satisfactory, or is there any amendment or modification you think it would require?—The terms of definition are those:—'At times dangerous to himself, or herself, or 'to others; or incapable of managing himself, or herself, 'and his or her affairs.' The words 'at times' applies to both parts of that sentence, and if that is so the definition is a very good one. A man is only at times dangerous to himself, or herself, or others, and he is only at times incapable of managing himself or herself.

1531. So you think it is satisfactory?—Yes; supposing the words 'at times' to apply to all the succeeding phrases.

1532. But I think it does?—Very well.

1533. (*By Sir Colin Scott Moncrieff.*) It might be repeated if there is any doubt about it?—Yes.

1534. (*By the Chairman.*) There are a number of

David Yellowlees. 15 Nov. 1894.

nostrums for the cure of habitual drunkenness?—I do not believe in one of them.

1535. What is the opinion of the profession regarding them?—I do not know any person who believes in one of them.

1536. You mentioned the case of epileptics. In some respects there is a resemblance between epileptic cases and cases of drunkenness. You have an epileptic who is perfectly sane, then gets into a fit of epilepsy, and is for a time absolutely insane. What powers have you?—He is distinctly regarded as an lunatic; if his fit did not come more than say once a year I could not keep him, but as you know the fits recur generally every two or three weeks or every month, and it would be a most wrong thing to send such a man out. Although for a time he seemed intelligent enough, his fits recur so certainly and with so much danger, and probably violence, that it would be quite wrong to let that man out.

1537. Would the law justify the detention of a person who is for the greater portion of his time sane?—Well no, not for the greater portion.

1538. But say there is a man who has an epileptic fit once a week, having a short interval of insanity it may be during which he has homicidal tendencies, and then in the course of 12 hours is quite sane again?—That is not a very common case. Usually the man has a day or two of irritability leading up to the attack, and it usually takes a day or two in subsiding again.

1539. But in some cases the fit comes like a shot?—Yes, the fit.

1540. May not the insanity come on suddenly in some cases?—Yes.

1541. I have in my mind one case where a man in a sudden fit of epilepsy stabbed a man right off?—That does happen; but, as a rule, there are symptoms. I think none of these epileptics should be allowed out, or at least until it is impossible for them to procreate children. I would also apply that to other classes.

1542. You have mentioned the case in lunacy, of medical men giving a certificate when it is a case of incipient lunacy, and when it is for the patient's benefit that he or she should be sent to a private family, but what control have you over the patient?—Simply that she is placed under the control of a person known to me who can prevent the patient going away, and carry out my treatment.

1543. Without being liable to false imprisonment?—Yes.

1544. Could it be applied to the case of an habitual drunkard?—The Lunacy Board has a regulation for the temporary residence of patients in private houses, and the same could apply here.

1545. What is the form of the regulation?—'A 'person suffering from incipient or transitory mental 'disorder may be temporarily received, and kept for 'profit in any private dwelling without an order of the 'sheriff or the sanction of the Board, but such temporary 'residence shall not exceed the period of six months, 'and the occupier must be authorised to receive the 'patient under a certificate granted in the following 'form,—"I a medical person duly qualified in terms 'of the Act, certify on soul and conscience that C. D. 'is afflicted—[here state nature of disease]—but that 'the malady is not confirmed, and that I consider it 'expedient, with a view to recovery, that he should 'be placed for temporary residence in the house of 'so and so for a certain time not exceeding six 'months."'

David Y. 15 Nov. 1

1546. As to the rights of custody; there is no force?—No, but the right of custody is implied in the words 'a person may be received and kept for profit.'

1547. The Lunacy Commissioners have that power?—Yes, under section 13 of 29 & 30 Vict. cap. 51.

1548. With regard to people generally, or with regard only to asylums?—With regard to lunatics, when the disease is incipient and not confirmed, this is the statutory regulation.

1549. Has that right—the right of custody ever been contested?—Not that I know of; I do not think anyone would do so in connection with this class of cases.

1550. But of course you know that lunatics are occasionally litigious, and a person who might be detained might raise the question?—It has never been contested so far as I know.

1551. Of course that would impose no liability on you, because it is conferred legally on you?—Yes.

1552. But if these custodians have not a legal right to enforce custody you perfectly see it might be disputed?—Yes.

1553. (*By Sir Colin Scott Moncrieff.*) Suppose an unprincipled medical man was to give a warrant?—The certificate most definitely states that the malady is not confirmed. Now you are really dealing with cases where the malady is very much confirmed, and the only cases we would care for in private houses would be habitual drunkards who had passed through the institution, and after they had learned control. They would then be in the convalescent stage.

1554. (*By Dr. Sutherland.*) If under those regulations, which I presume are sanctioned by the Secretary of State, a private individual can detain a relative and can lock him up, is the matter known to the Board of Lunacy?—No; such a patient is not seen by the Board at all. There is no record by the Board of Lunacy.

1555. Is not the sanction of the sheriff got?—No; it is the strongest thing in the Act.

1556. (*By the Chairman.*) Is there anything analagous to it in England?—Not that I know of.

1557. What is the date of it?—It is dated 1866.

1558. It is not very much used is it?—It is used in borderland cases which are not quite ill enough for an asylum, and where it is better to get them away from home influence, and in that respect it is exceedingly valuable.

1559. (*By Dr. Sutherland.*) Would it not be better if the punishment in a private house, whatever the nature of it may be, were recorded, and some authorised visit periodically made by an independent party?—I do not think that anything approaching punishment would be right at all in such cases. They are all just incipient cases, and a case which requires locking up at all would be unsuitable for it.

1560. Would not the guardian inform you if that were necessary?—Certainly, to get rid of him.

1561. (*By the Chairman.*) Recovery in your hands from habitual inebriety is more rare than from lunacy?—It is much more rare.

1562. But that arises from the fact that we have not been treating it properly?—I do not know; but there are more recoveries from lunacy than from habitual drunkenness. [The witness then withdrew.]

Rev. Robert Pryde. The REV. ROBERT PRYDE, M.A., Townhead Parish Church, as representing the Glasgow Presbytery, was called in and examined. *Rev. Robert Pryde.*

1563. (*By the Chairman.*) You are the minister of Townhead Parish Church?—I am.

1564. You have come here to give us such views on the subject we are inquiring into as commend themselves to your Presbytery?—I come representing a Committee of the Presbytery.

1565. I suppose, like other clergymen, you and your committee have had under consideration the subjects which are to come before us? Is it a Temperance committee?—No; it is the Committee on Life and Work.

1566. You see a very great deal of the effects of intemperance?—Yes, not only in my present charge where I have been for 15 years, but I have also seen the effects in Ayrshire previously, in Aberdeenshire before that, and also in Fifeshire. I have been 27 years minister altogether.

1567. But you have more experience with intemper-

Robert ance here than you had in your other charges?—Undoubtedly.

Nov. 1894.

1568. Do you consider that any interference on the part of the legislature with the liberty of the subject is called for?—I have long thought it the only solution of the question.

1569. Would you be in favour of dealing only with the drunkard who comes before the Police Court as a *quasi* criminal, or would you deal with the drunkard who is a drunkard simply in the bosom of his family?—I would deal with all parties who might be considered drunkards under the definition of the 1879 Act, whether they had become criminals or not.

1570. And how would you provide for their maintenance?—The only way I can see would be by means of a rate.

1571. Do you think the people would submit to a rate?—I do not think they would if it was heavy, but I do not think it would be heavy, as the statistics of some of our Homes at present show that what is derived from the work of the inmates covers their expenses. In the Lochburn Home, for instance, 88 per cent. of the expense is cleared by what the inmates do.

1572. And you anticipate that you would be able to get a similar amount of work out of the habitual drunkard?—Well, some of the Homes are even higher than that I have mentioned. There is one in Edinburgh that runs us over 100 per cent., but a good many are not up to the 88 per cent.

1573. With respect to the family, we will say, of a man committed as an habitual drunkard, how would you do with him?—Well, that is one of the difficulties that has presented itself to my mind. Of course some provision would need to be made for the wife and children who are unable to support themselves. I fancy that if you impose a rate for the purpose of the Act, that you would need to make some provision also for the maintenance of the wife and children of the poor man.

1574. In connection with your experience on this subject, do you find that habitual drunkenness exists most frequently among the men or the women?—In certain grades of society, and in certain occupations, there is no doubt that the men who are drunkards are in the majority. I think the lower down you go you find that the ratio as between men and women increases, there are more women in the lowest order than you will find in the slightly higher orders.

1575. Do you come across many cases where drunkenness constitutes the curse of a family?—There are hundreds.

1576. Where they pawn everything?—They sell everything they can. There are houses up in my neighbourhood where there is scarcely a thing in the house.

1577. I suppose in those cases both husband and wife drink?—Yes.

1578. I suppose you find very many sad cases, so far as the children are concerned?—There are an enormous number of children who are provided with clothing through the School Board at present.

1579. Have the School Board the power to provide clothing?—Well, they report.

1580. To some charitable organisation?—Yes; the Charity Organisation Society is the society that provides the clothing, but the School Board Officers report as to the cases of children who are often practically naked and need the clothing.

1581. You speak the unanimous opinion of the Committee of the Presbytery you represent?—I cannot say I speak the unanimous opinion of the committee of the Presbytery, as there has been no deliverance to the Presbytery on the matter.

1582. You come as a delegate and may be presumed to represent their opinions?—Yes. *Rev. Robert Pryde.*

1583. You think that, judging from what you see, public opinion in Scotland is advanced enough to support such propositions as you make?—I have some doubt as to whether in many quarters it is advanced enough at the present moment; but I am convinced it is growing, and has grown within the last 20 years. *15 Nov. 1894.*

1584. I doubt myself whether it is advanced enough to stand the rate, is that the point you have some doubt about?—Principally the rate, but the principle of taking hold of those who are unable to take care of themselves, I think, is pretty universally accepted now.

1585. (*By Sir Colin Scott Moncrieff.*) I understand you would lock up the habitual drunkard for a time?—Yes.

1586. Instead of sending him to prison for three or four days, would you extend the period of detention?—Yes.

1587. For how long?—As far as I have been able to judge from experience I would put the minimum at three or four months, and run up the maximum to one or two years.

1588. And would you give the committing magistrate the power to decide?—The committing magistrate along with medical officers. You require under the present Act a certificate from two medical men, and probably the length of confinement in each case might depend on the medical evidence.

1589. Have you had experience of a real reclamation of drunkards?—I have had a few experiences, not a large number. I have known one gentleman shut up by his relatives for 12 months. He was in a good business as a solicitor, and he came back and took up his business where he had left it, and has carried it on for 20 years most successfully.

1590. What did they do with him?—They sent him to a Retreat.

1591. But they would not force him to go—he was a consenting party?—It was from pressure from home and on the part of his friends.

1592. Was the Retreat in Scotland?—In one of the Western Islands.

1593. (*By Dr. Farquharson.*) Would your proposed rate be a special rate or an addition to the Poor Rate?—I fancy it would depend upon what authority you put it under, whether under the County Council or under a more Local Authority such as you have in the Town Council.

1594. Would you be inclined to advocate any help from Imperial sources?—Undoubtedly; because I think we should not work in too limited areas. It is a question which touches large areas, and really becomes an Imperial question—it is for the State as a whole.

1595. But would not you be afraid that this growing public opinion would be a little chilled when they found that they had to pay an extra rate for it?—Well, it might.

1596. (*By Dr. Sutherland.*) You have told the Committee that you know of Homes where the work done makes them self-supporting. Now, assuming that that could be done in the institutions which you propose should be called into existence for habitual drunkards, do you think there would be much necessity for an increased rate?—Not unless you take in hand the maintenance of the wife and family of poor men when these men are in the Homes.

1597. Is it not the case that this is done when they are now in prison?—Yes; the Parochial Board assists them if they need assistance. [The witness then withdrew.]

. Robert wie.

The REV. ROBERT HOWIE, M.A., St. Mary's Free Church, Govan, as representing the Free Presbytery of Glasgow, was called in and examined. *Rev. Robert Howie.*

1598. (*By the Chairman.*) You give evidence, do you, as an individual?—I give evidence partly as representing the Free Church Presbytery of Glasgow. I am convenor of the Presbytery's Committee who have considered the subjects connected with your inquiry. We had a meeting of the committee first of all, at which we agreed on certain points, and then we had a short reference to the matter in public, and we had a

Rev. Robert Howie.

15 Nov. 1894.

pretty lengthened conference, at which we came to a unanimous judgment on certain points on which I am prepared to make a statement.

1599. Will you please read your statement?—'At 'Glasgow, 6th November, 1894, the Free Presbytery 'of Glasgow met and was constituted. *Inter alia.* 'The Presbytery then entered into conference on some 'of the important matters to which the Departmental 'Committee at present visiting the city is directing its 'attention: and a very general opinion was expressed 'that legislative sanction should be given to the com- 'pulsory confinement of those who have come to be 'regarded, and who regard themselves, as inebriates.'

1600. Then the opinion of the Presbytery is surely a head of public opinion in Scotland?—We believe public opinion is very strong on this point, in support of action in the direction indicated. We felt the matter so pressing three years ago that we had a committee dealing with it, with a view to attempting something local.

1601. You mean the Presbytery?—Yes; I mean the Presbytery. We had a committee to deal with the whole question of habitual drunkards, and we were anxious to establish a Retreat under the auspices of the Presbytery, and to raise voluntary funds, but we found, on looking into the matter, one difficulty was in not having power to detain the individuals who might be confined, and looking more fully into the question we felt it had broader aspects than what concerned any single church. The people of this class are outside for the most part all our churches, and we felt it was a question more for the State than the church.

1602. But you say you had ideas about a Retreat?—Yes, something like that at Brownsland.

1603. Where is that?—That is at Peebles. It is supported by voluntary contributions. Some 12 persons are there.

1604. (*By Dr. Sutherland.*) And the inmates or their friends subscribe 7s. a week?—I think so.

1605. (*By the Chairman.*) Was it chiefly intended for drunken wives or for husbands?—Mainly for wives, but for drunken husbands also. We intended it in the first instance to be for wives, as their case seemed to those interested to be the worst.

1606. And besides it would be easier to get husbands to maintain the wives under such circumstances than the wives to maintain the husbands?—Yes; the difficulty always is to get some party to undertake the maintenance.

1607. Then how would you propose to deal with the habitual drunkard of the Police Court—the man with the record number of convictions?—We thought that if a man had been confined four different times in the course of the year he should be regarded as an habitual drunkard, and put into one of these Retreats against his will, and treated in the course of two years with a view to his being cured. We think that the state should have the power to deal, without their permission, with those who have been convicted in the Police Courts. We feel, further, that the Act of 1879 should be amended in this way—that it should not be in the option only of the party himself to apply, but that there should be power on the part of the friends or on the part of two duly qualified medical men to have a man committed to one of these Retreats against his will.

1608. But so far as the finances of such a scheme are concerned, what do you think regarding them?—We think that should be thrown upon the Local Authorities throughout the country, probably Government assisting, and that there might be a utilising to a certain extent of some of the accommodation in poorhouses. In many parts of the country you have poorhouses that are not fully occupied. These might be to a certain extent taken advantage of. Of course, they would require to be set apart entirely for habitual drunkards, and not to have the poor associated with them. But I have looked into the question of accommodation that is provided in poorhouses, and the numbers that take advantage, and I am surprised to find there are upwards of 5000 unoccupied places in the various poorhouses of Scotland. Some of these poorhouses in which there are very few people, I think, might very well be taken out of the group to which they belong. You might have a number of groups in Scotland; and here and there over the country have places that could be licensed, and by a combination of the various districts under Local Authorities all the expenses could be met through the rates.

Rev. Robert Howie.

15 Nov. 1

1609. That is a scheme to which the Presbytery is not in any way committed? It is a personal suggestion?—The Presbytery virtually endorsed such a scheme at its meeting. I made a pretty full statement to the Presbytery and every one who had raised any difficulty was very enthusiastic about it, and thought that a scheme of that kind should have support.

1610. You deal largely in statistics?—Yes, I do.

1611. About these remarks to the Presbytery in which you described your scheme, have you a copy of it which you could put in as an appendix?—Yes.

1612. Do you happen to have a report of the speech which you made to the Presbytery?—I have a statement here which contains my views and I will read it. 'The 'following are the points which I think might with 'advantage be adopted in any scheme for dealing with 'habitual drunkards: (1) That the term "Habitual 'Drunkard" as defined by section 3 of the "Habitual 'Drunkards Act 1879" should be extended to include 'any person convicted, or having forfeited a pledge for 'drunkenness four times in one year; (2) that Retreats 'or places of detention for such persons be established, 'upheld, and administered by the Local Authorities; (3) 'that an habitual drunkard convicted of a crime or any 'offence of which drunkenness was an element should, 'instead of being sent to prison, be sent *nolens volens* to 'a Retreat, and detained there till cured—this principle 'has been adopted permissively in section 11 of the '"Cruelty to Children Act 1894" for habitual drunkards 'convicted of offences against that Act; (4) that by an 'extension of clause of the "Industrial Schools Act 1880," 'on application being made by the School Board or the 'Procurator Fiscal, the sheriff should be empowered to 'take the children of habitual drunkards from the control 'of their parents and send them to an Industrial School '—this section gives that power in respect to the children 'of prostitutes and children living in houses of ill-fame '—and (5) that any habitual drunkard though never 'convicted before a Court or personally applying for 'admission to a Retreat, may be committed to a Retreat 'on the application to the Local Authority of two duly 'qualified medical men, for a period of not less than 'three months, and not more than three years, such 'application shall be accompanied by a statutory 'declaration to the effect that the person named is an 'habitual drunkard within the meaning of the Act.' These suggestions were not formally put in that shape to the Presbytery, but I have since conferred with some of those who were present, and we feel that they express very much the views of Presbytery.

1613. You make some reference to some provision in the Cruelty to Children Act. Do you know what section it is?—Section 11.

1614. (*By Dr. Sutherland.*) Do you propose rigidly to define an habitual drunkard?—Do you propose to apply it indiscriminately to all people who may be convicted four times a year? Before answering, please bear in mind that working men and industrious persons may, and do, occasionally get drunk four times in the year, and yet can in no sense be classed in that category?—I think if they have been four times in prison for drunkenness in the course of the year they should be classed as habitual drunkards. A great many more may be entitled to be regarded more as habitual drunkards who have never been in prison at all. These are much more difficult to get at, but I am much more interested in them than the others.

1615. Would you be inclined to make any distinction between habitual drunkards having regard to the fact that in one case, although he was four times convicted for drunkenness in a year, it could be shown and proven in Court that he maintained a family and a respectable home; and in the other hand another individual who

had been convicted the same number of times had no settled home, was engaged in no settled work, and was in short a waster—would you make no distinction between these classes?—Certainly the better case is the one you should deal with preferentially.

1616. Therefore you depart from your rigid definition?—Yes; I am referring simply to the fact that if a man has been four times a year in prison for drunkenness it gives the State a right to interfere with his liberty. He would require to prove that he is not a habitual drunkard; but I admit at the same time that there are many people who never, from one end of the year to the other, find their way to prison, who are in a worse sense habitual drunkards than those who do get into prison. Some of the drunkards I know only have an outbreak three or four times a year, and they may sustain themselves in a state of sobriety for three or four months at a time; while there are other men that I know, in the ship-building trade more especially, who get drunk almost every pay-day.

1617. But suppose they were put under a *curator*—suppose the employer was appointed *curator*?—The employer generally refuses to act as such.

1618. A missionary might take up the position?—Well, they don't care about it.

1619. But if the law appointed some one to look after his earnings on behalf of his dependants, would he not be likely to act?—Yes, I suppose so.

1620. Have you any suggestions to make as to restrictions on pawnbrokers and the vendors of liquor who continued to take body and bed clothing in pawn, or supply drink to persons certified in open Court to be habitual drunkards?—I was going to bring before the Commission in that connection two important statements which I have here. 'The Committee of the 'British Medical Association, who were appointed to 'report on legislation for inebriates, draw attention to a 'Bill which has just been passed in the Legislative 'Assembly of Natal, and which deals with the com-'pulsory care and treatment of inebriates. The Bill 'provides that the Governor and Council shall have 'power to establish and maintain a Retreat; that a 'judge or a resident magistrate may commit to a 'Retreat for a term of not less than six months, or 'more than two years, any person convicted several 'times before him of drunkenness, or anyone proven to 'be an inebriate, on the application of a relative, friend, 'or constable. The committee further express the 'opinion that were the Home Secretary to include 'those provisions in his promised Bill, a substantial 'improvement would be effected in the existing proce-'dure.' There is another statement which I may read,—'A correspondent writing from New Zealand 'says the police in that colony have the power, if they 'think a man is injuring his own health or neglecting 'his family as the result of habitual drinking, to take 'him before a magistrate and get his drink stopped for '12 months within a radius of 20 miles. After that, 'any hotel-keeper supplying such a man with drink, 'and any person privately giving him drink is liable 'to a fine; and if a prohibited man is found the 'worse for drink, he is to be arrested at once, and sent 'to jail for three months hard labour.'

1621. You would impose the same pains and penalties on the pawnbroker who took clothing or furniture from the drunkard — that is a certified drunkard?—It is rather difficult to tell how to deal with that matter, especially when the money is not applied for drink.

1622. But assume that so-and-so is certified, and the pawnbroker like the liquor seller has an intimation of that fact by advertisement and notification?—Yes; if he got a formal intimation then I think he might be punished fairly. I think notification as to any person who has been certified to be an habitual drunkard should be binding on pawnbrokers and publicans.

1623. (*By Miss Stevenson.*) Referring to the system of providing clothing for poor children by the Charity Organisation, through the agency of the police, do you think that is an encouragement to parents at all to neglect their children, and to make them less likely to be self-denying in the matter of drink?—I can only speak in connection with our free breakfasts. I am a director of the Evangelistic Association, and I have sometimes heard the statement made that a good number of the people who come to get a free breakfast have been spending their money in the public-house on a Saturday night. I have no doubt there is a good deal of truth in that, and the same thing happens in the case of all charity which is administered indiscriminately. I remember when I was minister in the Wynd Church in one of the very worst districts in our city. I found there that the people who came up asking for money generally turned out badly; I have always declined to give money to people on that account in connection with evangelistic work. I do not care about associating philanthrophy with such work.

1624. (*By Col. M'Hardy.*) You have told us that you are very familiar with the lower classes of Glasgow, and I suppose of Govan?—I have been 34 years in my ministry in this city and Govan, first in the Wynd Church, then in the neighbourhood of it, and the last 22 years in Govan; and I know the two places.

1625. There is a very interesting fact in regard to the apprehensions for breaches of the peace and disorder in Glasgow and Govan. The number per thousand apprehended is 60 in Glasgow, and in Govan it is only 28. I wish to ask you if you can tell us how there is such a difference of those percentages of apprehensions, and if there is any observable difference in the condition of the people in the streets?—I was very much startled when I saw these figures, because I was not prepared for any difference such as that between Govan and Glasgow. I think Govan is just about as bad as Glasgow. I can only account for it in the different arrangement in connection with apprehensions. There must be geater strictness in Glasgow in apprehending people, and I am afraid Govan cannot present such a clean record by contrast with Glasgow as these figures would indicate; although we must take into account that a part of Govan consists of villas and better-class houses, and we have not the same proportion of apprehensions there, but I know that in some of the streets within the territorial district wrought by my congregration the number of people addicted to drunkenness is very great.

1626. But do you find there is twice the amount of disorder in Govan as there is in Glasgow: are we to believe that the apprehensions are so few in Govan that drunken people go about making the place noisy, while in Glasgow they are all locked up?—I do not know. I would not feel warranted in bringing any charge of remissness against as fine a police force as there is in the kingdom. Captain Hamilton is in my judgment one of the finest specimens of a man at the head of a police force. I know he often does his best by dealing with people in the Police Office, and I know this as a fact. The late Lieutenant Anderson told me himself during his last illness that he had often taken drunkards aside and remonstrated with them, and sent them home instead of locking them up; and that may partly account for the different numbers, but so far as you observe the streets, there is no difference in walking about the two towns.

1627. You are quite familiar with them, and you think there is no greater disorder in Govan than in Glasgow?—I should say there is very much the same, taking them as an average. I daresay that on the pay-days in Govan we are worse than in Glasgow. It becomes cumulative at the pay-time in Govan, but it is more distributed over the whole week in Glasgow, especially in districts such as the Wynd.

1628. (*By Sir Colin Scott Moncrieff.*) You mentioned a law that had been passed in New Zealand as regards forbidding publicans to supply liquor to habitual drunkards—do you think such a law would be practicable here? In New Zealand the public-houses and the population are very scattered, and every man is more or less known, but here it is different. What is your opinion upon that point?—I am not sure that

Rev. Robert Howie. 15 Nov. 1894.

it is possible. I am only speaking of an admirable arrangement, if it could be carried out.

1629. (*By the Chairman.*) Have you anything further to say?—No, but I wish to put in a statement by the Rev. Hugh Ross, of St. Stephen's Church. [The witness then withdrew.]

Rev. Robert Howie. 15 Nov. 1894.

[ADJOURNED.]

FIFTH DAY.

Glasgow, November 16th, 1894.

PRESENT:—

Sir CHARLES CAMERON, Bt., M.P. (*Chairman*).
Col. A. B. M'HARDY, R.E.
Sir COLIN SCOTT MONCRIEFF, R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

David Morrin. 16 Nov. 1894.

EX-BAILIE DAVID MORRIN, Glasgow, called in and examined.

David Morrin. 16 Nov. 1894.

1630. (*By the Chairman.*) You are a magistrate of the City of Glasgow?—I was up till the beginning of this month.

1631. How long were you a magistrate?—I was one year a river magistrate and five years a city magistrate.

1632. And during that time you had much experience of habitual and petty offenders?—Yes, during the five years as a burgh magistrate.

1633. And in connection with that experience would you say that a very large proportion of the crime is connected with drunkenness?—I think I am quite right in saying that fully 90 per cent. is attributable to that cause.

1634. Would that apply to petty offenders also?—Not so much to petty offenders as to disorderlies and cases of that kind such as wife-beating and other assaults.

1635. And in connection with the cases of female prisoners brought before you, do you consider that drunkenness has much to do with the charges for solicitation?—Yes; to a very large extent drink is the cause among the female prisoners.

1636. There is no rule I understand among the magistrates as to the sentences imposed in connection with cases of drunkenness?—The magistrates on various occasions have talked the matter over, but they have not come to any definite finding as to the amount of the fines that should be imposed or the days of imprisonment. Of course, 14 days is the highest.

1637. There is so far uniformity that a given number of shillings is held to be equivalent to a given number of days?—As a general rule.

1638. But even that varies at the discretion of the magistrate?—Yes.

1639. Some magistrates give comparatively high sentences and others are very lenient in drunken cases?—I presume as a general rule the fines are 5s. and 7s. 6d. for drunkenness, but some are as low as 2s. 6d., and some cases are dismissed altogether.

1640. Some magistrates dismiss a very large proportion of the cases do they not?—Yes.

1641. The magistrates go about from Court to Court, so that the sentences passed on the prisoners depend very much on the chance of what magistrate deals with the cases?—As a general rule the magistrates have a uniform system.

1642. You are sure of that, are you; can you tell us then what would be the uniform sentence?—Well, I am sure from about 5s. and three days for drunkenness, unless they are habitual drunkards, and then the fine is higher. My own method of proceeding with females is, that if they are repeatedly before the Court I give them the highest number of days I can. That is 14 days.

1643. For being drunk?—Drunk and incapable.

1644. And if it is a case of assault, and drunk and and disorderly?—It then depends altogther on the nature of the assault. If it is one of great violence I, as a general rule, give them 60 days.

1645. We were told that a large number of simple drunks are converted into cases of assault, through the fact that the incapable man recovered himself sufficiently to kick the constable on the way to the Police Station?—There are a good many characters of that kind.

1646. And how are they dealt with?—If there are no bruises about the policeman's legs, I have not usually given them more than 21s. and 14 or 15 days, and sometimes I have given them a lighter sentence.

1647. In these cases you speak of in which you gave 60 days, have you found such cases come back before you, or has it been a deterrent sentence?—The moving about from Court to Court makes it difficult to tell whether the same individuals come back again, so that I could not specifically say as to whether these cases in any number have come before the Court or not.

1648. Under the police system evidence was given before a Departmental Committee, the Blue Book of which has been referred to us, to the effect that the English law prescribes a certain punishment for the first offence, and increases it for the second, and increases it still further for the third. There is nothing of that sort I understand in Scotch law. Is there anything like it in Scottish practice?—Our Procurator Fiscal in the Central Court will not give a magistrate information about previous convictions. He holds that it is contrary to the law to give a magistrate any information about a prisoner as to whether he has been before the Court or not.

1649. You are aware that it is a general principle laid down by a recent Act that in no case can evidence of previous convictions be brought forward before the verdict of guilty or not guilty has been pronounced; but that in the case of serious crime previous convictions can then be brought forward before sentence is pronounced. Do you think such a thing would be possible in connection with cases of drunkenness?—I think it is quite within the range of possibility.

1650. Is it feasible in Glasgow, where a large number of drunks are never brought before the magistrate at all, but are dismissed on leaving pledges?—The difficulty our Chief Constable has had in that department is the many aliases they assume. They give different names in going to different Courts, but the habitual people are generally found out, and the police come to know that they are the same parties although they give different names. I think there would not be much difficulty in finding out in a sure

enough way who come habitually before the Court, although they give different names.

1651. The suggestion has been made that the status of an habitual drunkard should be constituted to a certain extent in this and in connection with other matters by the frequency of his arrests or convictions for drunkenness. Do you think that would be done in a big town like Glasgow?—I think so, to a large extent.

1652. Do you see any difficulty by having a man connected with the police whose duty it would be to go from Police Office to Police Office and get the returns. Do you see any difficulty in such a man getting a pretty general knowledge of the names and identity of the prisoners?—I do not see any difficulty at all.

1653. In connection with the detention of habitual drunkards for lengthened periods do you consider that these short sentences effect much good?—I do not think so.

1654. Do you believe that any good would be effected by keeping a register of convictions, so that a man might perhaps, as was suggested, not be punished at all for the first offence, but dismissed and registered, and treated possibly on the second occasion in the same way but registered again, and then on the third appearance dealt with more seriously and after a certain number of convictions be liable to be dealt with by the police as an habitual drunkard; that is to say instead of being brought before the magistrate and dealt with simply, being brought on a charge of habitual drunkenness, and remitted by the magistrate to the sheriff to have the case investigated?—You at once introduce the question as to what an habitual drunkard is, and there is a possibility that I may have a different opinion from some magistrates as to what an habitual drunkard is.

1655. Our proposal was that after a certain number of convictions, you as a magistrate, in dealing with a great many drunks would not have time to go elaborately into the case, which might be a serious matter, but that the evidence of a certain number of convictions should be given to you, and that you should remit the case to the sheriff who would decide whether he is or is not an habitual drunkard?—It would depend again altogether on circumstances. For instance if I found a workman who got drunk and was brought before the Court, but who all the rest of the time wrought and kept his house and family, even although that man was brought before me six times in the year, I would not be disposed to send him on to the sheriff to be dealt with in a severe manner.

1656. The suggestion made to us is that he should be sent on to the sheriff on the charge of being an habitual drunkard. Of course it would be for the sheriff to ascertain whether he complied with the definition of an habitual drunkard or not, and I wish to know if you approve of that suggestion, which has been made by several witnesses. I am glad that we have an objection and that we may hear other views?—I would not be disposed to send on a case except of this nature. When a man or woman drinks to excess, their system is soon overpowered with alcohol, so that they simply cannot stop drinking until they pawn everything they can lay their hands on. These cases are well-known. I would be disposed to call a man or woman like that an habitual drunkard, and the sheriff might deal with that case; but the workman who only gets drunk occasionally when he gets his pay, even if it goes the length of six times a year, it would be rather severe to send a man like that to the sheriff.

1657. But how would these coincident circumstances come under your notice. There is no crime in a man pawning his own goods. How would the circumstances come before the magistrates?—A man of that kind as a general rule is not living with his wife and family. He is so given over to drinking habits that he has thrown the reins of Government, both as regards his own conduct and his family completely aside; and I think these are the class of cases I would be disposed to get the sheriff to deal with.

1658. You spoke about pawning and so forth. How would such circumstances come under your notice?—The policemen know every one of these cases by name and conduct. They know them individually. *David Morrin.* 16 Nov. 1894.

1659. Take the case of a man who is living with his wife, and who when he was drunk thrashed her, and did so frequently on pay nights?—These are the very cases I have in my mind just now. I have met with a good many of them, and I have often thought the sentence magistrates were capable of giving them was not sufficient.

1660. I suppose you find it very difficult getting evidence from the wives?—In some cases the wives do not care about going before the Court, but when it becomes habitual, the wives are often only too glad to get rid of them.

1661. There is some provision in English Law which enables the magistrate to give judicial separation in cases where the wives are brutally treated?—I am not aware that we have any power of that kind in Scotland.

1662. We have heard a great deal about 'finish' drinks. Have you anything to say about them?—These cases as a rule are also well-known to the police. They are found more amongst females than the males. I have had cases repeatedly before me in which the policeman ventured the remark that this was a party who was in the habit of drinking methylated spirits or 'finish.'

1663. Where did they get that?—In the apothecary's and other shops. You buy as much for about a penny as will make a five-gill bottle.

1664. Do you see any way of checking the sale of these intoxicants, by means of any amendment of the Licensing Laws, for instance?—I understand that all poisons sold by druggists are bound to have a label on them.

1665. But this would be asked for I presume as 'finish' for the purpose of polishing furniture?—Yes, I understand that is the method of procedure that is adopted in order to deceive the chemist.

1666. Sometime ago in the north of Ireland there was a great deal of attention directed to the subject of drunkenness through ether drinking. Is there anything of that kind here?—I have never heard of anything but 'finish'; that is the regular thing that is taken here.

1667. Have you any suggestions to make in connection with the treatment of habitual offenders, and especially habitual offenders whose case is due to drink?—My impression is that habitual drunkards should be confined in some place for a period perhaps of three or six months, as the case may be.

1668. About the definition of an habitual drunkard. Here is the definition under the Act of 1879:—'Habitual drunkard means a person, who not being 'amendable to any jurisdiction in lunacy is notwithstanding, by reason of habitual intemperate drinking 'of intoxicating liquor, at times dangerous to himself 'or herself or to others, or incapable of managing himself or herself, and his or her affairs?'—These are cases that I think should be sent to a Home or Retreat, or you may select a poorhouse, as I understand there is plenty room in the poorhouses where they might be sent to.

1669. In the case of a magistrate remitting a man after repeated cases of drunkenness to a sheriff it would fall to the sheriff to decide whether he came within that description or not. He would have to decide whether by reason of intoxicating liquors he was at times dangerous to himself and others, and incapable of managing himself and his affairs?—I do not think there would be any difficulty in producing evidence to prove that.

1670. Would that obviate your objection to sending a man to be dealt with by the sheriff?—Oh yes, if evidence of that kind were to be taken.

1671. Do you think the sentence for drunkenness permitted by the law at present should be increased in such cases as the sheriff held that, while the man had a great number of convictions against himself, he did not consider him an habitual drunkard, and could not send him to a Retreat. Do you think the sheriffs should

David Morrin.

16 Nov. 1894.

have any longer powers of sentence?—I think the sheriff should have the power in cases of that kind of going the length of 60 days.

1672. You speak about sending these men to certain institutions, have you any suggestion to make as to how these institutions should be supported?—I think they should be supported by the Government.

1673. You would not go in for any support out of the local rates?—Well the Government at present pays the expenses of their being kept in prison.

1674. Yes, but a good number of them oscillate between the prison and the poorhouse, and the latter is supported by local rates?—In the latter case then their cost would fall on the local rates.

1675. The locality pays for the poorhouse?—Habitual drunkards are offenders against the nation and society.

1676. That is true but we want to allocate the cost of their maintenance?—The cost at present could easily be ascertained; and my impression is that all offenders within the municipality might have the expense incurred in connection with them paid by the municipality.

1677. That is not the case at present?—No.

1678. And that would impose an additional tax on the municipality?—But the Government would relieve us of the tax in other ways, because the Government would tax the people for their upkeep.

1679. Yes, but that would hardly do, because the Government taxes the whole people, and in this case you would have Glasgow taxed for a large portion of the expenses that at present fall on Barlinnie, and which is defrayed out of the national resources?—Those cases that you have referred to come under the cognisance of the Local Authorities, the expense connected with them could easily be borne by the Local Government.

1680. By what Local Government?—Glasgow.

1680A. By the municipality?—Yes.

1681. And by the County Council?—Yes as representing the counties.

1682. But you have not thought out any definite scheme?—In regard to Retreats I think Government should make it a national tax.

1683. Chancellors of the Exchequer are not very fond of making national taxes?—As a general rule they do it nevertheless.

1684. Have you come across any case of habitual drunkenness that you think should be dealt with that does not come under the category of *quasi* criminals?—In a private capacity?

1685. Yes?—No, our police as a rule find the man who gets drunk on the street.

1686. We have found that there is an enormous excess of arrests in Glasgow over Govan and the rest of the Kingdom. Can you explain why that is?—Well, in regard to the question of prostitution for instance in Glasgow compared with any large English town, I think that the law in Scotland is administered on the whole in a general way over the country, but as compared with England it is very much different. Prostitution in English towns the police authorities pay little or no attention to, but in Glasgow the police are very vigilant, and our streets are comparatively free.

1687. That was a matter of considerable discussion—there was a great outcry about the streets of Glasgow—some time ago, and there has been an enormous improvement of late years?—A remarkable improvement.

1688. But there is an extraordinary discrepancy between the arrests in Glasgow and in Govan. In Govan there are only 28 per thousand, whereas in Glasgow there are 60?—I understand that the method of procedure in Govan with a great many cases is that when a policeman finds a drunk man near to his home he endeavours to get that man home, rather than take him to the Police Office, while I am afraid very much that in Glasgow there is not much of that kind of thing done at all. I am afraid that nearly all those who are apprehended on our pavements, our closes, or streets, even though they may be near their own homes, are taken by the policeman to the Police Office.

1689. Which system do you approve of?—It would depend to a certain extent upon the nature of the individual. *David Morrin.* 16 Nov.

1690. I mean for the treatment of a big community?—If, for instance, the policeman know these people, and if they are not of a violent nature while under the influence of drink, I think it is much better to take them to their homes.

1691. But I suppose there cannot be a very great difference between drunkenness in Glasgow and Govan?—No, but there are some men who are very violent, and others who are prayerful, and others again who sing songs. I have often thought that it would be much more humane if the police, when they found a drunk man perhaps about the close-mouth where he lives, and knowing that, if they were simply to put him into his own house. A great many cases of that kind have been found where the people were got to their own homes.

1692. If he were sufficiently drunk that might be good, but if he happened to be in a quarrelsome state?—That is just the danger, where the wife and family might be brutally used if a man in that condition was taken into his own house.

1693. But I suppose the system of Glasgow commands the approval of the Glasgow magistrates, and that the Glasgow magistrates are responsible for the condition of the orders under which the policemen act?—Yes.

1694. (*By Sir Colin Scott Moncrieff.*) Are you aware that Sir Charles Cameron has just drawn a comparison between Glasgow and Govan, but that Glasgow is an exceptional place, not only as compared with England but as compared with the rest of Scotland?—Glasgow, I know, is worse than either the rest of Scotland or England for apprehensions.

1695. And worse, not by 5 or 10, but by 30 per cent.?—In the apprehensions we have an enormous number of them for very trivial matters. We have boys brought up in great numbers for kicking pieces of paper on the street in the form of a ball, and any number of lads who are perhaps found standing at the street corner and obstructing the free passage of the people. We get such cases brought up in great quantities. The apprehensions with regard to football-playing on the streets are enormous in the football season, and it is a difficult matter for the magistrate to know how to deal with them—and I speak all their minds—because if it happens to be a damp day and the ball flies up and goes against the passengers the ladies get their dresses soiled, or the passengers get their ankles kicked. As I say, there is an enormous number of little boys from 6 to 12 years brought up for such offences as these.

1696. Then how does Govan do when the ladies get their dresses soiled?—I do not know how Govan does as a general rule, but I know I have found very great difficulty in knowing how to deal with them. As a general rule, unless the offenders have been before the Court once or so before, I send them home.

1697. But they are locked up all night?—If their parents are known they cite them to appear.

1698. Without requiring any pledge?—No pledge.

1699. And do you think, on the whole, that the police of Glasgow are not more officious than they should be? Do you think it is expedient to carry out their orders to such an extreme?—I have gone along the streets of Glasgow during the time of my magistracy when I was not known, just to see how they act on the streets in cases where there was a row occurring, and I have repeatedly seen the police trying to get people to go away without taking them in charge.

1700. (*By the Chairman.*) Drunken people?—Disorderly people.

1701. (*By Sir Colin Scott Moncrieff.*) You might explain?—Well, two men who might wish to fight, and I have repeatedly seen the police, instead of apprehending these people, advising them to go home. I have seen them do that two or three times before they would apprehend them, and I have been very much gratified to see that, especially when I was not known to the crowd.

1702. But there the fact remains, and it is a very peculiar one, of the difference of practice between two places which are practically one place?—That is the only explanation I am capable of giving. Govan is a comparatively small place compared with Glasgow, and my impression is that the police know the people individually, and that when they find them near their homes they take them there instead of taking them to the Police Office.

1703. You have talked about giving the sheriff authority to shut up habitual drunkards for two or three months, do you think there is reason to hope that at the end of two or three months' seclusion the habitual drunkard would be brought round to a right physical life?—Well, it would give him an opportunity for a new start in life, which otherwise he does not get, and I would be very hopeful that in a great many cases that would be the result.

1704. And you would think two or three months would be enough?—I think six months would be enough, because the alcohol would be entirely out of his system, and he would be able to start life afresh.

1705. (*By Dr. Farquharson.*) Have the police in Govan got the same powers as those in Glasgow?—Yes; exactly the same.

1706. To what do you ascribe the greater zeal of the Glasgow police over the Govan police?—I would not be disposed to say that the Glasgow police are more vigilant in endeavouring to keep our streets in good order than the Govan police are. But Govan being a comparatively small place compared with Glasgow, and the individuals there known to the police, out of humanity, I presume—and there is nothing against it in law—they take them home instead of taking them to the Police Office.

1707. Are the police more numerous in Glasgow in proportion to the population, than they are in Govan?—I think so. In Glasgow they are one to every 550 of the population.

1708. Are the police in Glasgow kept to the same beats, or are they moved about?—They keep to the same beats for a considerable length of time, unless the Chief Constable thinks it advisable that they should be moved from one beat to another.

1709. Well, then, the Glasgow police would know the people by headmark as well as the Govan police?—Yes, they know a good many; but in Glasgow you have a population of a migratory character, and a great many strangers come in from the country. In the Central Court, in my own experience, I have found a great many cases which were in from the country, people having been found drunk in the centre of the town.

1710. Do you think the police are more vigilant in Glasgow? Would you say they were kept more strictly up to the mark by the magistrates?—If I were to say they were kept more strictly up to the mark than the Govan police it would be a reflection on the Govan police, and I would not care to say that.

1711. You have told us a great proportion of the crime is caused through drink?—Above 90 per cent.

1712. Do you think the drink and the crime absolutely stand to one another in the light of cause and effect?—Yes.

1713. Might it not be a coincidence that a man might happen to have some drink at the time he commits the crime?—I believe in the large majority of cases the crime would not be committed except for drink.

1714. Do you go as far as to say that if drink were abolished we should have no crime?—Oh no; you have human nature to contend with. But to a very large extent you would escape the thefts and crimes that are committed in this country if drink were abolished.

1715. But do you think crime would still go on if drink were abolished?—You might have theft, for instance, but I do not think you would have very many of those street brawls, and fights, and cases of disorderly conduct. These would to a large extent cease.

1716. And crimes of violence?—Yes.

1717. You don't approve of the working man who takes occasional bouts of drinking being brought before the sheriff, as the sheriff's inquiry, being an open one, might damage his character?—Well, the man would have been detained for some time before he would be dealt with by the sheriff. I speak of a man who would be working and keeping his family, although he gets drunk when he gets his pay. He sleeps it off notwithstanding, and when he does that he is able to start and work again for another fortnight. I do not consider that class should be regarded as habitual drunkards at all.

1718. It is his form of amusement—Oh, well!

1719. I think you told us your definition of the habitual drunkard was different from the common definition. How does it differ?—I have come to the conclusion, with my practical experience in the Police Courts, that I would define an habitual drunkard to be this:—When a man drinks to excess, his system is so overpowered with alcohol that he simply throws aside absolutely the reins of government, either for himself or his wife and family, and who continues to drink as long as he can get a single farthing in any way whatever. Those are men who are a disgrace to themselves and to their families, and a nuisance to society.

1720. Do you think that class is increasing in Glasgow?—I do not know, if it is. I think it is increasing among the females.

1721. Do you think that six months would be long enough to reclaim a man?—I think so.

1722. Don't you think that when you have got the alcohol out of the tissues that a new craving would set in afterwards?—Don't you think six months too short?—Perhaps a medical authority would be better able to give an opinion than I am, but I think six months for a man who was a healthy man would do. His whole system would be completely regenerated by that time, and his mental powers would be in exercise in a way different from what they were when he was first placed in detention. His will power would be stronger.

1723. You don't believe in short sentences?—No.

1724. Do you think they have a deterrent effect on people who are just beginning to drink?—No, I do not think so.

1725. Don't you think they pull up a man who is afraid of the disgrace of appearing before the sheriff?—No.

1726. As to drinking finish, I suppose people drink it because it is cheap?—They can get as much for a penny as will make a five gill bottle.

1727. Is the drunkenness produced by the finish worse than ordinary drunkenness?—Yes, the finish is much more deleterious to the system than ordinary drink, and on that account makes people more outrageous.

1728. (*By Col. M'Hardy.*) You have said that in the majority of cases drink is the cause of the petty offences?—Yes.

1729. In your experience have you not found that in petty thefts, more particularly in the case of women, that petty thefts of a pair of old boots or some trivial thing like that, are almost invariably associated with drink, either by the offender having taken a small amount of drink and wanting to get more, or wishing simply to have a drink?—My experience is that thefts of the kind you have referred to are thefts for the purpose of pawning the goods and getting drink.

1730. And it would be perfectly right, therefore, to consider that a very large proportion of the offences which are entered as thefts, are really thefts in connection with drink?—A great many of them.

1731. With the petty offenders a large proportion?—Yes.

1732. Why does the custom maintain, do you know, of paying workmen every 14 days instead of weekly? Or is it amongst a certain number of trades or occupations that that prevails?—There has been an agitation amongst the men themselves who are paid by the fortnight for weekly wages, and I think a very large

David Morrin.

16 Nov. 1894.

number of firms have adopted the system of paying weekly wages. But I cannot speak regarding the proportion of the one and the other.

1733. Is it the custom in different trades, or how is it?—There are a great many trades which pay weekly.

1734. Is it special trades which pay only fortnightly?—I cannot say about that. I think our large public works, for instance, such as the Caledonian Railway Company and others, perhaps find it more convenient. But I would myself prefer weekly payments.

1735. You have said a large number of habitual offenders are essentially drunkards, but there are cases of habitual offenders who are not drunkards—silly people and so on?—Not many.

1736. But there are such?—Their silliness arises, perhaps, in consequence of their drinking.

1737. But don't you think there are cases of slight mental weakness, without alcohol entering into the question?—I have come across a case of that kind occasionally, but as a general rule I have been able to discover it by the appearance of the person brought before me, and have called in a doctor to discover as to their mental condition.

1738. I mean in cases of malicious mischief?—Sometimes; not very many.

1739. What would you do in a case like this—where a weak-minded woman or man gets troublesome to the police?—The asylum I think is the place.

1740. But they might not be bad enough to say they were insane? There are a large number on the margin between sanity and insanity.—You will find many cases of that kind that are perfectly quiet and harmless. As long as they are in a position like that I would let them remain at home.

1741. But if they become a trouble to the community?—Then I should say the community should remove them to some Home of some kind, where they could be taken charge of.

1742. The treatment they would receive in a prison would hardly be suitable for them?—Not in my opinion.

1743. They would want a milder form of restraint?—More like a Home.

1744. You say you would have these offenders locked up in Retreats for some time?—Certainly.

1745. You would try to make the institution, so far as it could be, self-sustaining, so as to remove the burden from the community?—Yes.

1746. And therefore you would not hesitate to introduce such employment as would really pay?—I think that would be imperative.

1747. To have really a paying occupation?—I think to put them in a Home without work would be to manufacture lunatics.

1748. You would not occupy them in teasing oakum?—I think you might put them to a more remunerative or useful occupation than that. If they were tradesmen I would put them to their trade.

1749. And in fact you would work to produce the best reformatory effect upon the man and the best financial result to the establishment?—Yes.

1750. Why, when you thought that there was no practical good in short sentences to these unfortunate people, did you impose them?—Well, if people got it into their heads that they could get drunk, to appear on our streets, and to be found lying on our pavements and in our closes, and they were taken to a Court and the magistrate simply dismissed them, my impression is that they might in that way be encouraged instead of deterred from drinking.

1751. And you do think, then, that some convivially disposed man, or two or three men and women who meet in a public-house, consider before the drinking begins what the end or result may be?—I am afraid they do not sufficiently, but if the sentences were heavy there is a possibility they would.

1752. You think that a man with the drink craving would really be checked by beginning to think, in the process of drinking, what the end of it might be?—The man who has the drink craving I do not believe would consider either one thing or another. He would simply drink, and he would not consider what the consequences would be at all.

David Morrin.

16 Nov.

1753. Then the committing for even the short sentences that you have imposed has had in your opinion the effect of reducing the possible spread of drunkenness?—Not to any great extent.

1754. (*By Miss Stevenson.*) In the case of boys who are taken up by the police for petty disturbances, are those cases included in the returns which we have here, making up the total apprehensions for petty assaults, breaches of peace, and drunk and disorderlies?—The Chief Constable has included them all, I think, in his list of apprehensions.

1755. Are the cases of boys taken up by the police for petty offences included in the returns which we have had given us of the apprehensions in the city?—I do not know what returns you have got, but I believe they are included in the apprehensions in the return given to the magistrates.

1756. (*By Dr. Sutherland.*) Might I state that these offences are excluded from the returns supplied to the Committee by the Chief Constable?—But not from the return supplied to the magistrates.

1757. (*By Miss Stevenson.*) In regard to the sentences which you say you are in the habit of imposing upon persons for drunkenness, I understood you to say, especially in the case of women, you were in the habit of giving the longest period of detention that you could—why do you make the distinction between men and women?—Because I find that the class of women to which I refer are just the very class that I would be glad to give 60 days to, instead of 14, if I had the power. They are a nuisance to themselves, to society, and to every person they come in contact with.

1758. Are the men not equally a nuisance?—No. The men have to work for their wives and families, and the women have not.

1759. Then is it simply because the men are the bread-winners?—My impression is that the females who drink sink lower into the gutter than men do. That is my experience. They become more depraved than the men do.

1760. (*By Dr. Sutherland.*) What object would you have in sending drunk women to prison for 60 days?—The object I would have in view would be to try and redeem the woman if possible from the conduct that she has been pursuing for some time.

1761. Then it is not so much to punish her that you send her to prison as to redeem her?—Yes.

1762. And do you think the prison is the best place for the redemption of fallen or drunken woman?—No; I do not think so.

1763. Then would you consider a punitive sentence of 60 days excessive for the offence of drunkenness?—Certainly.

1764. That is, were it contrasted with the sentences passed for indictable offences such as serious assaults, &c.?—Yes.

1765. Would you tell the Committee why section 14 of the Public House Act, 1862, is not enforced in regard to supplying drink to intoxicated people, and drunk people being seen coming out of public-houses in a beastly state of intoxication?—That is a question that has engaged the attention of the magistrates repeatedly, and the Chief Constable's attention has been repeatedly called to that phase of the question at meetings of the magistrates. His difficulty is this, that while a man may be seen coming out of a public-house under the influence of drink, they have no proof that the parties thus seen coming out of the public-house were supplied with drink while in that house. That is the difficulty that I know the Chief Constable has to contend with. I have on many occasions had cases of this kind before me—men brought up for creating a disturbance in a public-house simply because the publican or assistant would not supply them with drink, and they became violent in consequence of this refusal to supply them with drink.

1766. Is a policeman in uniform the best man to ascertain whether a publican has supplied drink to a drunk person, or sent persons who entered sober, drunk

out of his premises?—I think the policeman who would not be in uniform, and would thus not be known, would be the best man. He would find out the facts much easier than the policeman in uniform.

1767. Is it not within your experience that under the Further Powers (Glasgow) Bill policemen in plain clothes have been much more successful in clearing the streets of a certain class than formerly?—Yes.

1768. Would not the same thing be likely to take place with the abuses falling under section 14 of the Public Houses Act?—I would be hopeful that the same good results would follow.

1769. And if a person were certified say by the sheriff or two Justices of the Peace to be an habitual drunkard, would you be inclined to place further restrictions on the pawnbroker and liquor-seller?—I think that when a man has been convicted before the sheriff of being an habitual drunkard, that both the pawnbroker and the publican should be certified to that extent, and if they were found supplying them with drink, after being certified to that effect, I would make that an offence.

1770. For the pawnbroker taking furniture or clothing?—Yes.

1771. You speak of giving remunerative and instructive work—have you considered the attitude of the Trades Unions, in regard to work done in prisons?—The Trades' Unions, in my opinion, can raise no objection to this work being done in prison, when that work is not sold by the prison authorities under the prices that are being charged for work done under Trades Union rate of wages.

1772. (*By the Chairman.*) In connection with these boys you referred to—that are brought up for playing football on the streets and such like—you said that you would not sentence a boy unless he had been frequently up?—I think it is a general rule for the first offence simply to admonish them.

1773. Say the second offence, what sort of sentence would you give?—For playing football I have admonished them for a single offence, but in order to prevent them from continuing it I have sometimes felt it to be my duty to fine them a 1s. with no alternative of imprisonment.

1774. Which means that the parents had to pay the fine?—Yes.

1775. Do you know of any cases in which boys have been sent to prison?—Not unless they were habitual offenders.

1776. Well then if they were habitual offenders they come under our remit in a double way, and I should like to know what would be done in the case of a boy brought up say for playing football in the street?—I have not made any special inquiry regarding whether the parents paid the fines or not, but my impression is that they usually do so.

1777. You do not know then of boys being sent to prison for these offences?—I know of boys being sent to prison for obstructing the streets and sometimes they are guilty of obscene language and cursing and swearing, but these are bigger lads.

1778. What is the youngest boy you can recall that you have imposed a sentence of imprisonment upon?—I have been very careful about imposing sentences of imprisonment upon little boys at all. I have felt it to be my duty to break them down and get them to feel their position. I have sometimes sent them down into the cell, and after the Court was over have gone down to them and tried to get them to feel their position, and when they showed that they did so I have sent them off.

1779. Do you know of any cases, or has your attention been called to any cases of boys being sent to prison for thefts?—I have not hesitated when I found boys were several times before the Police Court for thieving to send them to be whipped. I prefer that to sending them to prison.

1780. Have the police magistrates power to inflict corporal punishment?—Yes.

1781. To what extent?—You can sentence a boy to receive ten stripes.

1782. Is that the general practice among the Glasgow magistrates?—No; I do not think so.

1783. They prefer sending them to prison?—Well, it is my feeling that they rather do. *David Morrin.*

1784. You cannot give any definite information?—No, I cannot. 16 Nov. 1894.

1785. I have some returns in my hand from Duke Street Prison, showing the admissions of unfortunates for the last two weeks in September 1891 as compared with 1894. The figures also classify all the prisoners in Duke Street, on one day in September 1891, and one day in September 1894, and on Saturday the 27th October in 1894; and I find that on the day in September 1891, there were 65 cases of women imprisoned for importuning, and that on the day in September 1894, there were 80 cases of women for importuning, and on the 27th October 1894, there were no fewer than 145 cases of women in for importuning. Would that indicate that any special orders had been given by the Chief Constable or by the magistrates for a raid on that class of offenders?—I do not think so. I am not aware of any raid on that day.

1786. Nor could there have been a raid on the 27th October?—No.

1787. (*By Sir Colin Scott Moncrieff.*) That is the number of female prisoners in custody?—The Chairman gives the figures as 145 on 27th October 1894, and 65 on a given day in 1891, I cannot explain the difference. I do not know of any reason why that should be the case.

1788. (*By the Chairman.*) The magistrates take fortnightly turns of duty?—Yes.

1789. And do you think it might depend upon the sitting magistrate?—To a certain extent.

1790. Do some magistrates deal more severely with that class of offenders than others?—I believe there are some magistrates who are more lenient than others, in regard to importuning.

1791. Is there any other point you would like to bring before the Committee?—Well, about importuning, I have a very interesting case which I might give you as a sample. A girl was brought before me the last time I was in the Central Court, and I could see by her youth and her whole appearance that she was simply beginning this system of life. Before I passed sentence upon her, I tried in every way I could to find out where she belonged to. She would give me her name, but not the name of her father, or where he lived, and in order to try and be successful in my inquiry, I sentenced her to a fine of £2, with the alternative of 30 days' imprisonment. Immediately at the close of the Court, I instructed Superintendent Orr to bring that girl into the magistrates' room. He did so, and I had a private conversation with her. I showed her the fearful life that she was commencing to live, and that in all probability she would not live very many years if she continued that course of life. I said 'Now, I have sentenced you to 30 days' imprisonment, but I do not wish you to go to prison at all, if you will give me the name of your father and your father's address. And if I find them to be correct, and if he is willing to take you home, I shall have you liberated at once.' After some serious conversation with her she agreed to give me the name and address of her father. I called in Superintendent Orr, who took down the name and address of her parent in Aberdeenshire, and he communicated with the police authorities in Aberdeenshire at once, and in two or three days we had a reply back to the effect that the address was correct, that the father was anxious that she should go home, and that if we would make arrangements to send her to Aberdeen, they would refund all expenses; and that some of her friends would be at the station to meet her. I at once got authority and had a document written out for her liberation.

1792. You got authority for her liberation?—Yes, two magistrates can give that, the magistrate who sent her and another magistrate. We sent her home and the Chief Constable of Aberdeenshire writes within the last week in reply to a letter from our Chief Constable, stating that this girl is doing remarkably well. She is staying with a sister, and she is going into a situation during the winter. When she has been in the situation

David Morrin. 16 Nov. 1894.

for some time the Chief Constable of Aberdeenshire has promised again to correspond with our Chief Constable here. I have been remarkably gratified with this case. I have done that repeatedly, but that is one case that I have been greatly pleased with.

1793. What age was she?—Eighteen.

1794. Have you any other point you wish to bring up?—No; I give you that case, because I think if something of that kind were tried, such as the communicating with their parents or sending them to some institution, it would be much better than sending them to prison.

1795. But is there not a great deal of importuning carried on by elderly women?—Yes, but you cannot redeem them. *David Morrin.* 16 Nov. 1894.

1796. (*By Col. M'Hardy.*) There is nothing that prevents you taking the course you have described in any case you like?—No.

1797. (*By the Chairman.*) Can you give us a reference as to where you get that power?—It is in the Glasgow Police Act of 1866.

1798. Will you please fill in the section which gives two magistrates the power to do this?—Yes, Section 126 of Glasgow Police Act, 1866. [Witness then withdrew.]

Miss J. F. Miller.

Miss J. F. MILLER, Matron of Glasgow Prison, called in and examined. *Miss J. F. Miller.*

1799. (*By the Chairman.*) You have been 32 years in prison service?—Yes.

1800. And you have passed 12½ years in the General Prison in Perth, and 19½ as the Matron of Glasgow Prison?—Yes.

1801. Glasgow is the largest female prison in Scotland?—Yes.

1802. Would you mention its daily population, and the percentage it affords of the entire prison population?—Its daily female population is 375, or 58 per cent. of the whole of Scotland.

1803. What is the number of female commitments?—10,769 for the year, or 60 per cent. of all Scotland.

1804. There are besides females a few untried male prisoners in Glasgow Prison?—Yes.

1805. The evidence you propose to give relates to females?—Yes.

1806. You have prepared tables relating to 411 women in prison on the 26th September 1894, and showing the number of female prisoners committed during the two last weeks in September 1891, and the two last weeks in September 1894, including an analysis of their ages, offences, sentences, and occupations?—Yes; I hand these in. (See Appendix.)

1807. What generally are the conclusions to which these tables point in your view?—They point to the very short sentences and to the number of young persons coming in. Out of that 442 there are only six committed for 60 days at the first period, and three at the other time.

1808. And these were the longest sentences you had?—Yes, for these two weeks. There were only six prisoners in the two weeks of 1891, and for the same period of 1894, there were only three prisoners, with 60 days. The others were under that.

1809. What other suggestions occur to you from the consideration of these tables?—They suggest the great number of short sentences.

1810. The commitments average about 10,000 a year?—Yes.

1811. They have slightly increased from 1885 as compared with 1893?—Yes, in the first year they numbered 9959, and in the latter 10,769.

1812. Do you attribute that to the closing of prisons in Lanark and neighbouring counties?—Not much, but to a slight extent it explains the increase.

1813. The 10,000 commitments do not at all represent 10,000 individuals?—Oh no, the same individuals are in so often. The individuals make about 3300.

1814. That is only a third of the total?—Yes, about that.

1815. And of the 3300 individuals there are a considerable number who are habitual offenders?—I consider that about 350 are habituals. That is a rough calculation.

1816. What is your view as to the method of dealing with female prisoners. Do you think short sentences and frequent imprisonment has a good or a bad effect?—I consider they have a bad effect.

1817. In fact you do not think these short sentences are feared?—No, they are rather welcomed.

1818. And your opinion is that these brief rests in prison are of not much value as a deterrent, but that they seem to serve to prepare them for renewed periods of drunkenness?—Yes.

1819. You state that any suggestions that you have in the way of treating them with a view to their reclamation are founded upon close and intimate observation of these women through many years, and that many types of temperament and disposition are to be found among the class who fill the prisons. You think that one hard and fast line of treatment over all would not be a success, and therefore you propose some classification of them?—Yes.

1820. Would you just give us that classification?—My classification is:—(1) aged; (2) the docile and easily managed; (3) the undisciplined who are well behaved under strict discipline and cellular confinement; and (4) the refractory or incorrigible, who, in whatever kind of institution they are placed, require firm handling. The period of detention should be a long one and the institutions graded—for the first class fewest in number, perhaps four per cent. of the whole, the power to detain in the poorhouse is desirable. These women as a rule have no settled home, and follow no occupation after they have entered upon a career of dissipation.

1821. As to the next class, the docile and easily managed, that is the class I presume with whom you come in contact in your capacity as a member of the Committee of the Houses of Shelter in Hill Street and Whitevale Street?—Yes.

1822. Do you think that much could be done by training them to useful work in such institutions?—Yes.

1823. And that is how you propose to deal with your second class?—Yes.

1824. You don't give any details of what you would do with the third class, the undisciplined who are well behaved under strict discipline and cellular confinement?—No.

1825. You don't see what could be done with them I suppose?—Not at once; but perhaps they could be passed on through time to a Home.

1826. Aged are only about three or four per cent.: of the whole?—Yes.

1827. The docile and easily managed; what percentage would they constitute?—Well they are in a minority.

1828. Would you say there would be a third?—There might be about that.

1829. You have got a good lot in Whitevale and Hill Street?—Whitevale 70, and 50 in Hill Street.

1830. Are these the habituals you are telling about—the 350 you have classified?—Some of them are habituals, but the larger proportion are of the docile and well-behaved and more hopeful lot.

1831. You told us there were 350 habituals—it is with regard to these that you are making your suggestions, is it not?—Yes.

1832. Well you have 120 of these in the Homes as a rule?—We have some, but they are first offenders usually.

1833. Well then, the 350, they are chiefly among your third and fourth classes?—Yes.

1834. You can make no suggestion about them?—Nothing further than that the prison does them no good.

1835. And these are particularly the classes that we should like to see our way to deal with—habitual offenders?—Detention in a suitable place for a long time,

Miss J. F. Miller.

16 Nov. 1894.

and healthy outdoor employment would be a good thing, laundry work would suit.

1836. Take the 350, they are generally for very short periods?—Yes.

1837. You give here a table which you will hand in of female prisoners in custody on the 26th September 1894, including liberations and admissions 411—and giving the number of times which they have been in your charge. It shows that 47 of the 411 were in for the first time, 37 for the second time, 30 for the third, 31 for the fourth, 25 for the fifth, 67 from the sixth to the tenth, 62 from the eleventh to the nineteenth, 23 from the twentieth to the forty-ninth, 23 from the fiftieth to the ninety-nineth, and 26 for the hundredth time and upwards?—Yes.

1838. Do these figures make any suggestion to your mind?—Yes; I think the sentences should be longer.

1839. These 26 women who are in upwards of 100 times, what sort of women are they, on what are they in for?—Chiefly for being drunk and disorderly. They are just useless women.

1840. Many of them silly?—Many of them half-silly; useless in prison.

1841. These are the women who go between the prison and the poorhouse?—Yes.

1842. It has been suggested there should be powers given to the poorhouse authorities to detain women of that class?—It would be very desirable. We get so many of that class, and they can do nothing in prison. They are not able for any work.

1843. Then you tabulate the prisoners' ages and show that you have 1 of 15 years of age; 1 of 16; 53 of 17 to 21; 180 of 22 to 30; 98 of 31 to 40; 50 from 41 to 49; and 28 of 50 and upwards?—Yes.

1844. That would show that your women are a very short-lived class, if you have so few of 50 and upwards, does it not?—We have had them 74 years of age, but the proportion of those above 50 is small and suggests short lives.

1845. What would that old lady be in for?—We had one in very lately for the first time. The woman came in aged 74, seven days for begging for the first time. She took ill on the Saturday morning and died on the same day, the 16th October, in prison. That was a case which should have gone to the poorhouse.

1846. Did she give you any story of how she began to beg?—Yes, she was in the poorhouse, but said she did not get any tea and therefore she left it.

1847. Then when she was not in the house what was she doing?—For weeks she had been sleeping on stairs and such like. Her clothing was fairly good, but very dirty, and she was covered with vermin.

1848. Where had she been sentenced?—I forget; but I could easily find out.

1849. It was a Glasgow case?—Yes.

1850. Do you get many women in for begging?—Yes, a good number. They are always very old—women about 70 years of age.

1851. Many of them in repeatedly or mostly for the first time?—Usually first or second times.

1852. And what are the sentences?—Seven days usually, and some 30.

1853. Thirty days for the first time?—No, the second time for begging, usually 30 days.

1854. Where do you think these should be put?—In the poorhouse. They can do no kind of work.

1855. Which poorhouse was this old woman in whose case you have told us about?—I could not say.

1856. (*By Dr. Sutherland.*) Is that a frequent sort of case?—They are very unwilling to go into the poorhouse. When I say to them that they should be there they say they do not like it.

1857. Did that old woman tell you anything about her former history?—Yes. Her husband was a sailor, and he was taken away by the press-gang, some 40 or 50 years ago.

1858. How had she lived since then?—I forget now if she told me about it.

1859. Have you many young persons?—I do not think we have very many just now.

1860. Have you had in the course of, say, the last year or two?—Yes. We have had a number of young girls, about 15 or 16 years of age.

Miss J. F. Miller.

16 Nov. 1894.

1861. Have you any other cases like that old woman in your recollection, and if you have, would you give us them?—No; but I have another one marked down 3 days for being drunk—79 years of age.

1862. First offence?—I think so; at least she told me that.

1863. Had you ever seen her before?—No.

1864. Did she appear a decent person?—I am not sure. I did not ask particularly, but these are just the old women that they put in prison who, I think, should be put in the poorhouse.

1865. Well, you give us the list of the occupations of your prisoners on the 26th September, which shows 78 cleaners—these are persons who clean, doing char work and washing stairs; 51 hawkers; 82 housekeepers; what are these last?—These are married women.

1866. (*By Col. M'Hardy.*) There is a very suspicious class covered under that, I think?—Yes.

1867. (*By the Chairman.*) Laundresses 35; ragpickers 22; servants 36—these are the chief occupations? But you have handed us in the details?—Yes. (See Appendix L.)

1868. You have here the lowest age as 14 I see?—No; 15.

1869. There is one girl of 14?—No; one of 15 and one of 16.

1870. (*Dr. Sutherland.*) The one of 14 refers to another return?—Yes.

1871. (*The Chairman.*) We need not go into that case. I understand we shall see the younger prisoners.

1872. (*By Dr. Sutherland.*) The Chairman questioned you regarding the 350 who may be looked upon as habitual offenders; what proportion of these do you think are under the strict discipline of prison refractory and incorrigible?—About 20 or so.

1873. That is, of the 350 there are 20 really incorrigible, even when in prison?—Yes.

1874. Then the great bulk of these women, as you know, are fairly well behaved in prison?—Yes; under the discipline.

1875. And I suppose a good many would be well behaved even though they were not under that strict discipline you speak of?—A number of them would, but a great many of them are well-behaved just because they know they are under the strict discipline.

1876. And *vice versa*, although there was no strict discipline, a good number, judging from their dispositions, would be well-behaved?—A number of them would.

1877. A return has been got from Glasgow Prison in which it is stated there are 537 women who are responsible for 3400 or 33 per cent. of the commitments to prison, that is to say, if these women were dealt with your commitments would fall from 10,000 to 6,600. Isn't that so?—That is so.

1878. (*By Miss Stevenson.*) In the case of those women whom you recommend when they leave the prison to go to one or other of the 'Shelters,' and in whose cases admission has been given to them, do you find that many of them come back to prison again?—Well, a good many come from the Whitevale Mission Laundry, but not so many from the Hill Street Home. To the Hill Street Home we send girls convicted only for the first or second time; the first chiefly.

1879. Can you give us any idea if they come back more than once?—Yes; they do.

1880. Then, do you think it is desirable that they should be admitted to that 'Shelter' after a second time?—No; I do not. Of course there is this difference that they only keep them in there for six months, and when they get their money and go out they drink it, and again get landed in prison.

1881. They are paid wages, I understand, before they leave?—Yes; but they have now altered the term there to 12 months, the same as at Hill Street. We were finding it very difficult to get them to go to Hill Street. They preferred to go to Whitevale where

Miss J. F. Miller.

16 Nov. 1894.

they were kept only six months; and I had to bring that matter before the Committee.

1882. What inducement have these girls to stay even for six months in the Whitevale Shelter?—Well, they are washing there, and, of course, they have the prospect of getting the money they earn at the end of six months.

1883. Is it the prospect of the wages for the work they have done that retains them there?—Yes.

1884. The Committee have no power to retain them forcibly?—No; not in any of the Homes.

1885. (*By Col. M'Hardy.*) When the habitual inebriate arrives in prison would you just tell us in what state she generally is?—Well, she is just what one would say in a muddled state for two or three days.

1886. When the sentence expires she has just got about into a proper state of body?—Yes. About the end of seven days, when she has to go out, she is quite ready to begin her dissipation again.

1887. (*By Sir Colin Scott Moncrieff.*) As to these unruly ones, your idea is that it would be better that the drunkards should be kept for a longer time is it not?—Yes.

1888. What do you think is the minimum they should be kept?—I do not think it would do any good unless they were kept for a year—Even those who come into prison for the first time addicted to drink, because they have in all probability been drinking for a long time before that. Good results have been got at the Shelter after a year's residence.

1889. In this Retreat where you would put them, would you employ them?—Yes; laundry-work, sewing, knitting, and light out-door labour.

1890. In this sort of Home you would lock them up for a year at least?—Yes.

1891. What sort of discipline would you have; not so strict as in prison?—I would not like to have much discipline there at all. If discipline were required I would have it in prison.

Miss J. F. Miller.

16 Nov. 1

1892. But you say there is a very considerable percentage of these women who are really unruly; would you put them into these Retreats?—No.

1893. What are you going to do with them? You cannot keep them for some years in prison. Do you think that they are incorrigible and that, if they were put into a Retreat, they would not come round?—Yes; I think they would if they were kept away from the liquor.

1894. What unruliness do they show?—They are restless and excitable. If they have any out-door occupation they are better.

1895. Do you give them employment?—Yes; but they are kept separate in different rooms when not at work. With those who are outside the prison cells such as cooks, laundresses, and pass-workers, we have no difficulty, because it is a privilege to get out and to have a little freedom.

1896. Have you many of whom you would say that it is more their misfortune than their fault that they are there?—Yes; a great many—the result of their upbringing, bad parents and bad homes.

1897. Are they intellectually weak and silly?—Yes; intellectually weak.

1898. And I suppose they have children some of them?—Yes; and when they go out they have no occupation, no work to go to, and no proper home, and then they just drift away and get drunk and come back again. [Witness then withdrew.]

[ADJOURNED.]

SIXTH DAY.

Edinburgh, Tuesday, November 20th, 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart. M.P. (*Chairman*).
Col. A. B. M'HARDY, R.E.
Sir COLIN SCOTT MONCRIEFF, R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Sir James Alexander Russell.

20 Nov. 1894.

SIR JAMES ALEXANDER RUSSELL, M.A., M.B., B.Sc., LL.D., called in and examined.

Sir James Alexander Russell.

20 Nov. 189

1899. (*By the Chairman.*) You have just completed the term of office of Lord Provost of the city?—Yes.

1900. You are a Doctor of Medicine and LL.D.?—Yes.

1901. You have been for a long time a magistrate of the city?—I was for six years one of the bailies of Edinburgh before becoming Lord Provost. I have also served on the School Board of the city, and was Chairman of the Public Health Committee for many years, and I am at this moment, and have been all along Chairman of the Edinburgh Association for Improving the Dwellings of the Poor, Limited.

1902. And you have in that way had brought under your notice a number of facts relating to the subjects of this inquiry?—Yes; and I have been much interested in this class of habitual offenders, and in the drunken and broken-down class of the population, including tramps and tinkers.

1903. We have here a diagram showing the ratio of apprehensions per thousand of population for breaches of the peace, petty assaults, drunk and incapable, and drunk and disorderly in various towns in the country. That shows that while the number of arrests under these heads amounted in Glasgow to 60 per thousand, they only amounted to 24 per thousand in Edinburgh. Can you give any explanation of that extraordinary discrepancy?—There are several explanations. I would only accept this diagram as putting the truth rather approximately. It is quite evident that several factors enter into the construction of a diagram like this. For instance, the habits of the police differ in different towns.

1904. What is the difference in the habits of the police in Edinburgh and Glasgow?—I have been informed that there are differences of activity in different towns. There is, for instance, the census of tramps. In Edinburgh, I am informed by the Chief Constable that by his method he gets at every tramp in town, which is not done in Glasgow.

1905. Is there any question as to the accuracy of these figures?—I admit that the number of apprehensions is correct, but the meaning of it I imagine is affected by the idiosyncrasy of the police in the different towns.

1906. Would you admit that the condition of Edinburgh as regards order and freedom from vagrants,

James Alexander Russell.

ov. 1894.

drunkenness, and assaults, was inferior to Glasgow?—I would not be prepared to admit that, but this diagram requires to be taken with some latitude.

1907. There is a difference between the two towns of close upon 66 per cent., and the point I wish to get at is whether, in consequence of your fewer arrests here, the condition of Edinburgh is worse than that of Glasgow?—I think not. You must also take another modifying circumstance. The class of population in Edinburgh is different, taken as a whole, from that of Glasgow. Our valuation per head is much higher, and the percentage of the working-classes is smaller.

1908. What is the difference of the percentage of the working-classes?—I would not like to say, but it is obvious to the most casual inspector. Our valuation tells it. We have a valuation probably half that of Glasgow without anything like half the population. One penny per £1 produces with us more than £8,000; and in Glasgow, before the extension of the city, it did not produce double that amount.

1909. Do you give any instructions to your police as to their conduct in respect to dealing with drunk and disorderly persons?—I do not remember what the law of Glasgow is in relation to the arrest of drunken persons, but I wish to point out that it is no crime to be drunk in the streets of Edinburgh. The crime consists in being drunk and incapable, and not under the care of a competent person.

1910. You are not aware of any difference in the law of Edinburgh and Glasgow on that point?—The ndictment in Edinburgh says 'drunk and incapable and not under the care of a suitable person.'

1911. Under what circumstances is he arrested in Edinburgh?—If the person is simply drunk, and in charge of a man seeing him home, he is not arrested.

1912. Would you arrest a man lying in the gutter, or able to stagger home?—That would be left to the discretion of the individual policemen. If he did not molest anybody, I think he would require to be incapable of finding his way home before he would be arrested.

1913. In inquiring into the circumstances of other places, we have been told that in some towns it is the habit of the police, when they find a drunk man, to try and help him home, but in Glasgow, when a drunk and incapable is found, he is simply 'run in.' Have your police any instructions in that respect?—It is the duty of the police to help the man, and if he will go quietly home they do not arrest him. But the word 'incapable' comes in, and if he can stagger home he cannot be called incapable.

1914. If he could tell where he lives?—He might be able to tell where he lives, and yet not be able to walk home.

1915. You have only one Police Court in Edinburgh?—Yes.

1916. Presided over by police magistrates entirely?—No, presided over alternately by a sheriff and by bailies. When the sheriff sits he takes a month on the bench, then a bailie succeeds him for a fortnight, and another bailie follows, then a sheriff comes back.

1917. That should tend rather to ensure uniformity of practice?—Naturally the sheriff sets the practice though the bailies often differ from him. I have often found that there were great differences in the sentences passed by different individuals on the bench, and especially for particular crimes—one magistrate being more lenient on drunks, and another harder on cases of importuning. It is a well-known thing in our Police Courts that prostitutes arrested on a certain day of the week would always plead not guilty because the sheriff who sat on that day was severe, and by delaying the case till another Court day they hoped to get a magistrate who would be less severe.

1918. Take the case of the drunks—is any cognisance taken of the number of previous convictions in dealing with them?—Generally not. Sheriff Rutherford, who practically sets the standard here, does not take that into consideration.

1919. Does he allow himself to be informed of the number of previous convictions?—Yes; he is always informed of the number.

Sir James Alexander Russell.

20 Nov. 1894.

1920. After or before the prisoner is convicted?—I cannot remember, but the magistrate is always told by the prosecutor.

1921. Under Lord Kingsburgh's Act, in the more serious offences, previous convictions cannot be brought into the case until after the conviction. Can you recall whether you were told of these previous convictions before or after the conviction?—I think it was after the conviction.

1922. I suppose you would have a record of cases in which the man was simply fined?—Unless in exceptional cases, the drunks had nothing but fines. The usual routine when I was on the bench was that a whole row of people were brought in and asked if they were drunk, and they answered yes, and were fined 2/6d. or 5s., with the alternative of one or two days' imprisonment.

1923. Have you a scale of days of imprisonment?—Yes. That of the Summary Jurisdiction (Scotland) Act, 1881.

1924. Is the term limited?—It generally runs from one to three days for drunk cases, but the judge can go up to 60 days.

1925. We were told in Glasgow that a number of cases of drunkenness were converted into assaults or drunk and disorderly in consequence of the person arrested commencing to fight with the police?—A very small number of such cases occur here.

1926. How is street walking and importuning dealt with?—Sheriff Rutherford never gives more than 5s. of fine, with the alternative of from one to three days. The bailies generally give a little more. I have gone further when they were contumacious or had been up often before.

1927. To what extent have you gone?—I do not think I have ever gone beyond 14 days' imprisonment.

1928. Do you find these penalties sufficient to keep the streets right?—No, I do not. But I have given it up in despair. I have had young girls taken out of the Court to the judge's room, and have suspended the case, and have advised them to go to a Home, but I never had a single case of satisfaction. They went to the Home to avoid imprisonment, and then returned to their old life.

1929. We were told in Glasgow of cases where the girls were sent to a Home in charge of a policeman and the magistrate ordered them to come up for sentence when called upon. Have you tried that?—Yes, I have suspended punishment, but they were arrested again and came before another magistrate who paid no attention to my threats.

1930. Have you any reason to believe, from the reports of the Police Authorities or otherwise, that the state of Edinburgh in consequence of this method of dealing with that crime is worse than Glasgow, where the punishment is from 14 to 30 days?—I would rather leave that to the Chief Constable to answer, but my impression is that figures are not much worth, because our police have been extremely active in breaking up shebeens and other houses where these people consort.

1931. What are these women arrested for?—Importuning and soliciting men on the streets.

1932. Do the police in their arrests confine themselves strictly to cases where importuning has occurred?—Yes, I had never any other experience.

1933. We have been informed that frequent arrests have been made of notorious characters without importuning?—The policeman in these cases incurs a great amount of risk, and he requires to be careful that he does not make a false arrest. Quite recently one of our policemen was instantly dismissed from the force for arresting a lady.

1934. Have you policemen in plain clothes?—Yes.

1935. Especially for that duty?—No, not specially. A good number of the arrests were made by the ordinary policemen on the beat.

1936. Referring to the census of tramps, you are aware that there is a great difficulty in dealing with the tramp question. Have you any provision for

Sir James Alexander Russell.

20 Nov. 1894.

dealing with tramps?—Yes, we have two institutions. One is the Night Asylum, where they get a night's lodging and food, and the other is the House of Refuge.

1937. Have you any Municipal or Poor Law institutions provided from the public funds?—No, unless they go into the poorhouse as paupers.

1938. We were told that in Glasgow some 5000 poor people sought shelter in the Police Office during the year. Have you any such experience?—We have a very few cases of people asking to get into a cell for the night, when the outside institutions are full, but that is very rare.

1939. Those other institutions are maintained by philanthropic benevolence?—Yes.

1940. How do they work?—The Night Asylum takes in people who come in the evening, including a great number of those tramps and others who are homeless. They are lodged for the night, and get some food, and go away next morning.

1941. Is there any equivalent given in the shape of labour?—I think not.

1942. Is there any method for checking the encouragement which that might give to worthless characters?—I do not think there is much. There is a certain inspection by a committee who work it, but I am not familiar with it.

1943. You have seen it in its working order?—Yes.

1944. Have you seen the House of Refuge?—Yes, during the day, but not at night.

1945. With regard to drunkenness, you have a large number of cases of persons repeatedly brought up, and you know the proposals that have been made for the treatment of habitual drunkards—what have you to say regarding that?—We have so many different classes of these people. A great number of the habitual offenders are at times arrested for drunkenness, disorder, and a mixture of the two. I have before me the names of half-a-dozen or more famous specimens which I selected from those who appeared before myself. Here is a man taken up for begging. He is 35 years of age, and has been 35 times convicted of begging alone, from 1884 to 1891. His sentences varied from an admonition to 60 days. Latterly he always got 60 days, and he left Edinburgh.

1946. Did you trace him afterwards?—I was told by the Chief Constable that he was afterwards arrested in Carlisle, but the interest of our police then ceased. His name was James Smith, and he was an American. Another man was John King, 32 years of age, who was convicted 62 times between 1870 and 1894. He had been five years in a Reformatory in addition. He was convicted of all sorts of offences, but generally for being drunk, disorderly, or violent. The first time I saw him was when he came before me for offering a student a tract, which was refused, and he then butted the student violently on the stomach, knocked him down, and kicked him. He was a very muscular man, and I believe had been turned out of the army. George Muir, 45 years of age, was 66 times convicted from 1867 to 1894. He suffered all sorts of sentences, from admonitions to nine months' imprisonment. Martin Pentland, 60 years of age, was 197 times convicted, from 1861 to 1891, and his sentences ranged up to 60 days. I find that the women are even worse than the men. Alice Sharp, 30 years of age, was 116 times convicted from 1885 to 1894, and her sentences were from an admonition to 30 days, chiefly for drinking and prostitution. Janet Ferguson, 27 years of age, was 72 times convicted from 1884 to 1894, her highest sentence being 60 days. Margaret Boswell, 41 years of age, was 143 times convicted from 1866 to 1894, her sentences being from an admonition to 60 days. Janet Lovey or Kirk, 46 years of age, had been 350 times convicted for drunkenness and prostitution. Margaret Fannon was 297 times convicted; and Helen Morrison, at the age of 33, was 198 times convicted.

1947. Do you see any way of dealing with these cases?—You have to consider, first of all, what are the causes.

1948. Have you many beggars in Edinburgh?—Not a very large number.

1949. It has been suggested to us that the majority of these habitual beggars might be effectually dealt with by being relegated to the Parochial Boards with powers of detention. Have you anything to say to that?—Yes, I think that would be very good.

1950. Take the case of offences, of which drunkenness forms a large part—would you treat them in the same way as habitual drunkards?—My impression is that a large number of these people have some slight mental defect. I should not call them lunatics, but I would almost say that they were semi-lunatics, and unless you bear that in mind you cannot have effective treatment. There are some of these people who, under compulsory treatment, would do moderately well.

1951. How do you propose to deal with them?—I think you would require something of the nature of an adult reformatory, in which some of them might have to be confined for life. They might behave there, but would not do so outside.

1952. Confining for life is rather a strong order?—You confine a lunatic for life. I was shown in a large Lunatic Asylum the other day a number of patients who were practically well, and who paid no board on account of their services to the institution, and who were yet aware that they were there for life and could not be trusted outside. Perhaps 'weak-minded' is rather a strong word to apply to those drunkards. They are morally sane so long as under supervision. A number of them are recognised as being weak-minded in the ordinary sense, but there are many who would not be so recognised, but who are yet quite incapable of withstanding temptation.

1953. Do you think public opinion in Scotland would bear you out in the commitment for long terms of such persons to Reformatories?—I think the word Reformatory might be liable to misinterpretation. I have no desire to make this detention penal. I would make it forcible detention, but give every liberty. I look upon it as an analogy to a Lunatic Asylum—detain them, but give them an opportunity of earning their livelihood.

1954. How would you bear the expenses of such institutions?—They will never pay their own way. It is impossible they can earn their own living, for if they have to bear the expense of a watcher and other things they cannot fairly compete with other labour. The public funds would have to bear a portion of the expense, but I would point out that at present these people are largely supported by the public, for they are largely parasites on the working-classes. Whenever there is a want of employment these people are thrown on public charity. Besides that voluntary charity, they form already a serious tax on the public in respect of police, prisons, and the poor law, so that it would be as broad as it is long.

1955. The prisons are supported out of one fund, the police out of another, and the poorhouses out of a third?—But the same people pay for them all.

1956. Yes, but in different proportions. Would you propose that each of these bodies—the Imperial Government, the Police Commissioners, and the Poor Law Authorities, should all contribute towards these institutions?—I hope to live to see in Edinburgh one tax collector for all these bodies, and then the people will not care what body administers them. At present it is largely a case of jealousy among officials.

1957. You have not formulated any further idea than that these people should be supported out of the public funds?—No. There is one point, however, which has not been referred to, and that is the prevention of this evil at its source. I do not see that we would gain a great deal, though we were to remove the whole of these, if we allow a new crop to grow up to take their place.

1958. Where does that new crop come from?—I believe it arises largely from want of means to deal by Reformatories with lads and girls of over 16 years of age. I think a very lenient sentence at the beginning in such cases is often a mistake. I think if such young people are to be dealt with at all, they should get a fright at the beginning.

1959. We have heard of cases of boys being sent to

prison for kicking a muddy football and making a noise on the streets?—There does not seem to be any proper punishment for such offences, and you must either send the youths to prison, or let them off to become a nuisance on the streets.

1960. Can you order whippings?—Yes, but you will arouse public opinion against you if you do. I once ordered a boy to be whipped for theft, and I was assailed by numerous letters in the newspapers. There is really a want of proper punishment for such cases. It is clearly not a case in which to send children to prison, and yet, if let alone, they would render the streets impassable.

1961. What is your own opinion with regard to whipping?—I do not think a judicial whipping is a sufficiently mild punishment for kicking a football. It is not a crime, and I would not have the lads in the Police Court at all for such freaks.

1962. Have you found that young people from the slums sent to prison for a short time are frightened and deterred?—It is difficult to answer that. The Police Court in Edinburgh makes a great distinction between the cells attached to the Police Office and the prison, and instead of sending a boy to jail he is locked up in the cell for some hours or for the night. These cells are certified as a prison where any one can be detained for a period not exceeding three days, and confinement there is not looked upon in the same sense as being sent to prison.

1963. Is that a peculiarity of Edinburgh?—Yes.

1964. Is the system much availed of?—Yes; it is taken advantage of a good deal in the case of juveniles, who are locked up for the night to give them a fright. They do not associate with the ordinary prisoners.

1965. Have you the power of the magistrates of Glasgow to liberate prisoners before the period of their sentence has expired?—I have heard of a sentence being altered the same day after it had been pronounced, but I never did so myself.

1966. What would you propose to prevent the fresh crop of offenders coming up?—One of the things I would suggest is that the age at which children can be committed to Reformatories should be raised, and that instead of sending a boy or girl of 16 to jail, when it is clearly a case of bad surroundings or bad family, they should be sent to a Reformatory.

1967. To what age would you keep them there?—I think girls can be kept there till 19 just now. The Dalry House of Refuge is an institution of the kind, and I know that among the present subscribers to that institution are some of the former inmates.

1968. If you sent a boy of 16 to the Reformatory, how long would you detain him?—Till he was 20; but you would require a Reformatory where his work would be useful, and where he would be earning a great part of his own support.

1969. Would that not exercise a bad influence on the younger lads?—I think classification would prevent that.

1970. (*By Sir Colin Scott Moncrieff.*) What is the youngest age at which you would send a child to prison?—Unfortunately there is no remedy but the prison for juveniles.

1971. What would you recommend in the way of punishment for these petty outbursts of childish spirits?—If one was left to the light of human nature one would say the policeman ought to cuff the boy there and then and be done with it, but he would run a serious risk in doing that. Often they do take the boys home and tell their parents to deal with them. Girls who sell newspapers on the streets are often brought up for cursing and swearing and making a noise. I sent a newspaper girl to a Reformatory for such an offence, and she had been nine times in prison before that for cursing and swearing. She was a Roman Catholic, and I sent for the priest, and he gave his opinion that unless she was sent to a Reformatory she would be ruined. On his advice I did so, till she was 19 years of age, although her parents were very angry. The officials of the Court thought it was an exceedingly strong measure to send a girl to a Reformatory for a mere breach of the peace, but the priest told me that her elder sister was on the streets, and I saw it was her only chance.

1972. You would be in favour of broadening the doors of the Reformatory, and sending children there for offences for which they are not now sent to the Reformatory?—It was not the offence of the girl that made me send her to the Reformatory, but a purview of her surroundings and the character of her family.

1973. Does the law permit the magistrates to do that on their own judgment?—I thought the statute gave me the power, but it is certainly not the custom.

1974. It does not require legislation to enable you to do so?—I do not think so.

1975. I understand that you never send juveniles to prison for any ordinary offences?—Certainly not. I often admonished.

1976. You would confine habitual drunkards for a long period?—Yes.

1977. As a medical man, what would be the minimum period of confinement for which you would give power?—I do not think that anything less than two years would be of any avail for the class of people of whom I have been speaking.

1978. Have you known cases of habitual drunkards who have become reformed and have recovered?—Yes, a few in all classes of society.

1979. We have had instances brought before us in Glasgow of labouring men who have worked honestly enough and were sober until they got their fortnight's wages, when they had a drinking bout and became a curse to their families and the neighbourhood. They go back to their work on the Monday morning and are all right till next pay-day. What would you do with these cases?—There are exceedingly difficult cases. I had a labourer myself who could not stand more than a limited wage without giving way to drink.

1980. Would you have an order for these men's wages to be given to their wives as trustees?—I think that would be an excellent thing where the wife was trustworthy.

1981. Might there not be a legal trustee appointed?—I am afraid the expense would make it impracticable. It is one of the most difficult cases, and I don't think we would be justified in seizing these people's wages.

1982. (*By Dr. Farquharson.*) You have only known a few cases of recovery?—Yes.

1983. Is that because you disbelieve in the chances, or because the existing machinery is deficient?—I was referring to instances that had come under my own personal knowledge.

1984. But suppose we had a period of two years' detention, would you be confident of success?—It would enable the man's physical constitution to recover its tone, and would give him a fresh start. His nervous system would not be under the disadvantage of being trained to drink.

1985. Do you think that there would be structural changes in the nervous system that would make it very difficult for a man to recover after a long period of soaking in drink?—Yes.

1986. Have you gone into the experience of other countries?—I have read one or two books on the question, but I would not like to give evidence on that point.

1987. Have you been impressed or the reverse by the experience of America?—Yes, I think it shows that a certain proportion can recover by detention.

1988. What do you think of the Retreats in our own country?—The recovery has not been so satisfactory, and I think the reason is that the periods of detention have not been long enough. If you can prevent a man rushing off to drink when he takes the craving he may keep himself straight for the next month or two.

1989. Would you say compulsion was an essential element in the treatment of these cases?—In many of them. In some persuasion and moral sympathy might be enough, but in others compulsion is required.

1990. Some medical men hold that these cases are closely allied to insanity. What is your opinion?—I believe they are connected with a defective nervous

Sir James Alexander Russell.

20 Nov. 1894.

system. I have known men who had constitutionally such a craving for drink as to indicate a different nervous system from other people, and yet on becoming teetotallers they made good citizens, and did well.

1991. Would a rearrangement of our Lunacy Laws meet these cases?—I do not think you can class them as lunatics. I think something might be done by the French system of calling a family council with a Justice of the Peace and ordering certain restraints.

1992. Do you think it better that these people should be treated by means of new machinery and new institutions?—Yes, but I have not worked out the details in my own mind, and I give this evidence with much diffidence.

1993. As to those boys who play football on the streets, would it not be better to give them a whipping and let them go?—Yes, rather than send them to jail.

1994. With reference to whipping, is it the physical or moral effect that produces good results?—I think sending them to prison is worse, not only from a moral point of view for the boy, but also for the public purse.

1995. With regard to prostitution, is prostitution *per se* an offence against the law?—Not in Edinburgh, unless when combined with importuning.

1996. What is the evidence to convict—the man's?—No, he generally does not like to come to the Police Court. We take the evidence of two policemen as eye-witnesses of the importuning.

1997. But the conversation might be on a different subject?—When a woman who is a convicted prostitute is seen to stop three or four men in succession on the street and speak to them, even when they have not had a conversation, that would be held by most of the magistrates as sufficient evidence.

1998. Was the lady to whom you formerly referred as being wrongly arrested, found under suspicious circumstances?—No, she had been locked out of the house where she was staying, and was waiting on the street for a lady friend who had gone for a key.

1999. Would you favour a system of compulsorily shutting up those prostitutes in asylums?—Yes, certainly. I am not going to pledge myself to the present method and discipline of Reformatories as the most suitable in all these cases. I would prefer an institution where forcible detention was combined with industrial occupations, and one not worked from a penal point of view.

2000. (*By Col. M'Hardy.*) You know that there is a large class of habitual drunkards who do not come before the police?—Undoubtedly.

2001. And they probably produce more distress and discomfort than the class habitually before the Police Courts?—Those habitually before the Police Courts have wrecked their families and are past hope.

2002. I refer to the class of cases where one of the parents may thrash the children, or the husband attack the wife, or the wife the husband, and produce a continuous series of domestic brawls, which are not brought before the police?—There are a certain number of such cases.

2003. Is there not a large number?—Yes; a large number who do it off and on, but not to the extent of annoying their neighbours and bringing the police on the scene.

2004. Is there any institution in this city for dealing with such cases?—There is the Society for the Prevention of Cruelty to Children.

2005. Have you acted on the Board of that Society?—No; I have not been a member of the Board.

2006. Is there a large number of cases dealt with by them?—Yes, a considerable number. Our police have been enforcing the statute for the protection of children very heartily indeed.

2007. What is the present procedure in connection with this Society?—The children are taken to the Police Office, and then sent down to a Shelter in the High Street, where they are kept for some days until the case is cleared up in its legal aspect; and then there is a Home at Corstorphine, about four miles away, where the children are kept. The parents are prosecuted in a great many cases, and the Chief Constable deals with a number of them privately. The Chief Constable does a great deal in that way with petty offenders among children.

Sir James Alexander Russell.

20 Nov.

2008. Do you believe that in Edinburgh the action of the police and of this Society for the Protection of Children is a sufficient means of becoming acquainted with all these cases and dealing with them? Is anything more required?—I do not think so at present, especially as our police are associated with the Association for Improving the Condition of the Poor.

2009. (*By the Chairman.*) What is this Association for Improving the Condition of the Poor?—It is a voluntary philanthropic association which tries to help people out of work and enable them to make their own way. It has workrooms in the Grassmarket, and provides employment for destitute people out of work, gives them pecuniary and other aid, and enforces to a certain extent a labour test, and assists in the clothing of destitute children. The police have been taking an active part in helping this clothing scheme, both in getting donations, and finding out the children requiring help, and the circumstances of their families.

2010. (*By Col. M'Hardy.*) With reference to the support of any institution that might be devised for dealing with habitual offenders, would you think it best that the practical supervision and working of these institutions should be in the hands of Local rather than Imperial Authorities?—I like the present constitution of the governing bodies of the Reformatories. I think it is a good thing to interest local people. The Reformatories are managed by a Local Committee and are yet subject to Government inspection and control, and I think that is a good combination.

2011. That being the case, it is only reasonable that such institutions should, to some extent, be supported from local funds?—Undoubtedly.

2012. You referred to the cells attached to the Police Court in Edinburgh, and said they were certified under a special Act as a place of detention. Are they the only cells of the kind in Scotland?—I believe so.

2013. But there are certain towns in which cells are certified under the Prisons Act of 1877 for the detention of short sentence prisoners?—Yes, I know that these exist.

2014. I suppose the expenses in connection with the police cells in Edinburgh are borne by the Police Rate of the city?—Yes; they are part of the police establishment.

2015. (*By Miss Stevenson.*) With regard to the instructions given to the police in dealing with persons found drunk on the streets, I understood you to say that they were instructed to take those persons to their own homes?—No, the police do not go with them to their homes, but they send them on.

2016. I had experience of a woman found drunk on the streets, and beginning to take off her clothes, and I asked a policeman to take her home. He said all he could do would be to follow her, and keep the crowd of boys off her, but he could not take her home. Would that be according to his instructions?—He could not be allowed to leave his beat and go home with her. In fact, she was an incapable person if she was unable to find her way home.

2017. Would he have been guilty of a dereliction of duty if he had acceded to my request and gone home with the woman?—I think so.

2018. In Glasgow we were told that they had a system of taking money pledges from drunk persons, which were forfeited in many cases. Does that system also prevail here?—Yes. The 'drunks' at the Police Court on Monday mornings are divided into two categories—those who have left pledges and gone away when sober, and those who have stayed in the cells since their apprehension.

2019. Is there any minimum pledge of money?—I think it is 5s., but I am not quite certain. If the fine was 5s., those who were out on bail were always able to pay, because that amount of money was in hand.

2020. You said that, under the Society for the

Prevention of Cruelty to Children, children were taken to a Home at Corstorphine. Is there any machinery by which the parents can be made responsible for the expense of that child's maintenance in that Home?—I am not aware of it, and my experience is that you can never get money out of these people, the expense being more than the gain. That is the experience with regard to Industrial Schools.

2021. Is it not desirable, as far as possible, that the parents should be made responsible?—Undoubtedly, as a means of discipline, but it is very difficult to enforce discipline that costs money.

2022. Do you not think the moral effect on the parent is worth the expense?—I am afraid the ratepayers would not think so.

2023. You spoke of the scheme for providing clothing for the children. On what principle do the police select the children?—I think it is left a good deal to the discretion of the policeman on the beat.

2024. (*Py Dr. Sutherland.*) In answer to the Chairman, you said we had in Glasgow more of the working-classes in proportion to the population than in Edinburgh. When I tell you that in Edinburgh you have 184 individuals convicted *five* times and *upwards* for the offences with which we are dealing, and that in Glasgow the number is about 500, does not that indicate that the ratio is about the same for both cities?—If I am right in assuming that a large proportion of these habitual offenders are people with a mental twist or defect of some kind, I think the proportion in regard to population would be about the same in both towns.

2025. That is to say, that the worst class of offenders are about the same in both towns, and the difference in the number of arrests is accounted for in Glasgow by the method of dealing with the casuals?—No. Where you have a large working-class population you will get a large number of arrests for drunkenness among men who get drunk on pay-days, but who are not habituals. I draw a great distinction between a man who cannot resist the temptation to drink, and one who attends to his work and gets occasionally drunk.

2026. You agree that the proportion of habitual offenders is about the same in Edinburgh as Glasgow?—Yes, on the figures you give me.

2027. If 184 persons were returned by the Edinburgh Chief Constable as having been convicted five times and upwards for the offences we are dealing with, and the number in Glasgow was 500, does not that show that, in proportion to population, the number in both towns is the same?—It is simply a question of arithmetic.

2028. I observe from the returns of your Chief Constable that you only convicted one prostitute in Edinburgh for every three in Glasgow. Can you explain this striking difference?—No, I cannot.

2029. You said in regard to the arrest of prostitutes that it was left very much to two policemen who might not have any knowledge of the conversation carried on?—Yes. I have rarely seen a person who had been importuned appear in the Police Court. He would look upon it as an aggravation of the injury done to him.

2030. You indicated that there was no difficulty in getting a conviction after a woman had been once branded as a prostitute. Might not the first conviction have the suspicion of doubt about it?—The first charge is always a contested case, and the inquiry is prolonged, for even the Fiscal recognises the importance of it to the woman, and in my experience submits evidence, even should the woman plead guilty.

2031. Does the woman cited ever plead not guilty and call the man importuned as a witness?—She often pleads not guilty, but I never in my experience saw the importuned person called. The first conviction is only obtained after a stiff fight, and it is usually proved that the woman frequents the streets and associates with prostitutes. Our late Fiscal, Mr Linton, who served many years, never held that one conviction for importuning apart from other circumstances entitled him to call a woman an habitual prostitute.

2032. Have you formulated any definition of the term 'habitual drunkard'?—No, I think it is largely a question of common sense.

2033. Would you consider two Justices of the Peace, sitting to investigate the case, sufficient to determine the point?—In cases supported by frequent convictions I do not think there need be much difficulty. I do not think the Police Court in Edinburgh would be the best tribunal to investigate such cases. In Edinburgh we have another Court, called the Burgh Court, which was founded by royal charter, and in which the bailies sit as depute sheriffs and deal with the cases that cannot be tried in the Police Court. If a man is twice convicted of theft he cannot be tried in the Police Court, and must be sent to the sheriff or Burgh Court. The same man who sits in the Police Court may also be the bailie in the Burgh Court, and try the case which he has just before remitted to himself. I think that Burgh Court, with two men on the bench, would be an excellent tribunal for the calm and deliberate trial of such cases of habitual drunkards.

2034. You think lenient sentences at first are a mistake?—If a man has got on the sliding-path to ruin, I think a sentence of three weeks or a month might be that man's salvation. In one case I broke through tradition and gave a man a heavy fine or 30 days for being drunk, and he told the cab inspector that it had been the saving of him.

2035. If you were to give three months' imprisonment for such an offence, even if repeated, would it not appear excessive?—What is wanted is an amount of imprisonment that will bring home a sense of discomfort and reflection to the man. I think a three days' sentence on many of the lower class of working people is no sentence at all. They are as happy in jail as elsewhere, and they are just given an opportunity for sleeping off the drink, only to begin again when they come out.

2036. Is it not the case that very many do not go back?—Very many.

2037. So that mild sentences do have some effect on 80% or so of the arrests?—I often think that in some of these mild sentences they might as well have had none at all. Very likely they would have been ashamed in any case, and would not have gone back.

2038. You say that public opinion is not up to the point of sanctioning whipping or birching?—That is my experience in Edinburgh.

2039. This system of whipping is carried on extensively in Govan, Greenock, and other towns in Scotland, and the only difficulty hitherto experienced, is to get a whipper. Have you found that difficulty?—No, we have had no difficulty in that respect.

2040. Why should Edinburgh be exceptional in its view of whipping?—I cannot give the reason, I believe in it much more than imprisonment as the proper remedy for children's offences.

2041. In speaking of those with a mental defect, you do not mean to classify them as lunatics?—No.

2042. I suppose that although they have in some measure lost self-control, they know right from wrong?—Yes.

2043. But you compare them to lunatics in so far as you would give them a long period of seclusion? Is it not the case that many of those lunatics in the asylum have no thought of or desire for liberty?—Some of those in the asylums are sane while in, but if tossed out into the world, they could not restrain themselves.

2044. Would you put a drunkard, with that desire for liberty lunatics never dream of, under the same conditions?—Undoubtedly. I think he would require to be put under more stringent conditions. Some of those who are now in an asylum could walk out if they liked, but they have sense enough to remain in.

2045. Would you administer the same kind and form of treatment for all these people?—No, I think they would have to be classified, and that is one of the difficulties which involves expense, supervision, and separate treatment. I do not think any uniform system of treatment would give the best results, and perhaps it would not give any results at all.

2046. (*By Sir Colin Scott Moncrieff.*) I suppose a

Sir James Alexander Russell.

20 Nov. 1894.

good many of these women who are taken up for importuning are known to the police?—Certainly.

2047. Are they liable to be pulled up without direct evidence on the part of the police?—I am afraid there have been cases. We have had unworthy men dismissed from the force from time to time, but on the whole I think the police are a respectable body, and act fairly.

2048. Is there any other class pulled up as being suspect?—Under our Edinburgh statute the police can seize a habit and repute thief very summarily. We have a clause in our Act which prevents a criminal when out of prison from enjoying the same liberties as another person. It is an offence for a card-sharper, once convicted, to have cards in his pocket. It is an offence for an habitual thief to frequent a street. I have sent a returned convict 30 days to prison for being twenty minutes in a crowd at the entrance to a theatre, where he had been watched by two detectives.

2049. (*By Miss Stevenson.*) There seems to me to have been evidence in all these cases, but I understand that many of those women are brought up simply because the police have seen them speaking to men without having heard what they had said?—But that is a habit and repute prostitute who has been convicted before.

2050. (*By the Chairman.*) You have spoken of the habitual thief, the habitual card-sharper, and the habitual prostitute. Can you give us a definition of habitual?—I can only give you our own Act.

2051. But it does not lay down a specified number of convictions?—No, it does not.

2052. (*By Sir Colin Scott Moncrieff.*) You have told us of the mental feebleness of a large number of the minor class of offenders, but there must be a minority with as good brains as we have to all appearance?—Yes.

2053. We saw some miserable cases in Glasgow the other day of people who had been taken up often, and yet we could not suppose that they were imbecile or mentally deficient. What would you do with them, with the women especially?—My impression is that when a woman of 27 has already been convicted 72 times, we don't require to hold any inquiry into her mental condition.

Sir James Alexander Russell.

20 Nov. 18

2054. Suppose her offence had not been drinking but solicitation?—That would go on and on.

2055. Can you see any way of getting rid of that?—I think compulsory detention in a Home is essential. I do not say they should all be sent to a Reformatory. Compulsory detention in a poorhouse or in a Magdalene Asylum might suit some of them, and an adult Reformatory for others.

2056. Do you believe in any sort of nostrum for curing the taste for drink?—I do not know of any except teetotalism.

2057. (*By Dr. Sutherland.*) Have you thought it desirable to place restrictions on the pawnbroker who advances money for the purchase of drink, the security for the amount being furniture, body or bed clothing, or on the vendor of drink, be he publican or licensed grocer, who supplies liquor to habitual drunkards?—It is illegal to supply a drunk man with drink, but we have the very greatest difficulty in getting convictions. There was a case the other day where the publican escaped, although he had been proved to have supplied drink to a drunken man. Any publican may supply a drunkard with liquor if he is not drunk at the time. The Edinburgh custom is, that a drunk man must be first refused by some other publican for being drunk, before the case can be made out against the second publican. There is not a conviction in half the cases that are tried.

2058. Is it your opinion that a certain class of public-houses is largely responsible for these wretched specimens of the habitual?—To some small extent, but I think a good deal too much is made of the bad whisky and the class of publican. I think they are, on the whole, as respectable as you could have them; and I believe that given enough of the best whisky you would have the same results.

2059. Have you any 'finish' drinking in Edinburgh?—Yes.

2060. Much?—I would not say much, but a certain amount. [Witness then withdrew.]

William Henderson.

WILLIAM HENDERSON Chief Constable of Edinburgh, called in and examined.

William Henderson.

2061. (*By the Chairman.*) You are the Chief Constable of Edinburgh?—Yes.

2062. How long have you been here?—Nearly 17 years.

2063. Before that you were in Glasgow?—Before going to Leeds as Chief Constable, I was between eight and nine years in Manchester, and before that I was in Glasgow.

2064. When was that?—I joined the Glasgow force in 1864, and left it in 1867.

2065. You have had a good opportunity of comparing the different systems prevailing in different towns?—Yes.

2066. Is there anything peculiar about the Edinburgh system as compared with other towns?—Each town I have been in has its peculiarities.

2067. There is one point on which we have been endeavouring to get some information, and that is what accounts for the fact that, whereas in Glasgow there are 60 per thousand of the population arrested each year for breach of the peace, petty assaults, drunk and incapable, and drunk and disorderly, the number of arrests in Edinburgh for these offences are only 24 per thousand?—That arises from a variety of causes. Having graduated, so to speak, in Glasgow 30 years ago, I had then an opportunity of seeing the way in which police matters were managed there, and I have since had an opportunity of comparing the systems that I have been connected with, with that system.

2068. But what do you say that difference arises from?—As I have said, it arises from a variety of causes. First of all, you have to take the nature of the population very much into consideration. Secondly, you have to take into account the mode of administration of the police. When I speak of the population you have, of course, to keep in view the habits, customs, and practices that prevailed, and have prevailed for a great many years in the different places. One thing that has always struck me as a startling fact is that, coming as I did direct from Leeds to Edinburgh, Leeds being about one half as big again in point of population—and with a very rough working population engaged in the roughest work—the iron trade, the leather trade, and a lot of very heavy trades, with little refinement surrounding them—I came to a city at least one-third less in population, and I found that the arrests for drunkenness were more than twice the number in Leeds.

2069. What is your explanation of that?—First of all, that a great deal of it is to be attributed to the more sober habits of the Leeds population. They drink beer, they feed well, and do not run riot over their cups, get mad, and have to be locked up.

2070. You have rather under-rated the disparity between Leeds and Edinburgh. There are only seven arrests per thousand in Leeds as compared with 24 per thousand in Edinburgh?—That may be so, but when I came here I remember I was struck by the fact that there were more than twice the number of drunk people arrested.

2071. Were the police acting under different instructions in Leeds to what you found in Edinburgh, or were they practically the same?—I cannot say what my predecessors instructions were, but I know what my instructions have been since I came here, and they were practically the same as in Leeds. I had different laws to deal with, however, and a different tribunal for the offenders.

2072. What were they?—First of all, there is a very important difference in the law as regards the permission

of drunkenness. It is an offence in England for a license-holder to permit drunkenness on his licensed premises. It was quite sufficient in Leeds to prove, in order to get a conviction against the publican, that he had on his premises drunken people, and was taking no means to get rid of them. Here in Edinburgh, we are not only obliged to prove that, but also to prove that the publican supplied the man with the drink that made him drunk, and some of the Judges of Police go the length of holding that however drunk a man may be, and however obvious his drunkenness may be to any one else, it is necessary to prove that he, the publican, knew that the man was drunk before he supplied him.

2073. Can you give us a reference to the English Act?—It is the general Act of the country. The Licensing Act of 1872. I submit a copy of the section relating to the permission of drunkenness. One of the conditions of the license in England is that the holder shall not permit drunkenness.

2074. Would you get us a copy of this license?—Yes, and I will hand it in. I have felt many a time that if we had a power of that kind in Scotland, or anything like the consistent way in which the power is put in force, we would have a very great diminution of drunkenness.

2075. How is it put in force?—A policeman in Leeds going along his district might see a couple of drunken men staggering into a public-house. He would see whether the publican expelled them, as it was his duty to do, and as was done in every case. The result was that you scarcely ever saw a drunken person inside a public-house.

2076. Had you often occasion to prosecute publicans for permitting drunkenness?—Yes.

2077. What is your experience in Edinburgh?—I find here that it is next to an impossibility to get a conviction under any circumstances.

2078. It was explained by a previous witness here that you required to have evidence of a man having been expelled from one public-house and then refused at another?—That is not so, nor is it a general thing, but it has often occurred. A policeman sees a man expelled from a public-house, and, knowing the man, his curiosity leads him to follow him, and he sees him running amuck of every public-house, until he is supplied. Then there is an information lodged, and the other publican who refused him is called as a witness against the publican who supplied him.

2079. Is he a willing witness?—Not as a rule; but he is obliged to tell the truth.

2080. We were informed in Glasgow that there was great difficulty in proving this offence under the Scotch law, and that unless the policeman saw the drink supplied, the defence could be, that the man had been refused drink, and had kicked up a row?—That is very often the case.

2081. Even in a case such as you refer to, it is quite possible that a man may have been drunk while in one public-house, and sobered down in another?—Quite. I need scarcely say that every one of these cases—and any magistrate of experience will agree with this—is most difficult to deal with. You have a batch of witnesses swearing one thing, and another batch on the other swearing the opposite, and it requires a very experienced man to say which is telling the truth.

2082. Do you employ men in plain clothes to go into public-houses in Edinburgh?—Yes.

2083. To the same extent as in Leeds?—Yes.

2084. Was there any difference in the readiness of the magistrates to convict in public-house cases in Leeds and in Edinburgh?—A very great difference. In Leeds we had a strong sound stipendiary magistrate who balanced the evidence, and picked out the salient points, who was a trained lawyer and distinguished the quality of the evidence of different witnesses.

2085. Did all these public-house cases go before the stipendiary?—Yes.

2086. Is he still there?—I have heard of his death recently.

2087. Have you not the advantage in Edinburgh of a trained lawyer in the shape of a sheriff?—I would rather not express any opinion on that point.

2088. Is there more than one sheriff?—There are three.

2089. The difference in population is rather against Leeds than Edinburgh?—Yes.

2090. Before you went to Leeds you were in Manchester, and there the present number of arrests for drunkenness is 17 per thousand, as against Edinburgh's 24 and Glasgow's 60. Does the same thing hold good as to the difference of laws regulating drunkenness in public-houses?—Anyone who has lived any time in Manchester and Leeds must be struck with the great difference in the characteristics of the two places. Manchester is a cosmopolitan town. Leeds, although a very different place, has so to speak, many of the characteristics of an overgrown village, keeping up the old habits of the county town; while Manchester is a sort of small London.

2091. How are these public-house cases dealt with in Manchester?—By the stipendiary as a rule.

2092. Was the law strictly administered as to the harbouring of drunkenness?—Yes, but not nearly so strictly as in Leeds.

2093. Were the same measures taken to obtain evidence?—Not exactly. Leeds borough for instance, is a biggish town in the centre. Then it stretches out a great way into a very thin population, and a lot of small townships, are taken in, forming part of the Parliamentary boundary. The area of Leeds is the largest of any borough in Great Britain, covering nearly 22,000 acres, while Manchester was only about 6,000 or 7,000 acres, when I was there, although there is on that area about as great a population as on the larger one. You can therefore easily understand that the population is very different. In Leeds, because it is divided into smaller communities, local public opinion has a considerable influence on the behaviour of the people. In Manchester, which is a small London, everybody is a unit, and the police have to be handled in a very different way.

2094. Were the instructions in Manchester different from those in Leeds?—They were practically the same—to carry out the law.

2095. You were not the Chief Constable in Manchester?—No; I was Chief Inspector in the Detective Department. The Chief Constable gave his own instructions. I was a confidential officer of the Chief Constable, and had to do with the working of the different divisions.

2096. Is there any difference in the real definition of a drunk and incapable in England and Scotland?—I am not aware of any.

2097. Is the same mode of dealing with drunk and incapables followed out in Manchester, Leeds, and Edinburgh?—No, I do not think so, because summoning is a very much more common form of process in England than in Scotland.

2098. Can you give any idea of the proportion of cases?—Not off-hand.

2099. What is the process in England?—Take the case of Leeds. If a man got tipsy and a policeman saw him he would get one of his neighbours and send him home, and he would serve him with a summons in the beginning of the week that he was found drunk and incapable, and had become amenable to the law, but in Glasgow he would be arrested right off, and his case would count as a drunk and incapable.

2100. And in Edinburgh?—We do much the same as in Leeds, only in Edinburgh instead of being summoned the person is in many cases allowed to go on his word to appear at court. I do not believe in arrests, unless they cannot be avoided, and we summon very largely.

2101. Can you give us an idea of the number?—I have furnished it in my return to the Secretary.

2102. How far will this system of summoning which appears to be pursued in Edinburgh, but not in Glasgow, account for the difference in the number of drunks?—That I cannot say, because a different system is pursued in Glasgow.

William Henderson.
20 Nov. 1894.

2103. In what percentage of cases are you able to pursue the system of summoning in Edinburgh?—In a small proportion. One of my instructions to my men is that an arrest is not to be made unless for one of three reasons. First of all, that the offence is of such a very serious description as to necessitate an immediate arrest; secondly, that a person committing the offence is a non-law-abiding person, and one who, unless arrested, would not be made answerable for the crime; and thirdly, that he was in such a condition that, unless arrested at the time, the breach of the peace would be likely to continue.

2104. We are told that a man is not drunk and incapable if he has some one in charge of him?—The police are not entitled to arrest him in these circumstances.

2105. If one of your men found a drunkard lying in the gutter, and knew that he lived in a place not far off, what would he do?—Take him to the Police Office as incapable.

2106. There would be no talk of summoning in that case?—No.

2107. In what circumstances would you summon?—If, as you say, a man was found in the gutter and conveyed part of the way by a policeman, and some of his friends turned up and said 'that is so and so; we will take him home,' the policeman would let them do so, but he would take him first to the nearest Police Station, and there he would be allowed to go on his giving an undertaking to appear and answer to the charge of being drunk and incapable. I find in my report for last year that the only instances of persons being cited for drunkenness were men who were drunk while in charge of horses or vehicles.

2108. How many were there?—There were only four returned for that year. There is a certain amount of trouble involved in the citations, and, as a rule, when a man is taken to the station they get his friends to take him away, and they take his own obligation to appear in Court next morning. That case would appear in my return as an apprehension.

2109. Does he leave a pledge?—In many cases we just take his word, telling him he has to appear next morning.

2110. What I want to get at is how far this system of summonses or citations affects the number of cases?—Not much.

2111. How many cases of drunk and disorderly did you arrest last year?—There were 2,206 persons arrested for being drunk and incapable, and 3,094 for breaches of the peace, which include drunk and disorderly cases.

2112. I suppose that in a great many of these cases pledges are given?—Yes.

2113. Is there any rule as to the pledge to be exacted?—One consideration is to make sure that the person will appear in answer to the charge.

2114. But the lieutenant in charge will have some rule to go by. What would he consider sufficient for a simple drunk?—I should say 5s.

2115. Does any large proportion of these people let out on a pledge appear?—Generally speaking, almost every one of them appears.

2116. That is exactly the reverse of the evidence we got in Glasgow?—I am aware of that.

2117. Will you give us definite information on that point?—I will procure it and hand it in, but speaking from memory I should say there are not 100 in the course of the year who fail to appear. The law in Glasgow is very different. There they are content with the pledge being forfeited, and that is looked upon as sufficient punishment for the offence. In Edinburgh we act quite differently. The law here is that a person who has been arrested must appear and answer to the charge made against him. If he fails to appear a warrant is issued for his arrest. He is not supposed to have purged his offence by simply forfeiting the pledge.

2118. What means do you take to ascertain whether a person has given his correct name and address?—If we have the slightest doubt, we telephone to the nearest district station to ascertain if the person lives at the address given, but in the great majority of the cases something is found in the pocket of the individual to identify him.

William Henderson.
20 Nov. 1894.

2119. But you take trouble to ascertain that the information is genuine?—Yes.

2120. Has the lieutenant instructions to see that all precautions are taken not to liberate a man about whom he has doubts as to his identity?—Yes. It is a very different state of matters altogether in Edinburgh from Glasgow. When I was in Glasgow the law was that a man had practically purged his offence when he had lodged a pledge and forfeited it, and there was never a thought of putting any warrant in operation.

2121. Is there any uniformity in the sentences for drunk and incapable?—Well, there is a uniformity and there is not—5s. or 24 hours, 10s. or 24 hours, according to the whim of the magistrate.

2122. Is there any legal equivalent of so many shillings or so many days?—The maximum is stated in the Act both as regards Fine and Imprisonment.

2123. Where is it enacted?—In the Edinburgh Municipal and Police Act of 1879.

2124. Why is it not adopted?—Because the Judge of Police does not, except in very aggravated cases, inflict the highest penalty in his power.

2125. Yes; but we were told in Glasgow that there was a regular scale of corresponding penalties in time and money?—The Act of Parliament for Edinburgh lays down a maximum penalty for certain offences.

2126. But does it lay down so many days as the equivalent to so much money?—This is laid down in the Summary Procedure Act. The non-payment of fines of certain amounts involves imprisonment to an extent limited by the amount of the Fine. There is a difference in the law of England and that of Scotland as to cumulative penalties. In England it is prescribed that the penalty for the first offence shall not exceed so much; for the second so much; and for the third so much. Is it so in Edinburgh?—In England they do very much as in various parts of Scotland. They have local statutes which regulate particular districts, but I am not aware that there is a uniform scale in England for dealing with these cases.

2127. There is the evidence of Sir John Bridge, a stipendiary magistrate in London, who says that the twelfth section of the Intoxicating Liquor Act is not adopted. There are three terms of punishment under that Act for a man found drunk—the first being a fine of 10s., the second 20s., and the third 40s. Sir John says that is the law in England?—It is so long ago since I left England that I really forget exactly how the law stood.

2128. Is there anything corresponding to that in Edinburgh?—Not that I am aware of.

2129. If a person is brought up for drunkenness, do you give any evidence to the magistrate as to previous convictions, and if so, whether before or after conviction?—When a man is brought to the bar he is asked whether he is guilty or not guilty. If he says he is not guilty, the case is adjourned till the following day. The case then goes to proof, and part of that proof may be previous convictions, but the evidence of the previous conviction is not led until the prisoner has been found guilty. The accused is charged with being drunk and incapable on such a day, and that offence is aggravated by previous convictions committed on such another day within 12 months.

2130. Is that under a local statute?—Yes; they are all charged under the 1879 Act.

2131. Will you give us the section of that Act under which it is done?—I will supply it.

2132. As to vagrancy in Edinburgh, we have been told that there is no public provision for the housing of vagrants, such as exists in England in the casual wards, but in Glasgow we were informed that a very considerable number of persons went to the Police Office and begged to be taken in for the night. Have you anything of that in Edinburgh?—They go to Glasgow as they come to us here, and they ask for protection. My lieutenants have instructions that in all cases where a man has not a place to lay his head, and asks shelter,

he should be put into the most comfortable cell available, rather than be allowed to walk the streets all night.

2133. We were told that in Glasgow upwards of 5,000 people applied in that way. Have you any statistics on that point regarding Edinburgh?—I have no statistics, but we have nothing like that number.

2134. Could your lieutenant give us the record, say for 12 months?—Yes, he will furnish it.

2135. We are told that you manage to take a census of vagrants more completely than in other places. It gives 863 for Edinburgh against 591 for Glasgow. What is the difference in your mode of taking that census?—I do not think you can draw an analogy between Edinburgh and Glasgow, the circumstances of the two places being so very different. In Glasgow they have a very large number of what are called 'small houses'—that is to say, houses which are inspected by the sanitary officers and which are registered under the sanitary department. We have, comparatively speaking, nothing of the kind here, and almost everyone of the tramp or vagrant class is to be found inside a properly registered common lodging-house. We register a great many places as common lodging-houses which would be treated in Glasgow as 'small houses.' Our lodging-houses are visited every night by the police officers, and that enables us to see our migratory population in a very different way from Glasgow.

2136. Do you suffer much in Edinburgh from vagrants?—Very seriously.

2137. In what way?—First of all, in consequence of a change in the administration of the prisons, we have great numbers of these people brought in from the south and east of Scotland, to serve their term in the prison here.

2138. And they are let loose in Edinburgh?—Yes. They are certainly furnished with tickets on their liberation from prison, which entitle them to go to the station, and get a ticket to the place from which they have come; but I am aware that a large proportion of them do not take advantage of that, except to go to the booking-office and take out a ticket, and wait about to see if they can get a chance of selling it, and then they get drunk, and are locked up.

2139. Do they increase your number of drunks?—I am certain they do.

2140. Are you troubled with many beggars?—A very large number.

2141. How many have you in Edinburgh?—There were 174 apprehensions for begging last year.

2142. Would these discharged vagrant prisoners contribute largely to that number?—They do.

2143. As to the instructions which you issue with regard to prostitution, and your method of dealing with that offence—under your Police Act, what constitutes the crime — solicitation, or simply street-walking?—Solicitation.

2144. And it is no crime for a woman to loiter without solicitation?—It is an offence to loiter, but it is not a part of the instructions to the police to arrest for that.

2145. To loiter would apply to both sexes?—No.

2146. Then how do you deal with crowds of men hanging about street corners?—That has nothing to do with prostitution.

2147. No, but is that loitering an offence that can be committed by men as well as women?—It is only an offence in the sense of being committed for the purpose of prostitution, and the police have strict orders not to arrest unless the women have been found soliciting, and even then, not to arrest unless the women have been first warned. The lieutenant has very precise instructions not to entertain any case brought in by a police officer unless the woman was first warned. I submit copies of my General Orders to the Force on the subject. They are marked $\frac{B}{W.H.}$

2148. Do you employ men in plain clothes in connection with these offences?—Yes.

2149. In the case of women having previous convictions against them, are the police equally careful?—I hope so. My instructions are equally explicit.

2150. What is the number of your arrests for importuning passengers for the purpose of prostitution?—351 last year.

2151. I observe that the ratio per thousand of arrests for solicitation in Glasgow is 3·6 against 1·3 in Edinburgh. Assuming that it is an undesirable thing to arrest any person whom you can avoid arresting, without injuring the morality and the amenity of the streets, do you find that your streets are as decently or as well regulated at night as in Glasgow?—I have very little experience of Glasgow, for I have not been there over-night for some years. I have had no experience of Glasgow under the new laws.

2152. Are you satisfied with the state of the streets of Edinburgh at present?—I think the way in which the 'Social Evil' is handled in Edinburgh will bear comparison with any other city in the world.

2153. What is the sort of sentence given for solicitation?—We have one of the sheriffs who for some reason does not, in any circumstances, give more than 5s. or 24 hours to any prostitute. The result is that while that sheriff is on the bench, in those districts of the city frequented by those women—many of them occupied by respectable citizens—I am inundated with complaints. I take the policemen to task, and they say that the women simply snap their fingers at them, and say, 'what do I care for 5s. or 24 hours.'

2154. As regards the other magistrates?—Some of them have begun to follow suit.

2155. Is 5s. or 24 hours the general punishment in Edinburgh?—It is the predominating punishment.

2156. And still you find that the condition of the streets is as good as Glasgow?—I cannot say; but in some districts they are not at all satisfactory or creditable.

2157. What was the case in Leeds with regard to prostitution?—If they were persistent, and a source of annoyance to the neighbourhood, the stipendiary gave a cumulative punishment, and I have known him go the length of committing the person as incorrigible to the Quarter Sessions.

2158. But what was the usual sentence?—I cannot be altogether sure at this time of day, but I think the punishment varied very much according to the circumstances.

2159. Were the streets of Leeds in the central portion, well or better regulated than in Edinburgh?—I would say they were not quite so well regulated, for there was a larger supply. The law for regulating brothels was not so strictly applied as here.

2160. But do you not find that the suppression of brothels rather increased the number of women on the street?—Certainly not.

2161. Nor the suppression of houses in which they would find accommodation?—Certainly not.

2162. How many brothels have been suppressed in Edinburgh?—I cannot give the number at this moment, but there has been a very large number.

2163. And concomitantly with that there has been a decrease in the number of prostitutes on the streets?—In 1879, the year in which the Act came into operation, the number of prostitutes dealt with by the Police Court was about 1,500, and that number has gone down, I think, to 350. Before the Act you could see five women on the streets for every one you see to-day.

2164. In Leeds last year there were only five women apprehended for prostitution altogether?—If some magistrates lay down the rule that they will not convict unless the person importuned appears, as has been done by a London magistrate, I can quite understand that the apprehensions will come to *nil*. I do not know whether such a course has been adopted in Leeds. It is nearly 17 years since I left it, but if only five women were arrested in a year for prostitution I should say that it arose from some such cause, or in consequence of some special instruction not to make arrests.

2165. In Edinburgh the convictions are due to the policemen who see the women importuning?—That is so.

2166. And they give evidence that they saw them

William Henderson.

20 Nov. 1894.

importuning?—And that they had warned them before arrest.

2167. Have you any statistics of the number of persons imprisoned in the cells in the Police Office?—I furnish them to the Prison Commissioners every year.

2168. (*By Dr. Sutherland.*) What number of apprehensions for the offences specified would you consider constituted an habitual offender?—That is difficult to say, for while the term 'habitual offender,' might apply very strongly in the case of a person, who is a 'weed,' arrested three times, you might have alongside of him a working-man who is earning his living honestly, and working decently, and who only gets drunk occasionally. In laying down a rule I would say that you would not be stretching the point if you took a man who was before the Court three times in one year.

2169. Supposing a person was convicted before a magistrate three, four, or five times, and at the end of that period he is passed on to another Court, before whom do you think should the inquiry as to his being an habitual offender take place? Would you be satisfied with two magistrates or two Justices of the Peace?—In Edinburgh there are a lot of anomalies in that way, which are utterly ridiculous. For instance, a person is brought up for an offence which the local Act says it is not competent to try in the Police Court, and the magistrate remits the prisoner from himself in a lower tribunal, and walks across the street and tries him in a higher tribunal.

2170. Have your magistrates the time to make the necessary inquiry before certifying a person to be an habitual offender?—I do not see why they could not. You have a large staff to fall back upon to make the inquiry.

2171. Have your magistrates ample time to dispose of cases of this kind, necessitating before certification an inquiry into his habits of life, his social surroundings, &c.?—I would suggest that, supposing a person who had been several times convicted, and was suspected of being an habitual offender, were brought before a magistrate, his case should be adjourned till the following day, and a full report of it prepared and submitted to the magistrate.

2172. That might suit you as the Public Prosecutor, but would that be quite fair to the defendant?—I think so. If 24 hours were insufficient, let the adjournment be for 48 hours. We make such inquiries at present. If a prisoner makes a statement, the magistrate adjourns the case to know if it is true or not, and it is remitted to me, and I make the necessary inquiry and place the information before the magistrate on the following day.

2173. At present is it not the fact that parties apprehended for these minor offences take little or no trouble to set up a defence?—In Edinburgh a most vicious and improper state of affairs exists, and it arises, singularly enough, from a provision which it was hoped at the time would have an altogether different effect. It arises from this, that under no circumstances can a prisoner here who pleads not guilty be dealt with on the day he is first put before the Court. It is within my knowledge that in a very large proportion—I would almost say in the majority of the cases where the prisoners plead guilty, their reason for doing so is not because they feel they are guilty, but because they know that unless they plead guilty their case will be adjourned another day, and they will lose another day's work, while the chances are that they will be convicted after all.

2174. (*By the Chairman.*) In the case of persons not convicted on Saturday, are they kept over till Monday?—Yes.

2175. So that they may have three days in jail?—Yes, if they cannot find bail. The case which led to all cases being adjourned for at least 24 hours unless a plea of guilty was tendered was that of a woman who was arrested in Edinburgh three-quarters of an hour before she was put on her trial and convicted, and the Judges of the High Court considered that she had been surprised, so to speak, and had not had time to arrange her defence. An order was then made, without the full effect of it being seen, and ever since, when a prisoner pleads not guilty he is told to come back next morning.

William Henderson.

20 Nov. 1894.

2176. Is that an Act of Sederunt?—It is simply a regulation of the Police Court.

2177. Why was that regulation made?—With my English experience, I am opposed to any pleas being taken from prisoners. I think that the English form is the manly and straightforward one, and that the charge should come out of the mouth of the person making it, so that the accused should have an opportunity of telling him that he was not speaking the truth. In Edinburgh a man may be placed at the bar charged with being drunk and incapable. At first sight it might have appeared to the constable that he was, but it might be that he was not, and that he was ill. He is a working-man and is brought up next morning. He knows that if he pleads not guilty he will lose another day's work the following day, with the probability of being convicted after all, and he therefore pleads guilty. If that man had been in England the policeman who arrested him would have given evidence that at a certain hour he had been found lying drunk and incapable. The accused might then turn round and say that he was ill, and that he had told the officer so. That gives him an opportunity of getting his defence before the Court.

2178. In England does the policeman not make the charge before the accused pleads not guilty?—In England the accused person is not asked to plead at all.

2179. And what is the practice in Edinburgh?—The man comes before the Court, but the police do not appear that morning at all. A formal complaint is read over by the Clerk of Court and the prisoner in the great majority of cases pleads guilty, and is at once dealt with.

2180. Is that practice peculiar to Edinburgh?—I rather think it is; and it is the result of an order which was made at the time in the belief that it was in the interest of the lieges.

2181. It is a convenience for the police?—It is; but I think it leads to great injustice.

2182. (*By Dr. Sutherland.*) Do you think the accused, in the cases you refer to, would prefer to go on with the charge at once, instead of an adjournment?—In many cases they would.

2183. Don't you think that 24 or 48 hours would be a rather short time for a man to get up a defence in order to prove that he was not an habitual drunkard?—I don't think so; but let him have a week if necessary.

2184. You make a clear distinction between the 'wasters' of society and the working-man, and other classes who occasionally make a mistake?—Yes, I do.

2185. And that evidence would come out at the inquiry?—I think it would. Whoever constitutes the tribunal, they should have every information about the man and all his antecedents and mode of life.

2186. Have you ever thought about the length of time to seclude a person convicted of habitual drunkenness?—That must depend on the peculiar circumstances of each individual case. You have cases of men who never get over the score for perhaps 12 months or even longer, and you have them with recurring periods of a few months. Notice must be taken of the intervals between the commission of offences. I have always thought there was a defect in our prison system. Not from any fault of our prison officials. The police, who know the out-of-prison life of their customers, have nothing whatever to do with the man the moment sentence is passed upon him. He goes inside the prison walls and is handled by the prison officials, who know nothing whatever of his out-of-prison life.

2187. That arises from a want of classification?—I think it arises from the fact that there is not sufficient touch in matters of that kind between the prison administration and the police administration.

2188. But if you made that inquiry, would it not necessarily lead to a classification?—No doubt.

2189. The Inspector of Constabulary has a census of vagrants taken every year in the month of December.

That gives a return of 853 for Edinburgh and 591 for Glasgow. Do you think this census is a fair indication of the amount of vagrancy in Scotland as a whole, or in particular districts?—I would answer that by saying that the circumstances of Edinburgh and Glasgow are entirely different, and therefore the figures are in that respect very misleading.

2190. Are you aware that up till 1890 the number of vagrants challenged in Scotland was given in this return as 100,000?—But that return represents perhaps the same man challenged 20 or 30 times in the course of the month. I would say that if the return for Glasgow was prepared on exactly the same footing as Edinburgh, you would, I believe, have four times the number of vagrants in Glasgow as in Edinburgh. The extraordinary diversity in the figures arises simply from the different systems of supervision.

2191. You say a good deal of the vagrancy and begging in Edinburgh is attributed to the fact that a large number of people from the country, after they leave prison, remain in the city?—Yes.

2192. Would that not hold equally good as regards Glasgow, where a large number of local prisons in the County of Lanark have been closed?—I believe it does.

2193. Can you suggest any change in the law by which, not only the victim of intemperance may be dealt with, but also the liquor seller and the pawnbroker, who to a large extent help to manufacture these drunken people and confirm the habit?—The only alteration that has occurred to me as practicable, although I see considerable difficulty in connection with it, is that in the case of a man who was duly certified, after proper care, as an habitual offender, it should be notified to him that he was not entitled to go into any place licensed for the sale of drink, and that the police should be instructed to notify to the holders of licenses that he had been so certified, and must not be supplied with any liquor.

2194. Would you make the same law with regard to the pawnbroker, so that he should not receive the furniture or clothing of such a person?—The pawnbroker is a very different subject. He is the poor man's banker, and I would not go the length of making such a law regarding him.

2195. Supposing I told you of a man who was no sooner out of prison, and refused 2s. 6d. for drink, than he took the blankets off the bed and pawned them straight away?—I know of hundreds of such cases, but knowing also what I do of the poor people I would not make such a law in regard to the pawnbroker.

2196. If the pawnbroker were notified that so-and-so was an habitual drunkard, would you place no restriction on the pawnbroker giving him money for drink?—No, because he might want the money when he was starving, and not for drink.

2197. Where would you propose to send those people who were certified as habitual offenders?—The only practicable course that occurs to me is that every community when it reaches a certain stage, should have to provide something in the shape of a colony of labour—that it should acquire within a reasonable distance of the town some land that was worth nothing, and which wanted reclaiming. You would then have a colony of labour, where the waif could be employed in spreading the refuse of the city and reclaiming the land.

2198. (*By Miss Stevenson.*) Have you found in your experience that the casual employment of boys and girls, but especially girls, in selling newspapers on the streets is a very fruitful source of their getting into trouble?—Undoubtedly.

2199. Do very many of the little girls who have taken to selling newspapers on the streets, and in regard to whose employment there is no satisfactory regulation, ultimately become members of the unfortunate class of women?—Undoubtedly.

2200. Is there anything in the Police Acts giving power to prohibit or regulate that employment?—There is a power to prohibit children under ten years of age from being so employed.

2201. On what ground did the authorities object to ask Parliament for powers to control this employment in regard to girls over that age?—The authorities never objected to ask for such powers. On the contrary, they did ask for them. Fifteen years ago I spent months over this question, and prepared a code of regulations in connection with the Bill then before Parliament, and after all our trouble Lord Redesdale, the Chairman of Committees at the time, drew his pen through the whole lot, characterising it as grandmotherly legislation, and it was thrown aside. But I know our Local Authority was most anxious to have such powers. I go the length of saying, knowing the fruitful source of crime which this employment is, and its consequences, that no children should be allowed to sell on the street without being properly regulated, and that no female child should be allowed to sell on the street at all, the traffic being confined to males placed under proper control.

2202. In regard to this class of female offenders, the greater number of whom, I suppose, belong to the unfortunate class, do you find that the punishment inflicted by the police magistrate has a deterrent effect?—Speaking generally, I am sure that so called punishments are not punishments at all, in so far as being deterrents.

2203. Is it within your knowledge that girls sent to a Home, on condition that the penalty of the Court would not be inflicted, have remained there?—Yes; but a very large proportion of them do not remain.

2204. Would it have a good effect if power were given to the magistrate to order their detention in such a Home?—I question very much whether it would have any ultimate good effect; but my experience in connection with these Homes has been that, as a rule, the women sent to the Homes are not at all cut out for the kind of work they are put to there. They are put to a kind of work that sets their backs up immediately, and they fight against it, and get out of it as soon as they can. If you wish to bring about a reformation in women of that kind, I think there is great room for a change in the labour provided for them.

2205. You take great interest in the Society for the Prevention of Cruelty to Children?—I do.

2206. Have you in many cases relieved the parents of their responsibility, by having the children sent to the Home at Murrayfield, without inflicting any penalty on the parents?—I have never sent any children at all to the Home at Murrayfield.

2207. How are they admitted there?—I am not on the management of that institution and have nothing to do with it.

2208. I understand it is for the reception of children treated by their parents with cruelty?—Yes.

2209. Does any one take proceedings against the parents of such children?—Hardly a week passes but proceedings are taken against the parents of such children, generally by the Society for the Prevention of Cruelty to Children.

2210. You are also interested in the scheme for providing clothing for poor children?—Yes.

2211. On what principle do the police select the cases for distributing that clothing?—They find a child in severe weather barefooted, and suffering from the effects of the weather, and insufficiently protected from it. They make inquiry, find out what the father is, and the circumstances of the family all through; and they then send in a report to the association, and the child is sent for and clothed. The parents, if they have done anything at all to bring them within the reach of the Act for the Prevention of Cruelty to Children, are warned in the first place, and observation is kept upon them, and they are prosecuted if they do not pay attention to the warning. Every precaution is taken, by the indeliable marking of all the clothing, to see that none of the articles can find their way to the pawnshop. Every possible precaution is taken to see that while the child is saved from suffering, the parents, if drunken people, are not benefited.

2212. I suppose your experience is that most of the children who suffer thus belong to drunken parents?—Very largely.

William Henderson.

20 Nov. 1894.

2213. Have you any idea of the number of cases of parents prosecuted for neglecting children in this way, and who have been supplied with clothes by the association?—I could not exactly say, but there was a very considerable number during last year.

2214. (*By Col. M'Hardy.*) Do you consider that the present organisation of the Society for the Protection of Children affords sufficient knowledge of that class of children to the police to repress cruelty?—I do not suppose that every case is known; but I may say that, in the opinion of the Public Prosecutor, it is not sufficient to prove that a child is subjected to suffering in consequence of the drunken habits of its parents. You must go a great deal further before you can get the Public Prosecutor to take the case up, and must show, not only that these parents have been negligent and have caused their children suffering, but that the suffering is to such an extent as to produce marks on the body, or emaciation before the prosecutor will take up the case. Every year I have heard of scores of cases where it was impossible to get a prosecution because the children had been well-nourished in their bodies and showed no marks of violence. Some of these people are very fond of their children, and although they may get drunk every week, if you cannot show cruelty by injuries on the child's body or by starvation, the Prosecutor does not think himself justified in taking proceedings. I have often thought that the law might be extended very considerably to deal with people who get drunk week after week and neglect their children.

2215. In what direction would you extend the law?—Very much in the direction pointed out for dealing with habitual offenders. If I found the parents neglecting the children—if the father comes home with his wages on a Saturday, and is then out drinking with his wife till eleven o'clock at night, leaving the children neglected and crying, and an annoyance to the neighbours, I would make that an offence, but the Public Prosecutor would not take up such a case.

2216. (*By the Chairman.*) But cannot the Society for the Prevention of Cruelty to Children act without the intervention of the Public Prosecutor?—No.

2217. (*By Col. M'Hardy.*) In your description of the English system for suppressing drunkenness, you say that the publican had not to permit drunkenness on the premises?—Yes.

2218. Was it customary to have a visitation of the police or some one to see if there was actual drunkenness on the premises?—Yes; the same as exists here. I have the public-houses regularly visited.

2219. The difference is that while in England, if you found anyone drunk on the premises, that would be an offence, but here it would not actually be so?—Not unless you proved that the publican had actually supplied the drink.

2220. I did not quite gather the bearing of your description between Manchester and Leeds. How does that bear on the difference in the number of convictions as shown in these tables?—The habits of the people are different all through. You cannot have an analogy between a cosmopolitan place on the one side and an over-grown village on the other.

2221. But how does that explain the difference between 17 and 7 per thousand of apprehensions for breaches of the peace and petty offences?—I used to ascribe a large part of the good behaviour of Leeds to the consistent and persistent way in which the stipendiary magistrate administered the law. I have often said he was as good as a force of 500 policemen.

2222. You have said that the numbers of petty offenders and beggars have been very largely increased in Edinburgh by the centralising of the prison system?—Yes.

2223. Can you produce any evidence of that?—Yes.

2224. Can you do so just now?—If you give me a week I will bring you witnesses to prove from their own observation, this system of liberated prisoners going to the booking-office, and getting their tickets, and selling them for half their value.

2225. Are you aware that within recent years the Prison Commissioners have taken action to prevent that?—Yes.

2226. Then you do not know that now the ticket is marked, not only for a certain train, but for a prisoner?—Yes, and I think I can show that that provision is over-ridden in the same way as I have mentioned.

2227. You are aware that the matter came under the notice of the Secretary for Scotland, and on inquiry it was found that the numbers were very small indeed?—It is very difficult to bring these matters home.

2228. At any rate, the inquiry did not bear out your statement that there were large numbers?—But it did not alter my opinion of the number of these men who were saddled upon us.

2229. The number of beggars for Edinburgh you state at 174, which is not an extremely large number. By what proportion do you suppose the number has been increased through the liberations from prison?—I had hoped that if we had not had these liberations I would have brought begging in Edinburgh down to next to nothing. I am very much against this system, believing that it perpetuates vagrancy and causes many evils, and when I see those batches turned out of the Calton every morning, my faith in an improvement is broken.

2230. You say you always warn a prostitute before you apprehend her?—Yes.

2231. Is that once in her life-time or once a year?—Every time.

2232. Without going into a definition of what a habitual offender is, have you formed any conception of the number of habitual offenders, who, if you could remove them from the city, would cause such an immense improvement?—I should say, speaking roughly, from 2½ to 3 per thousand of the population, or about 600. I think that proportion would hold good in every large centre of population.

2233. You think that number represents the habitually disorderly class?—Yes.

2234. Do you think that the work which the police do in connection with the Association for the Improvement of the Condition of the Poor tends in any way to diminish the number of habitual offenders?—I believe that it will have that effect.

2235. In what way?—In the first place, it gives the police a better means of knowing the circumstances of each case and bringing influences of a kindly description to bear upon them. I take the view that the police might be employed a good deal more than they are in trying to help the poor, and I think a great deal can be done by letting the poor see that the police are not only able but willing to help them. The police will in this way have a considerable influence on their lives in course of time.

2236. I suppose the vagrancy population of Edinburgh varies considerably at different times of the year?—Yes.

2237. Are you aware that a large number of those who are vagrants in summer are residents in winter?—A considerable number are.

2238. Are there such things in Edinburgh as daily vagrants—those who leave the town during the day and return to sleep at night?—I have no doubt there will be a number of that floating population.

2239. A large city comes to be practically a sort of central station for the vagrant population?—That is so.

2240. There are very few of them moving about without a definite point to return to from time to time?—Yes, without a series of definite points. Edinburgh may be the definite point at one time of year, Glasgow at another, Dumfries at another, Dundee, Perth, Aberdeen, and Inverness for others.

2241. But there are a certain number who are continually coming back to Edinburgh, and have never any other place where they live?—No doubt a certain number do.

2242. Where do these people reside?—Mostly in the common lodging-houses.

2243. And they have therefore money to pay for a bed?—Yes; fourpence.

2244. (*By Dr. Farquharson.*) You said that one reason of the difference in the number of apprehensions between England and Scotland is the character of the drink—beer being the drink in England and whisky in Scotland?—Yes.

2245. Whisky is more likely to lead to violence?—Another reason is the kind of food taken.

2246. Do you think the climate has anything to do with it?—I have no doubt of it. But still, Leeds has a very humid atmosphere.

2247. Has housing anything to do with it?—A great deal.

2248. Do you think that the fact of many in Glasgow living in one-roomed houses has anything to do with it?—I should say very much.

2249. Have you formed any opinion as to the number of convictions that would justify a man being dealt with as an habitual drunkard?—I would not advocate any hard or fast line. Everything must depend on the circumstances of individual cases.

2250. Do you think a certain number of persons should be treated as habitual drunkards who are never convicted at all?—I have no doubt of it.

2251. Do you think they should be treated in a curative and not in a punitive sense?—I see many cases every day which are as sad as those brought before the magistrates, but it is difficult to say whether in regard to them you should take such steps as is thought to be the outcome of this inquiry.

2252. Might not a man starve and injure his wife and family without assaulting them?—Yes; but if you attempt to deal with these people by a general rule, you will find tremendous difficulties, and you will very often find that the persons most aggrieved are the first, when the blow is over, to get all sorts of restrictions removed.

2253. Coming to the question of vagrancy, are those great armies of tramps who flood the rural districts in summer, accommodated in the towns in winter?—A great many of them.

2254. What do they do?—They beg, borrow, steal, and live on the streets, sell little articles, and live one off another. It is really difficult to say how many of them do live.

2255. Can you suggest any means of getting rid of that nuisance of tramps?—I am afraid you will have the tramps to all time. I looked into this question some 12 months ago, when I wrote an article on the subject of tramps for one of the *Encyclopædias*, and I found that what existed in 1529 practically exists to-day. In 1529, Martin Luther wrote a book, and gave a description of 29 different kinds of tramps. If you make allowance for the electric telegraph, the railways, and other facilities of locomotion, you have practically the same 29 kinds of vagabonds to-day.

2256. Do I understand you to say that prostitution is not an offence under the Edinburgh Act?—A prostitute who loiters for the purpose of prostitution is guilty of an offence.

2257. How do you find out what the loitering is for? It may be for a legitimate purpose?—That is for the magistrate to decide. But in consequence of the view expressed by many of the magistrates I go on the line that the police are not to make arrests for mere loitering, but must be able to prove solicitation, and that the accused person had been warned. Some of the women are very persistent, and practically set the police at defiance.

2258. (*By the Chairman.*) Where are the prostitutes sent to?—The bulk of them to the cells for 24 hours.

2259. (*By Dr. Farquharson.*) You require evidence of previous conviction before they can be taken up for importuning. How do you get the first conviction?—The first element is that the woman is found out late on the streets, keeping company with women who are known as prostitutes, or found in brothels with men.

2260. Your labour colony would be something like that of the Salvation Army?—Yes; the only difference is that any labour colony such as suggested would be regulated on proper business principles by the State, and not abused in any way.

2261. It could not be made self-supporting?—I do not think it could. It would have to be supported by the State, but it might contribute very largely to its own support.

2262. Do you think agricultural labour is suited to many people, such as clerks and others who are not accustomed to it?—But there would not be so many of that class. It would suit the corner men and loafers about the city.

2263. (*By Sir Colin Scott Moncrieff.*) You mentioned that since 1879 the number of houses of ill-fame and of prostitutes in Edinburgh had both been reduced. Do you find that vice has been very much lessened in the city?—There is no doubt about it. I have always held that every brothel that was allowed to be carried on openly was, so to speak, a kind of social cancer. It is impossible to suppress the thing altogether, but it is an evil of the kind that wants cauterising. The keeper of a house of that kind ought to be made to feel that it is not a profitable business for anyone, but keeping in view, what we must all admit, that whenever the population runs into hundreds of thousands it is a matter we must face and deal with in a firm and determined way. So far as the police are concerned, their duty should be defined. It is not part of your duty to prevent men and women who want to have to do with each other having it, but it is a very important part of your duty to prevent those who do not want it from having it thrust upon them, and having disorder, annoyance, and crime created. A great many allegations were made against the Act at the time it came into force, but the information in our hands at the time of the passing of the Act and now shows clearly enough that all the evils predicted as likely to arise from the passing of the Act have not arisen. It was said that illegitimacy, venereal disease, and prostitution itself would increase, but everything has turned out the other way.

2264. With regard to the work given to those women in Homes, is there any other kind of work you can suggest?—Almost the only industry in those places is laundry work and sewing. I have spoken to many of those girls, and they all dislike the work. I think there might be occupations which would make the place a little more attractive for them.

2265. Are you aware that the east end of London statistics are to the effect that the public-house has not got the power it once had, and that there are respectable and disreputable public-house keepers?—Yes.

2266. Do you find that in Edinburgh there are respectable and disreputable public-houses?—Yes.

2267. Can you place a mark of distinction on them?—Yes.

2268. Do you think greater strictness should be exercised with the holders of disreputable houses?—We only do so when anything can be proved against the license-holder. I am generally asked for my views in the Licensing Court, but I have to be very careful. I have often thought, both as regards new and old licenses, that, instead of having opinions expressed and memorials produced with hundreds of signatures, it should be made a matter of evidence, where persons could be subjected to examination.

2269. It is very undesirable that the big cities where the jails are should have the scum left floating about their doors. Have you any suggestions for obviating that?—I am afraid you could not bring any legal force to bear there.

2270. Can you give statistics?—I said I could produce some of the witnesses sent down to observe the state of matters at the station two years ago; but Col. M'Hardy says things are different now. I wish to make one or two suggestions for the consideration of the Committee. First of all, in connection with the rising generation. I felt, when I was sent for to come here, that in dealing simply with those who had become habitual criminals, you were not preventing the crop growing up again.

2271. (*By the Chairman.*) How do you propose to deal with them?—I was going to suggest that a

William Henderson. 20 Nov. 1894.

good deal more might be done at the School Board than is done at present.

2272. In what way?—Well, the Education Act has now been in force for 23 years, and Edinburgh has increased in juvenile delinquency during that time, or since I came here, fully 200 per cent. That points to something wrong in the training of the rising generation.

2273. Or it might possibly be due to the offences constituted under the new Police Acts?—I do not think these have made an appreciable difference, for the offences are those which existed before.

2274. How do you propose to deal with it?—I think that in the education as carried on at present there is a want in the moral training of the child. I do not wish to say that it is immoral, but I will go the length of saying that the training in the School Board schools at the present day is non-moral.

2275. I do not think that comes under our remit?—I was going to suggest a curriculum or standard of conduct that might be added to the standards in use in the Board Schools. When a child leaves school, say at 14, it drifts on to the street, and anything that could be done to prevent that would stop the supply.

William Henderson. 20 Nov. 1894.

2276. What have you to suggest on that point?—The only thing of a practical nature I could suggest is that some sort of Bureau of Labour should be created and regulated by the State, where, when a child leaves school, information could be supplied to the parents and the child as to what kind of employment was available, where it could be got, and how to secure it. That would not only be useful to the parents and the children, but also to employers. [Witness then withdrew].

Alexander Peddie.

DR. ALEXANDER PEDDIE, M.D., F.R.C.S., Edinburgh, called in and examined.

Alexander Peddie.

2277. (*By the Chairman.*) You have long taken an interest in the question of the treatment of inebriates?—Yes.

2278. You gave evidence before the Dalrymple Committee?—Yes, in 1872.

2279. And you are the author of a pamphlet entitled 'Suggestions for Legislation in Scotland for Habitual 'Drunkards'?—Yes.

2280. Do you consider that the Acts for dealing with inebriates are quite inadequate?—Quite so.

2281. Inasmuch as they do not deal compulsorily with that class?—Yes.

2282. Do you consider that habitual drunkenness is a form of insanity?—I do.

2283. Would you have it dealt with by the same authority that deals with lunatics?—No; certainly not. It is only a form of or allied to insanity, but not coming under the Lunacy Law; and I would keep it distinct.

2284. You know that the Inebriates Acts have not been adopted at all in Scotland?—Yes.

2285. You have a class of *quasi* voluntary cases who can be committed on their own voluntary submission?—Yes.

2286. It has been suggested that people ought to be able to be committed on the suggestion of friends who would pay for them. Do you approve of that?—Yes. Of course the certification would require to be very credible, and after careful investigation.

2287. In Scotland would you propose to have the investigation before the sheriff?—I do not think it necessary to go before a civil functionary at all, if certificates by medical authorities and friends were satisfactory.

2288. But as regards lunacy, a great safeguard against malpractices is that the evidence has to be brought before the sheriff?—Yes, but I would not have the habitual drunkard or dipsomaniac brought before any one, although I would have the complete evidence submitted; in lunacy personal appearance is not required.

2289. As to the provision of Homes for the labouring and pauper classes, and Reformatories for the criminal class of inebriates, what is your suggestion?—I would have Homes for the labouring classes to which drunkards could be admitted either voluntarily or on certification, and the same for the pauper classes, and also for the worst type of the habitual drunkard in the criminal classes. I would have that done after repeated conviction for the criminal classes; and the persons either sent direct to the Reformatory, or confined for a short time in prison and then transferred to a Reformatory. And, it should be in the power of the magistrate to extend the period of confinement on the evidence of the superintendent and the medical officer.

2290. How are you going to support these habitual offenders?—That is a difficult matter. I think, in the first instance, there should be an application to Government for a grant to establish a few Homes in large centres of the country, such as Glasgow, Edinburgh, and Aberdeen; and if that cannot be got from the Government I think it should be raised by general taxation, or local taxation in Scotland in the large industrial centres.

2291. Do you think Scotland is riper for some reform of the kind you indicate than England?—I have no doubt of it. I think the medical profession is quite unanimous that something ought to be done; and that as it is a form of insanity it requires to be controlled.

2292. In your *precis* you give a description of the ways and means for carrying out the scheme which you sketch. You propose that for the labouring classes there should be three Homes, tenatively, in the meantime, and of an inexpensive character—the number and size to be increased if need be; and that they should be situated in the three chief centres—Edinburgh, Glasgow, and Aberdeen. For the pauper classes you think there should be several houses connected with the present poorhouses, and under parochial management; and for the criminal classes that there should be several houses near the chief prisons in the country, but distinct from them, while under the direction and inspection and support of the Prison Board; and that in all the Homes careful provision should be made for the separation of the sexes, and for remunerative and useful work?—Yes.

2293. You have not yet quite made up your mind as to the source of the ways and means, for you say the ways and means for carrying out the scheme will require careful calculation and consideration?—Yes.

2294. You have not definitely made up your mind?—Not definitely.

2295. Did you draw up a sketch Bill in your pamphlet for the Dalrymple Committee?—I made suggestions for legislation for all the different classes of drunkards, and the report was accepted by the Committee, and placed in the Appendix of its Report.

2296. In those houses which you propose to erect you calculate the number to be accommodated under your scheme at from 50 to 100 in each?—Yes, because I consider that in a scheme like that there should not be too much done at first, but that the houses should be enlarged as the Act was found to work.

2297. You think the outlay for such buildings might be roughly put at about £30,000?—That was a rough guess of £5,000 for each of the six buildings I propose.

2298. And you suggest that this sum, if not obtainable by a Government grant, might be raised by general or local taxation?—Yes.

2299. As to the up-keep of the Home for the labouring class, you think that might be met by the friends of the inmates, by work in the institution; and by charitable contributions?—Yes I lay great stress on the work that could be done in those institutions; and not only that there should be compulsory power to admit and retain in these places, but power to compel labour.

2300. As to the pauper institutions, they would be supported by the Parochial Boards: and the criminal class would fall upon the Prison Board?—Yes; but I

xander Peddie. 20 Nov. 1894.

think the ways and means might be met a very long way by contributions, and sums paid for the admission of individuals, and by the work done. The whole subject of the scheme must be looked at, and a grasp taken of it in a serious philanthropic spirit, and in a business-like light, keeping in view the enormous amount of human misery affecting individuals and families, and the utterly useless expenditure entailed on the nation by the habitual inebriates of all classes. I am sanguine enough to believe that if the scheme now sketched were carefully carried out the result would be that the financial account between it and the nation would show a balance on the credit side of the latter, while the benefits in private and social life would be incalculable.

2301. (*By Dr. Farquharson.*) How many years have you taken an interest in this subject?—I published my first paper on it in 1858. My attention was very early given to diseases arising from drink, and to insane drunkards. I wrote a pamphlet on delirium tremens; and in 1855 the Commissioners of Lunacy having drawn attention to the necessity of prolonged control in cases of insanity arising from intoxication, I wrote first on dipsomania. Since then I have written six or seven different papers on the subject, and these have been read before different societies, including the British Association, and the National Social Science Congress.

2302. Do you think that the necessity for legislation is as great now as when you began to investigate the subject?—I think so. If anything, I think it is greater.

2303. Do you think the present means of coping with those evils by voluntary Homes are of much value?—I think they do very little good; but considering the difficulties in which they are placed, from the want of compulsory powers, the success is remarkable. It has been well-established by the Dalrymple Home that 30 per cent. are curable. American writers place the percentage of curables at 35.

2304. Are you hopeful of curing a large number of these cases?—I think that fully 30 per cent. may be cured.

2305. You think it worth while trying this experiment, even at some cost?—I think so. *Alexander Peddie.*

2306. Do you think the medical profession would like this new responsibility put upon them?—I don't think they would object. 20 Nov. 1891.

2307. (*By Col. M'Hardy.*) You suggest four different Retreats or Homes—one for the rich, one for the labouring class, one for the paupers, and another for the criminal class?—I do not suggest anything for the well-to-do class, because I believe if there was a compulsory law the upper classes might be left to voluntary adventure for Homes, which I think would be quite sufficient to meet their wants. As regards the other classes there is a necessity for Government to interfere.

2308. But is there a necessity to make this distinct separation of the three other classes, and increase the number of these establishments so largely?—I think so. To mix up the working-class with paupers, vagrants, and beggars, would be impolitic.

2309. Could you not grade them in the same place?—Not very well.

2310. (*By Miss Stevenson.*) Would you propose that the voluntary Homes for the richer classes should be licensed and under supervision, so that the managers could compulsorily detain the inmates?—Most assuredly.

2311. (*By Dr. Sutherland.*) Is there any reason why the dipsomaniac should not have the option of a public inquiry, even though certified by two medical men?—I have no objection whatever to that, I think everything should be done to protect the liberty of the subject, and if he desires a public inquiry he should get it.

2312. You would not insist on a public inquiry where the person desired to have it conducted *in camera*?—No.

2313. You would leave it to the dipsomaniac himself or herself to have the option of a public or private inquiry?—Yes. [Witness then withdrew.]

[Adjourned.]

SEVENTH DAY.

Edinburgh, 21st November 1894.

Present:—

Sir Charles Cameron, Bt., M.P. (*Chairman*).
Col. A. B. M'Hardy, R.E.
Sir Colin Scott Moncrieff, R.E.
Dr. Farquharson, M.P.
Professor Dove Wilson.
Dr. J. F. Sutherland.
Miss Flora C. Stevenson.

hn Walcot. 21 Nov. 1894.

JOHN WALCOT, Edinburgh, called in and examined. *John Walcot.*

2314. (*By the Chairman.*) You are a magistrate of the city of Edinburgh?—I have been a magistrate of the city of Edinburgh until the beginning of the present month.

2315. Since when?—Since 1885.

2316. You have had a long experience on the bench?—I have.

2317. You have been struck I believe by the frequency with which certain persons appeared before you?—I was very much impressed with that the first month I sat on the bench.

2318. You have, I believe, brought the matter before the public at different times?—I brought it before the Convention of Burghs first of all. I brought it up two or three times in successive years before the same body.

2319. Would you tell us what action the Convention of Burghs took in the matter?—Their first action was to remit it to a general committee, and that committee met and determined that they would send out a number of questions to Chief Constables and Governors of Prisons and Reformatories and other similar institutions throughout Scotland.

2320. You received many replies?—We recieved a large number of replies, I do not know whether you have seen the paper or not. I brought a copy with me in case you have not got it.

2321. The replies were very diverse?—They were diverse. There were some who thought that we had sufficient power at present to prevent the evil of habitual offence if we did but use it.

2322. What power do you refer to?—The power to fine 40s. or give 60 days according to discretion, that is in our Edinburgh Police Court. In addition to that we have power, if we think proper to exercise it, to

John Walcot. 21 Nov. 1894.

impose a caution or an additional number of days' imprisonment.

2323. That is in effect an equivalent to the English surety for good behaviour?—That is so.

2324. Is that course ever adopted?—It is adopted here frequently.

2325. With what results?—I think with good results. I have been induced to adopt it mainly from my experience of the First Offenders Act; I do not think any Act has been passed by the British Parliament so wise and so useful as that Act for First Offenders.

2326. Does not the high security involve the risk of a man being imprisoned for want of it?—No, I do not think so. Under the ordinary Police Law it would involve that. But under the First Offenders Act we take the name as a pledge that they will reappear when called upon.

2327. And you accept his own security?—Yes.

2328. In every case?—Possibly not in a bad case.

2329. In bad cases what sort of security would you ask?—I have sometimes asked as high as £2.

2330. From whom?—From an ordinary offender if it was a bad case.

2331. You take a deposit of the money?—Yes.

2332. Is that allowed?—Yes. We cannot keep it more than 12 months. At the end of 12 months if the conduct warrants it the money is returned.

2333. You find that this lien of £2 over a man had a good effect?—I have found it so.

2334. You can either use that power instead of the ordinary sentence or in addition to the ordinary sentence?—That is so.

2335. Do the other magistrates have recourse to that also?—I think so, but I cannot say to what extent.

2336. Among other suggestions sent into the Royal Burghs Convention I see it says that a few advocated long terms of imprisonment?—Yes. The number doing so was very small.

2337. You say one advocated whipping?—Yes.

2338. That was for habitual offenders?—Yes.

2339. Did you make any inquiry into the effect of whipping upon juvenile offenders?—The inquiry in regard to juvenile offences was under the general care of ex-Provost Clark of Paisley.

2340. You have not got a copy of that?—No. It was a distinct thing.

2341. Do you happen to remember whether there were any suggestions as to whipping?—I know that many people have great faith in the whip. Personally I have never sentenced anyone to be whipped. I have been sorely tempted to do it sometimes, especially with incorrigible boys. I saw that last week Sheriff Rutherford sentenced a boy to six stripes.

2342. Do they often come back after being birched?—I had a case before me about a month ago where a boy who had been sentenced to six stripes reappeared in Court about a month after. It was referred to in Court as a very unusual case for a boy who had been sentenced to whipping to appear. Whipping seemed to be regarded as a deterrent.

2343. Is six stripes the usual allowance?—Yes; I think that is the outside number given to boys.

2344. (*By Dr. Farquharson.*) That is with a birch-rod?—Yes.

2345. I suppose the phrase 'birch-rod' is a conventional one?—Oh no, it is prescribed. It must be made of a certain number of twigs.

2346. (*By the Chairman.*) I see you say further—that the 'great majority of persons' to whom you addressed yourselves are agreed that the present system of short sentences is mischievous; that accumulative sentences are right, and that Reformatories if properly managed would be productive of much benefit?—There was a wonderful consensus of opinion on all these three points. I don't quite follow the second one myself, I have rather altered my views in regard to the accumulative sentences.

2347. What do you mean by the phrase 'Reformatories if properly managed would be attended with 'much benefit.' Do you refer to existing Reformatories?—Not at all.

2348. You mean Reformatories that might be established?—Certainly. There is no reflection at all implied on existing Reformatories, because in many respects some of them are models alike in respect to careful superintendence and successful work.

2349. You don't refer to them?—No.

2350. In your *precis* you say—'Recent experience in the Police Court has convinced me that there is no diminution in the number of habitual offenders?—I have been strongely impressed with that. There is rather an increase than a decrease. Since I left the Court at the end of October, I have had prepared an analysis of the charge sheets on two Police Court days, during the months of August and October. That return strikingly reveals the elements of habitual offence, with which the magistrates have to deal. The experience there set forth is a very common one.

2351. You have only one Police Court in Edinburgh?—One Police Court; but we have also the Burgh Court. In the Police Court we can only convict twice for theft, and twice for assault. Everything beyond that passes to the Burgh Court.

2352. Do these convictions take into account convictions in other Courts?—No, they refer to the number of convictions in the same Court.

2353. Here is a person convicted 99 times—that would be in all the Courts of Scotland?—No, in the Edinburgh Court, 99 is not what I should call a very large number. I am sorry to say that we have people brought before us, who have been convicted 300 or 400 times. As we go on, you will constantly meet with the same thing on the same day. One is perplexed to know really what to do with them.

2354. If a person in Edinburgh pleads guilty to a charge of being drunk, are previous convictions brought forward as an aggravation?—Not in the same formal way as it would be if the case went to proof.

2355. As there is only one Court in Edinburgh, I suppose the bailies sitting there know who have been previously convicted?—We know them all by head mark pretty well. When a man is brought up incapable, it is useless for him to plead not guilty. In the first place if he did, he has to remain in the cells till next day, and give us an opportunity of getting witnesses, and to give himself an opportunity of bringing witnesses.

2356. If he pleads not guilty on Saturday, has he to remain in the cells until Monday morning?—Yes, that is so.

2357. What is the usual sentence for drunk and incapables?—That depends on who is on the bench; and it depends on the view taken of the offence, and whether or not it has been aggravated by repetition.

2358. But the punishment cannot be increased?—We have a discretion from 1 day to 60 days.

2359. We were informed yesterday that when certain magistrates were not on the bench, a certain class of offenders invariably pleaded not guilty in order to be remanded till the next day, when there was a chance of a more lenient magistrate. Do you know anything of that?—I don't think that is the case as regards drunk and incapables. It is rather with those who loiter and importune. I remember one day, it was the 31st of the month, and I had two persons before me for loitering and importuning. Both looked up full of life and spirit, and said, 'Not guilty, your honour,' and went away with a smile. It so happened that I had a letter that night from Sheriff Rutherford, who should have been on the bench next day, asking if I would continue for a day longer. I did so. When these two persons saw me again on the bench, they at once said 'Guilty, your honour,' and the sentence was seven days.

2360. Your severity consisted in giving them seven days?—Generally without the option of a fine.

2361. What is the option?—It would be 10s.

2362. If your severity consisted in seven days, what leniency did they expect by pleading not guilty, and getting the case continued for a day?—Five shillings or 24 hours. One or two do hold the view that that is the way to deal with it. Probably you will hear of

it before you leave. There may be something in it, that an offence is nothing but an offence, whether it is committed for the first time or the 100th time.

2363. Under the Act passed by Lord Kingsburgh, it is provided that in cases against the ordinary common law of Scotland, no evidence or previous convictions can be brought in until the jury has returned a verdict, the mind of the jury must not be influenced by the fact of previous convictions. We have been informed that in Glasgow it has been considered improper to bring forward evidence of previous convictions, although there are many magistrates and many Courts the chance of recognising former offenders is not so great as in a city with only one Court. We were however informed by a witness yesterday that in Edinburgh, evidence of previous convictions in cases where the prisoners had pleaded not guilty, was, as a matter of course, brought forward in proof before the verdict had been pronounced, is that so?—I think Lord Kingsburgh's Act referred to the higher Courts.

2364. I ask as a matter of fact whether it is the case that such evidence is led at the point I have mentioned. I have no doubt the procedure is represented by the Police Act. Under the Police Act is it the fact that evidence of previous convictions in the Edinburgh Police Court is brought forward as a matter of proof?—Undoubtedly it is always in cases of trial and especially in cases in the Burgh Court where the bailies can act as sheriff deputes.

2365. Then in both Courts you have this exceptional provision?—In the case of theft or assault chiefly we would have sworn evidence that the person had been convicted of certain offences or certain crimes previously.

2366. And for drunkenness?—Not so much. It is very seldom done in drunken cases unless there has been assault connected with them.

2367. Then you think that the results of the administration of the law as it stands as regards habitual offences is a failure. You put it pretty strongly. 'Magi-'strates cease to be a terror; respect for law vanishes; 'punishment often becomes an attraction rather than a 'fear; reformation is not effected, and the police work, 'outside the Court and within it, is increased and rendered 'more difficult'?—I say these things specially with reference to habitual offenders. It is quite clear that so far as our action in the Court is concerned we are doing nothing to check them, and others are not deterred by it.

2368. Then we come to the question 'how may habitual offenders be reclaimed to sobriety, obedience, and self-respect.' Let us have your opinion on that?—I attach very great importance to the first part of that. It does seem to me that we require very carefully to consider whether or not we cannot do something to prevent the man who has taken to offending becoming an habitual offender. Prevention is better than cure.

2369. Well, of course, we have heard that before, but what do you suggest?—It is extremely difficult to know what is the best thing. Here I may say that it does seem to me that the adoption of a system of accumulative sentences would rather lead us on, and would lead the offender on, by a sort of sliding process, to push the offender into the habitual offender class.

2370. I see you make some suggestions for prevention. I will read them over, and then we can take them up one by one. (1) Some means of branding drunkenness as a disgrace. (2) Sharp sentences in an early stage of offending. (3) Witholding temporarily the rights and privileges of citizenship. (4) Heavy recognisances. Let us have the first?—In regard to the first I remember once talking to Lord Kingsburgh in reference to the question of cumulative sentences, and he very strongly asserted the opinion that severity to be preventative should come at an early stage.

2371. Then you say there should be some means for branding drunkenness as a disgrace. Have you any practical means to do that?—I have thought of a great many; but I confess it is extremely difficult to fix upon any one that would satisfy myself. I believe that in Australia they go so far as to compel the wearing of a badge. I don't think public opinion here would support that. I do not know whether public opinion would support the wearing of a red ribbon.—(*Dr. Farquharson.*—Some people do wear a blue ribbon, but that is a sign of virtue.)

2372. (*By the Chairman.*) You suggest sharp sentences at an early stage of offending?—What do you consider an early stage?

2373. I think that after the 8th or the 10th time, then would be the time for severity.

2374. You would go on till the 8th or 10th time?—Yes. That is very different from the 100th time.

2375. I simply wanted to know your idea?—I would say any time from the 5th to the 10th would become an early stage in offending.

2376. What would you give for drunkenness at the 8th or 10th time?—I should give 30 days.

2377. And what for a first offence?—I always admonish for a first offence. At the same time I frequently felt when looking at the persons so charged that they had been up before in some other Court.

2378. Then at the 8th or 10th time you would give them a severe sentence?—I would be guided by circumstances.

2379. But you think it should be 30 or 60 days?—I think 30 days; but you must exercise discretion.

2380. Here is the provision existing in the Burgh Police Scotland Act, 1892 (from which Edinburgh is exempted), Section 382. 'It may be charged as an 'aggravation when the accused person has within the '12 previous months been three times previously con-'victed of that offence.'—Yes, I know the Act, I had a great deal to do with it.

2381. Is that sufficient or insufficient?—Well, I hardly would like to say.

2382. You have much greater power under your own Police Act?—Yes; we can give up to 60 days.

2383. But under the General Act he gets 14 days, which in many places he would get without any aggravation?—In looking at the law I think there is a weakness in it, because I might be dealing with a person convicted three times in 12 months, and who, over a number of years, may have been convicted 100 times.

2384. Then you say you would withhold temporarily the rights and privileges of citizenship?—I do not know how far that would be tolerated.

2385. I suppose a good number of the habitual clients of the Police Court have got no very valuable rights of citizenship?—Many of them have the right of voting, and that is a very valuable responsibility. I do not see how a person who is an habitual drunkard is capable of exercising that right properly.

2386. Is there any disability attaching to petty offences?—No, I think not.

2387. Has a convict any rights?—I should not think so.—(*Dr. Farquharson.*—But when he comes out he can resume them.)

2388. (*By the Chairman.*) You mention also heavy recognisances. Do you think £2 is sufficient?—No, I do not think it is.

2389. To what extent would you like power?—Something like £5 or £10 in certain cases. You must exercise discretion.

2390. Do you think it would be possible to get sureties of that amount for cases of habitual drunkards or petty offenders?—It is astonishing how these people manage to get help.

2391. But would not these people who helped be likely to be left in the lurch?—I think they would unless there was sufficient power in the large sum to deter.

2392. Suppose a brother or sister-in-law were bound in a security of £3 or £4 for the good behaviour of the husband of one of them. Do you think his interest in their welfare and his sense of honour would make him consider their interests, and make him forbear from taking any step that might tend to the forfeit of the money?—I think a certain percentage of them might; and I think those who became security would take

John Walcot. 21 Nov. 1894.

special means to endeavour to prevent a repetition of the offence.

2393. Now we come to proposals as to Reformatory Institutions. What is it exactly you propose?—My idea first of all is, that any institution to be effective must really be under Government control.

2394. To this Reformatory would you relegate habitual petty offenders, drunkards, prostitutes, and all other classes; or would you treat separately drunkards in one institution, and other habitual petty offenders in another?—Of course there must be distinction between male and female to begin with. I think there would be considerable advantage if you could separate cases. But I think separation would be an extremely difficult process. One sees this that in drunkenness idiosynerasies of character come out. You may have a person up a great number of times for drunkenness who has been also a great number of times up for loitering and importuning. A woman named Jane Lovey or Kirk, who had been before the Police Court nearly 500 times, was for something like two years entered in the police books for loitering and importuning. Then the charge became 'D. and I.' drunk and incapable, or drunk and committing a breach of the peace. That came about mainly in this way—that after she was almost compelled to give up her evil courses on the streets she fell into habits of drunkenness, and so continually came up for that. I think Miss Stevenson knows the case of this woman. I feel extremely the difficulty of separating the cases.

2395. Where does Jane Lovey reside when she is out of prison—in the poorhouse?—She is in the North of Scotland now.

2396. How did you get rid of her?—She went to Aberdeen. But I have not heard of her for some time.

2397. What did you tell us about her?—Well, I had the woman before me many times, and I gave her 10, 14, 30, and 60 days, but all to no purpose. At last I thought I would like to make an experiment with one of the worst cases in the Court. One gentleman who saw about it in the papers sent me £10; another whose name I do not know sent me £5, and with that I got to work. I gave her a sentence first of 14 days, and made arrangements that when she came out she was to go into the poorhouse in order to give me time to get a place for her in the North of Scotland.

2398. You sent her first to prison for 14 days?—Yes. When she came out, I had great difficulty in getting her to go to the poorhouse. It was only on showing the poorhouse authorities that porridge for her was injurious, and that tea was necessary, that she went. I found that this poor creature had all the strong feelings of motherhood in her. The first night she went there a poor woman came in drenched to the skin with a sickly half-fed child, and Jane Lovey took care of that child with all the tenderness and care that any mother could exercise. I took care that the place selected at Old Deer for her to go to, should be a croft house where there was a child, and she went and took charge of the child. She wrote every week to my daughter and all went well for six months. But it came on towards the end of the year, and the thought of Hogmanay seemed to have been too much for her. I had no power to retain her. I am perfectly sure that if I had had power to retain her Jane Lovey would have been reclaimed. Some people were foolish enough to give her 2s. 6d., and she ran about six miles till she could get drink. Next day she got to Aberdeen and began her acquaintance with the police.

2399. Have you heard of her since?—No, nothing for the last four or five months. The superintendent of police in Aberdeen was extremely kind and took charge of her. I gave him *carte blanche*, and he watched over her with all care.

2400. That is an experiment which is creditable to you but it is not one that could be undertaken by the State. The Chancellor of the Exchequer will not give *carte blanche* for such cases?—Oh no, I know that! I say all this to bring out what I think is an absolute necessity if we are to do any good—and that is power to retain.

2401. Most of the members of the Committee have shared the feeling of surprise that I have experienced, at the readiness with which women, who have been drunken and bad characters, remain voluntarily for very long periods in Retreats where there is no person to legally keep them. You did not think of sending Jane Lovey into one of these places?—I had that before me. She was too bad to go there. The class of women in such Retreats would not have allowed her to come amongst them.

2402. Your ideas about Reformatories are that they should be under Government control; that Reformation should be their avowed and deliberate aim; that every inmate and every official should be made to understand this, and every arrangement made, should have regard to it; that the power of retaining till this result was gained must be possessed; that authority and discipline should be imbued with the spirit of kindness and sympathy, the religious influence should also be employed, and that the character and administrative power of the governor should be worthy of full confidence?—Yes, I feel that if anything really is to be done with these people there must be strict attention paid to their physical health. It is no good to send them to mere houses in the country, where, perhaps, the sanitation is not good, and where there is hardly power to exercise that constant cleanliness and discipline that is needed.

2403. You mention that they should be Government Institutions—under Government control—what is your idea of the ways and means of their support?—I think it would almost be economy to employ money to maintain such Reformatories.

2404. Is it your idea that the municipalities should also assist in the support of these Reformatories?—I think there could be no harm in the municipalities being requested or required to give assistance to defray a certain proportion of the expenses of the place. There is no compulsion at present to give to Reformatories. I think we give £75 a year to the Wellington Reformatory.

2405. How is Edinburgh situated in regard to institutions of that kind. Have you anything analagous to the Juvenile Delinquency Act.—(*Miss Stevenson.*—The School Board now have the power to contribute to Industrial Schools under the Day Industrial Schools Act, 1893.)

2406. (*By the Chairman.*) There is no provision for the levying of a rate for the purpose of sustaining a Reformatory?—No, it must come out of the common good or the police rates.

2407. (*By Sir Colin Scott Moncrieff.*) Have you power to give out of the rates for such a purpose?—I think not.

2408. (*By the Chairman.*) What do you do with juvenile delinquents?—They are sent to Industrial Schools if they are eligible. If they are incorrigible boys we send them to the 'Mars.' We think that the discipline of the 'Mars' is likely to reform them quicker than the discipline of the school. I believe the report of the 'Mars' is to the effect that the discipline is extremely useful in reforming a boy, and I can quite conceive it must be because the discipline is sufficiently strict.

2409. What about the girls?—We do send them to Industrial Schools and Reformatories.

2410. Have you many Institutions of the kind?—We have a number for lost women. We have one to which we can send women at an early stage. Our great difficulty is to induce girls to go to them. I am sorry to say there is nothing more difficult than to induce these girls to go to a Reformatory. They say 'send me anywhere but to a Home.' I have made it part of my duty as a magistrate, very frequently to go to the cells after Court was over, and see with the assistance of a lady who came to Court, to see if it was possible to do something for these poor girls by getting them into Homes—where they would be cared for. But I think if this movement is to be effective it will have to be under the control of Government.

2411. We were told yesterday that the number of

juvenile delinquents in Edinburgh had increased very extraordinarily?—That is my experience. What to do with the boys I do not know.

2412. Do you believe it has increased?—Yes, both in cases of boys and girls. The girls have been mostly the girls who have sold papers about the street.

2413. Can you give any reasons for this increase?—I cannot. I don't know how to account for it. I have written some schoolmasters about it, privately drawing their attention to it, and asking whether they were exercising the influence they should. Many of the boys that came before me were School Board boys.

2414. You have friends in other towns; have you ever talked the matter over with them, and seen whether the experience coincided with your own in regard to this increase of juvenile deliuquencey?—I do not know that I have. The gentleman whom I correspond with most is Sheriff Fraser, Hull.

2415. (*By Sir Colin Scott Moncrieff.*) The girls, you say, dislike these Reformatories; what is the reason?—I should think it must be the restraint there.

2416. Yesterday we had some evidence to the effect that the work given to the women in these places was not very suitable to them considering the previous training of some of them. Do you think there is much in that? Of course to set a woman who has never done an honest or hard day's work in her life to wash clothes from morning to night cannot be very agreeable to her?—I have heard complaints of that kind, but I don't think there is very much in them. I think the work is distributed partly in the house and partly in the laundry.

2417. Do you think there is much reason in the dislike we heard of in that?—I do not think there is sufficient reason, if the girl herself is anxious to be restored.

2418. In many cases you sentence them to Reformatories?—We cannot sentence them to Reformatories. We give them that as an option.

2419. Is there nothing corresponding to boys' Reformatories for girls?—I think there is one or two in Glasgow.

2420. To which you can legally sentence girls for misdemeanour?—These are regular Government places.

2421. (*By Dr. Farquharson, M.P.*) What number of convictions do you think it necessary a person to have before being classed as an habitual drunkard?—I should be guided very much by the knowledge how near to each other these convictions were to each other rather than by a number of convictions running over several years. I should say that a man who had an occasional outbreak could scarcely be classified as an habitual drunkard. You must take that into account. But if in the course of a few months you find the same man breaking out again and again, notwithstanding repeated sentences, I say that is a man who is really on the highway to habitual drunkenness.

2422. Have you directed your attention to the class of men who are drinking quietly at home and yet are dangerous to society?—I have not. Fortunately I do not know many of that class.

2423. I mean working men?—I know there are a great many such, but my attention has not been drawn so much to those outside the Police Courts as to those who come inside them.

2424. Can you suggest any machinery for getting at them?—I think it would be an extremely difficult thing, and I should be almost afraid to suggest anything.

2425. What machinery would you suggest for the detention of the habitual drunkard? Would you place the responsibility on a medical man the same as in a lunacy inquiry, or would you put it on the sheriff?—I think I should be disposed to use every precaution, and that being so, I should like the inquiry to be medical as well as legal. There should be every precaution used before declaring a man an habitual drunkard, before sending him into confinement, just as there is before sending a man to an asylum.

2426. Would the legal part be a matter of routine, or appeal?—Well, if we go to the sheriff we must be prepared to give every facility to both sexes, if necessary to lead evidence, so that the sheriff may be convinced that the thing is right.

2427. Do you not think that doctors would be annoyed at this additional responsibility being placed upon them?—I do not think they would if you paid them for it.

2428. (*By the Chairman.*) Don't you think it necessary before committing a person as an habitual drunkard that careful investigation should be made, and that proof should be taken as to his actual condition?—I think very careful attention should be exercised. I should not like the responsibility as a magistrate to sentence a man on my own account. There should be others consulted on such a matter.

2429. (*By Professor Dove Wilson.*) You said something about the sheriff requiring a good deal of evidence—do you suggest a sheriff requires more evidence than another magistrate?—Not at all. I spoke of the sheriff as of a man trained to judge of evidence. It would hardly do to find a man an habitual drunkard on the *ipse dixit* of any one.

2430. You think there should be a regular process of inquiry?—I think that would be proper.

2431. (*By Dr. Farquharson.*) Do you think a medical man should support the judicial process?—I think the magistrate should have every support.

2432. Just as in the recent Lunacy legislation?—Yes.

2433. You prefer that the Reformatory of the future should be entirely under Government control?—That is my own impression.

2434. And the expenses borne entirely by Government?—I think it would be better if it were done in that way.

2435. You said you thought it would be a matter of economy; is that because you think those detained would earn their own living, or because of the indirect advantages?—Both. There would be a great saving at any rate in the Police Court.

2436. Do you think arguments of that kind would have influence with the Chancellor of the Exchequer?—I am afraid not. But I have never tried to influence his mind.

2437. (*By Col. M'Hardy.*) One of your suggestions was the intervention of what you called a sharp sentence at a particular stage of a man's career, and you suggested at least 30 days?—I suggested that.

2438. We have just seen from the Burgh Police Act that the maximum sentence is 14 days for habituals without fine?—That is the Police Act for Scotland, but the Edinburgh Act allows 60 days.

2439. But the Burgh Police Act is of course the latest opinion of Parliament upon the subject that we have got?—Yes. No doubt.

2440. And you are aware, I suppose, that that point was discussed at some length in the House of Commons?—I do.

2441. And that a longer period than 14 days was at first inserted in the Bill?—I think so.

2442. And that after a considerable debate it was reduced to 14 days?—It was.

2443. In the face of that do you think the Government would likely approve of any measure which would suggest a minimum sharp sentence of 30 days?—Unless you could convince the Government that a sharp sentence would be useful.

2444. But at any rate the most recent opinion of the House of Commons is that 14 days is the maximum?—Of course that Bill was pushed through Parliament. I happen to know a good deal about that.

2445. Do you think that in treating habitual offenders that different systems might be adopted in regard to different individuals?—I think so.

2446. Or would you have a cast iron system?—It would be advisable to adopt different systems, it might be for the same individual at different stages.

2447. With some people a very slight restraint might suffice?—Yes.

2448. You suggest in that paper that the security of a friend might suffice in some instances?—I have

John Walrot. 21 Nov. 1894.

thought so. I have found in my own experience that it exercised a good influence.

2449. Do you think the principle or guardianship might work—where a relative or friend came forward and undertook guardianship without a money security. That would indicate that the person meant to take a special interest in the case of the offender. Do you think that would answer?—I think it would be much less effective without a security. We always insist upon that if possible. In the case of young children the guardian appears, and we enjoin upon them the oversight of the child, and get a pledge that they will undertake it.

2450. Do you think there might be a system in some cases of handing over a person to the guardianship of a relation or friend?—I should almost have more faith in the guardianship of a friend if he would undertake it. It would be rather difficult work.

2451. When you said you would prefer a Government establishment for the treatment of habitual offenders would you propose to eliminate the work of existing benevolent societies?—No; I would rather see them increased than lessened.

2452. Do you propose then to retain Homes and similar institutions now devoted to the reformation of certain classes of habitual offenders?—I would not interfere in any way with the action of these societies.

2453. You would develop them?—In so far as their physical influence was concerned. Certainly.

2454. These institutions would, I suppose, necessarily be under inspection?—Do you mean Government Reformatories?

2455. No! I am talking of institutions now existing such as Homes and Magdalene Asylums?—They would be under local control.

2456. You would not propose abolishing their present constitution and make them Government establishments?—I can hardly venture on a suggestion as to that. I think there is plenty of room for both.

2457. Would you not propose at least to develope them—those that are working satisfactorily at present. Would it not be a good thing to utilise that engine we already possess, and to develope it further?—I have not considered that question. It is rather a new phrase of the movement to me.

2458. If these institutions continue to exist—which I understand you think right—for habitual offenders, would you suppose it right that the Imperial funds should be taxed for their support, or would they be partially supported by either the funds of the Corporation or other local rates?—I should say that if the Government sends any one there, or any one under Government, then they ought to contribute something to their maintenance, just as we do at present to the Wellington Reformatory.

2459. You think that the Government should subscribe to some extent?—To some extent.

2460. But you would not be in favour of those places being maintained entirely out of the Imperial revenue?—I have not considered that question. I could conceive it possible that some of those places might be utilised by Government, and that those at present in charge of them might be called upon to hand them over, if they were assured that the principle of working them was likely to be more successful than the other.

2461. You would intend, I suppose, to carry out the reformation of those habitual offenders by some more or less personal contact with each individual, so that the personality of each individual dealt with, might as far as possible be maintained?—I think so.

2462. And you would, I presume, consider that some local benevolent people would be the better means for effecting that purpose, than a simple Government official?—I think it would be much more likely to secure a larger amount of that kindness and sympathy that would be necessary in the working of the system.

2463. Then in regard to the size of such institutions, do you think it would be wise to have a large establishment, or to have many small ones?—Many small ones would be much more effective for good than one large one.

John W

21 Nov.

2464. Do you think that a part of the poorhouses we have been told are vacant should be utilised for the detention of this class of people?—It might be, but I think the combination would not be a pleasant one, and if you could start something in the nature of a sanitorium, that would be rather attractive than otherwise.

2465. In your opinion, would it be improper at any rate to mix these habitual offenders, if treated in a vacant part of a poorhouse, with the old deserving poor?—There could be no objections to that at all—to let them associate. I do not know how far it would be absolutely necessary to keep them separate.

2466. What length of time have you thought it would be desirable to detain an habitual offender in these Retreats?—I do not think that less than 12 month would be of any use. In such a Home as the Dalrymple House, I think experience shows that a long period is necessary for successful treatment. In three or four months, when they go away, they get no good whatever. In many cases one year would not be enough.

2467. (*By Professor Dove Wilson.*) Am I right in understanding that under the Edinburgh Police Act for a first offence of drunk and incapable, you can give 60 days' imprisonment?—I think you might do it. But a man would be very rash to do it.

2468. But is it competent under the Act?—The Act is perfectly clear—from one day to 60.

2469. In the Burgh Police Court?—Yes.

2470. Is there the option of a fine?—I should say in every case, but not necessarily. There are cases in which you may sentence without a fine.

2471. Might you sentence a man, who, for the first time, came up as a drunk and incapable, without a fine?—So far as the letter of the law is concerned you might.

2472. I want to know the letter of the law?—Of course a first case generally gets off with an admonition.

2473. Is the offence under your Act the same as under the general Act, viz., being drunk and incapable, and not under the care of some suitable person?—Our Burgh Court would not take cognisance of such cases as that. They could never come there.

2474. They would not go there?—No! only before the Police Court. We deal with drunken cabmen in charge of cabs, in the Burgh Court.

2475. When a person pleaded guilty in the Police Court of being drunk and incapable what means have you of knowing whether it is the first, or the seventh, or eighth offence?—Only the statement of the prosecutor.

2476. Now, do you really think that a sentence of 30 or 60 days' imprisonment is really of any use in the way of preventing a man, so inclined, from becoming an habitual drunkard?—Well, if that does not, I don't know anything that would. The only thing I can think of is severity exercised at an early stage.

2477. You have ample powers of severity apparently—have you ever tried them?—I never did at so early a stage as that. The reason perhaps for not doing so is to be found in this Commission. An habitual drunkard comes up for the fourth or fifth time, and you give him 30 days. The next case may be that of a thief, and you give him 7 days. Then you have a man who is a criminal, who has appropriated what does not belong to him, and you give him a smaller sentence than you gave to the other offender who has merely got drunk. I have always felt there would be an incongruity in that.

2478. Have you ever known a case where a severe sentence to an habitual drunkard has done any good?—Never! 60 days is absolutely useless, and that is perhaps the reason why magistrates do not adopt it.

2479. Do you find any connection between drunkenness and petty offences?—They are extremely common. It is one of the commonest excuses for a man to say that if he had been sober he would not have done so and so.

2480. Supposing some special legislation was made for dealing with habitual offenders would you propose to put the carrying of it out into the hands of the sheriffs or the magistrates?—As the sheriffs are so intimately connected with the work of the Police Court, because they take half the work, and we take the other half, I think it would be well if they were conjoined. I think the sheriffs would welcome the presence of the magistrates as I am sure the magistrates would welcome the presence of the sheriffs.

2481. But in many Police Courts the sheriffs do not intervene at all—would you in those cases give the magistrates power?—I prefer, for the sake of the guarantee that the thing would be carefully considered, that it should be in the hands of the sheriff in addition.

2482. (*By Miss Stevenson.*) You stated that in your experience you have found that there is an increase in juvenile delinquency?—Yes.

2483. We had a statement made to us yesterday that since the passing of the Education Acts it had increased 200 per cent. Can you give us any idea of the nature of the offences for which children have been brought before the Police Court which has led to this increase?—Well, there are a good many cases of malicious mischief. One boy encourages another to do mischief, and a number get taken up for the same offence. Eight or ten boys were recently before me for damaging a tumble-down building, they were all respectable boys. Another frequent case is that of boys when they are out together in the outskirts of the town, destroying crops recklessly, and walking through fields. Sometimes they are brought up for teasing dogs or other domestic animals.

2484. (*By the Chairman.*) On what charge are they brought up?—Malicious mischief.

2485. (*By Professor Dove Wilson.*) Do you ever try in those cases to make them find security?—Yes. Invariably for the first offence.

2486. Does that stop it?—It does to a large extent.

2487. (*By Miss Stevenson.*) Is it not possible that under recent police legislation there may have been things created offences which previously were not offences?—I should think so.

2488. And that may be one cause of the apparent increase in the number of mischievous children?—I should think so.

2489. A statement was made yesterday that it was since the passing of the Education Acts that this increase had taken place. Is it within your knowledge that the parents of most of the boys who are brought before the Police Court for these petty offences have at one time or another been brought up before the School Board, for neglecting the education of their children, and in some cases sent before the sheriff to be dealt with under the Education Acts?—I know there are a good many of the parents of that class; but there are many others above suspicion whose children have been before the Police Court. Most respectable people who were distressed that their boys should have behaved in such a way. When we put such under caution I think we have accomplished a great deal of good.

2490. May it not be due to the neglect of parents as much as to the education in the public schools?—I should be disposed to say a great deal more.

2491. You say the number of juvenile delinquents has increased. Have you the same increase in regard to girls as in regard to boys?—I think not. So far as my experience has gone the increase is mainly among boys.

2492. Is it not a fact within your knowledge that in Dalry Reformatory for girls the number of commitments has decreased, and that it is often not half full?—That is quite true.

2493. (*By Dr. Sutherland.*) Why don't you apply the birch or tawse to juvenile offenders?—I was brought up with a prejudice against the birch, and I still entertain it.

2494. What do you do in the case of juvenile offenders if you have such a dislike to the tawse?—I try what caution will do. If it is a first offence I sometimes put the boys under caution to the extent of £2.

2495. And if they cannot find the money do you send them to prison?—For a second offence probably I should sentence them to two or three days in the cells. I try the cells before sending them to prison.

2496. Do you really think that three days in the police cells, which to a child of tender years have very much the same stigma attaching to them as to a prison, is not a more serious punishment to a child than six strokes of the tawse?—I would not say that.

2497. It simply is a peculiarity of your own that you do not like the rod of connection?—It is a peculiarity I confess—a prejudice I have often been tempted to set aside.

2498. In answer to Col. M'Hardy you said you were in favour of classifying habitual offenders. You are probably aware of the classification carried out in Elmira, U. S. Would you have any objections to classify those habitual offenders by an educational, moral, and physical test?—I think not; I think America might teach us many lessons.

2499. That classification is one of which you would approve?—Yes.

2500. In answer to Col. M'Hardy you also said that there would be no objection to herding habitual offenders with the honest respectable poor in poorhouses—did you give that answer under the impression that there are in poorhouses portions which might be solely set apart for those habitual offenders?—Perhaps I hardly made my answer clear. So far as the poor are concerned, I think objection might be raised by them, and one might sympathise with it. I took the question rather to refer to the habituals themselves, and I said there would be no objections to them associating with the poor.

2500A. (*Col. M'Hardy.*) I was thinking of the other side as well. Witness.—I can quite suppose the poor would object to it.

2501. (*By Dr. Sutherland.*) Do you know that habitual drunkards as a rule are notoriously untruthful?—I know that well.

2502. You would not think of associating such people with the respectable honest poor?—Well, I do not know, we might associate them and use all the influence we can for their good. I should not feel it a disgrace to associate with a habitual if I could do him good.

2503. But those old and infirm poor people could not do them much good?—I think it is a questionable arrangement. I should prefer it did not exist.

2504. Suppose you had plenty of empty poorhouses without any honest poor in them—would you not be willing to utilise these for the classification of habitual offenders as far as possible?—I should utilise any place that could be made available, either a prison or a poorhouse, and give a new name to it.

2505. Have you any idea of the class of habitual offenders who go to those private Homes or Retreats in our large cities—are they the worst or the best specimens of their class?—Well, I have known some very bad specimens go, both men and women.

2506. Does the *quasi* criminal offender go to such institutions as Queensberry House?—As a rule it is the better class that go.

2507. Then for the worst class you would have institutions under Government control?—Yes.

2508. That would imply a severer form of discipline than they would have in private Retreats which the more respectable enter?—In certain cases they would have the power to retain them.

2509. You spoke of constituting a person an habitual drunkard after the eighth or tenth offence—over what period would these convictions extend?—I would never think of doing so unless the person had been convicted six or seven times in one year.

2510. Is there anything you can suggest as a protection to the working man and others who occasionally forget themselves, being put away, as it were, under a very strict rule like this? It might be quite right to apply it to the wastrels of society, but how are you to protect the casual, who occasionally indulges in a bout

John Wales. 21 Nov. 1894.

of drinking?—No; I do not know that I could suggest any line of distinction.

2511. You would not remove from society for 12 months a man who maintained a home, and a wife and family, because he got occasionally drunk, in the same way as you would deal with a wastrel and idler who had no home?—I think every case would have to be judged on its own merits. If a working man falls under the Police Acts it becomes a question whether he is fit to carry on his work.

2512. In the Police Court, as at present constituted, it is said that the magistrates would have no time to conduct such inquiries as would be necessary to declare a person an habitual drunkard?—I think any magistrate interested in his work would make time.

2513. We have been told by several magistrates that, as a matter of fact, they would not have time to make the necessary inquiries, which would involve medical, as well as police and other evidence?—I only speak for myself, and I say that I should make it a matter of conscience to find time.

John Wales. 21 Nov. 1894.

2514. Is there any reason why two police magistrates or two police judges should not sit themselves, and consider the case of each individual quite as well as the sheriff?—There is no special reason, except that I think having the sheriff would give additional security, and probably give more confidence to the public in the decision come to.

2514A. Did I understand you to say to Professor Dove Wilson that you would associate the sheriff with the police magistrate?—Yes. [Witness then withdrew.]

John Gulland.

BAILIE JOHN GULLAND, one of the Magistrates of Edinburgh, was called in and examined.

John Gulland.

2515. (*By the Chairman.*) How long have you been a magistrate?—Three years.

2516. You have had considerable experience in dealing with habitual offenders?—Yes.

2517. There is a good deal in the *precis* you have prepared of your evidence that has been pretty well threshed out before the Committee already, and I will not take you right through it. I will only deal with new points. I see you think that women are the principal habitual offenders?—Under your first head that has been my experience.

2518. That is habitual petty offenders?—Simply for being drunk and incapable, and drunk and disorderly.

2519. You think 'there is no plan more likely to 'produce good results than detention for a prolonged 'period in a place where they can be fully employed in 'some useful work, and, at the same time, be made to 'feel that some one is thinking kindly of them, and 'trying to help them out of the slough into which they 'have fallen'?—That is my view.

2520. You suggest a period of detention from six months to two years?—Yes.

2521. And you think that in these cases the ministrations of good women should be brought in to assist in the institutions?—Yes.

2522. You think that a mechanical severe routine would not do any good?—I advocate that if possible, any Reformatories to be established should not be under a Government Department, but should be under some local authority.

2523. Do you think that the up-keep of such establishments should be left to local taxes?—I am afraid that would not be fair, because my own impression is that this system of Reformatories would really tend to reduce the expense of prisons.

2524. In reference to breaches of the peace, you mention a case where a family was put in mortal terror from time to time by a son the moment he was let loose from prison?—Yes, I have taken a personal interest in the case, for I know the father. He was a baker; a most respectable man but now too old for work. The son gets drunk, goes to his father's house and threatens him, commits a breach of the peace, is sent to prison, and when he comes out the same thing is repeated.

2525. You are inclined to suggest that after a second offence of this nature—a son beating a father, or a husband beating a wife, the person should be dealt with as an habitual offender? I think you refer to some cases of wife assault?—The difficulty I have always had on the bench, both in the Police Court and in the Burgh Court, is to get wives to give evidence against their husbands.

2526. That is a universal experience. You suggest that when a husband is convicted for habitual wife beating, and sent to prison, the proceeds of his labour in prison should go to parochial authorities for the support of his wife and children if he has any. Do you think the husband's work in prison would bring very much money?—It would always bring something.

2527. As to prostitution. You think that in cases of young girls just slipping into vice, a police magistrate can do a little to warn and deter; but that when women have contracted a liking for this degraded vice it seems hopeless to deal with them?—I think so.

2528. You say something about vagrants and beggars, and you speak of the night asylum, but we shall get evidence direct about that institution?—I am very strong in the subject of able-bodied beggars, they are a great nuisance in the city.

2529. What would you do with them?—Deal firmly and sharply with them.

2530. What do you mean by that?—Well, under our Edinburgh Police Act, we have considerable power to deal with beggars. I do not think the general law of Scotland takes hold of beggars as strongly as we do in Edinburgh. The General Police Act should be as strong as our Local Act.

2531. You can give them 60 days?—Yes.

2532. What sentences have you given in this class of cases?—I once gave the limit of 60 days. That was to a sturdy beggar who had followed a lady on the street, and had frightened her until he got money.

2533. You refer to the case of a widower with young children whose grandmother is a drunkard—what was that case?—It was the case of a man whose wife died, and left him with three little girls, one two years of age, and a little boy. The only house he could take them to was to that of their grandmother, who was a confirmed drunkard. He came to me in great distress, and fortunately we have been able to get the children into the Carse School for little girls. This is an instance of the straits to which a working man may be sometimes brought.

2534. I see you make an original suggestion that in the case of well-to-do habitual drunkards greater facility should be given to husband and wife to separate, and that the well behaved parent should get the custody of the children?—Yes. I have come across cases where such a thing would have been very desirable. Of course the trouble is to get a separation, for it is always an awkward thing to make a public exposure of private affairs. I know one case in which a lady gave way to drink where the child, a little girl, is really being ruined by the effect of the conduct of the mother. I should propose that in such cases there should be a simple means of separation between husband and wife.

2535. But there are many other sources of disagreement in families besides habitual drunkenness which would in many cases render separation desirable. Would you give them also the right to separate?—Drunkenness is on rather a different footing.

2536. You mean, I suppose, judicial separation with protection of the property against each other?—Certainly.

2537. You make that suggestion as to well-to-do habitual drunkards; do you think it would not be more necessary for *quasi* criminal cases?—It would. There is no question about that.

2538. You think that it would be practical for a magistrate in dealing with *quasi* criminal habitual drunkards for him to make a judicial separation order

as they do in England in cases of cruelty?—Something of that kind.

2539. (*By Col. M'Hardy.*) You mean that in cases like this, either party should have the power to insist upon separation?—Yes, and the well-behaved to have the care of the children.

2540. (*By the Chairman.*) Then you would be inclined to amend this proposition of yours to the effect that similar powers of separation and protection of the property to the spouses should be capable of being granted by magistrates in cases of habitual drunkards as are at present in England granted in certain cases of assault?—What is good for the rich is good for the poor.

2541. (*By Dr. Sutherland.*) Do you suggest that because in your opinion drunkenness produces more misery and domestic unhappiness in the home than any other cause?—Yes. It is worse than insanity. You can put a person in an asylum if he be insane; but you cannot do that to an habitual drunkard though his presence in a house may produce more domestic misery.

2542. (*By Col. M'Hardy.*) Supposing such a separation as you suggest between husband and wife was effected, and the man, say, in the course of a year or two, became a reformed character, what would be the position in society of that husband and wife?—They could come together again if they wished it. It is really very extraordinary how difficult it is to separate the marriage tie, even in cases where that might be thought very desirable. I have seen that often. [The witness then withdrew.]

CAPTAIN CHRISTIE, Governor of the Edinburgh Prison, called in and examined.

2543. (*By the Chairman.*) You are Governor of the Edinburgh Prison?—Yes.

2544. How long have you occupied that position?—Nineteen years.

2545. How many prisoners have you generally on your hands?—About 300 or 350.

2546. Have you any figures to give us of the number of previous convictions?—I have not except those in the commissioners' book. We do not tabulate any thing of that sort except for the commissioners.

2547. In your prison you have both male and female prisoners?—Yes.

2548. In what proportions?—The females generally number about one-fifth.

2549. In Edinburgh Prison you have not many of the class of petty offenders?—Not so many as in Glasgow.

2550. What is the minimum sentence that comes in?—One day.

2551. Where do you get them from for one day?—It is exceptional.

2552. But where do they come from?—Sometimes from Edinburgh; sometimes from Portobello and Musselburgh, and places of that sort. Sometimes we get them from Edinburgh if the police cells are crowded.

2553. Can you give us an example of a far away place from which you have got a one day case, and if you cannot charge your memory, will you fill it into your evidence?—Sometime ago a woman was sent in from Selkirk I think it was. She was sent in between two policemen in the morning, and we liberated her in the afternoon. She said 'Thank you sir, I have never 'seen Edinburgh before.' She went back in the same train with the police officials.

2554. Does that sort of case occur frequently?—Not frequently.

2555. Are there many cases of short sentence sent to you from places outside of Edinburgh?—Yes; a fair number.

2556. We have been informed that the majority of those cases of one day sentences come from Edinburgh?—We had 235 in 1893.

2557. Then you get them in from other towns?—Not so much.

2558. Where were you before you came to Edinburgh?—At Chatham, with convicts.

2559. Have you been in charge of any other prison in Scotland?—No; I have been in Edinburgh for 19 years. I was at Chatham for 3 years, and I had charge of a military prison in India.

2560. I suppose there is nothing in your Chatham experience that would lead you to suggest anything as a means of grappling with the problem we have before us—how best to deal with habitual petty offenders?—Well, of course, I have had a good deal to do with Homes of different kinds here.

2561. I am talking of your Chatham experience, for instance, there is the question of long sentences. Do you think that long sentences proved reformatory at Chatham?—Many of them.

2562. Do you think sentences here too short for reformation?—Much too short.

2563. What is your idea of increasing them?—I would be inclined to increase them, and after they had put in a certain amount of their time in prison I would send them to the country to farming or gardening work. I should insist in a labour test, and get them out of the town as the only practical means to their reformation.

2564. What hold would you have upon them in that case?—I should sentence them to so much prison and so much work at the reformatory or agricultural or horticultural school.

2565. It would be a simple reformatory whatever it was?—Yes.

2566. Is this proposal based on any experience you have had?—Well, I have corresponded regarding this matter with Lord Lothian, and he entertained it rather favourably. We used to do something of the same kind with troublesome soldiers in the Himalayahs.

2567. Tell us about that?—Well, when they came out of the military prisons, besides their ordinary duty, we gave them plots to cultivate. Everybody at the time told us that it was impossible; that they would not work, but there was not a single one who did not. They all worked their plots in addition to attending to their military duty. The system spread very widely over the country. These men grew vegetables to provide for the army. But, as I say, at the time every one said it was impossible.

2568. Did they get the vegetables they grew in their own plots?—Yes; they sold them to the commissariot.

2569. Was not that rather giving a premium to these men to let them earn money in that way, as against the others who had not been in prison?—Oh, all the men had gardens. But it worked in this way that before they were in prison the bad characters would not work their plots. After they came out they liked them. Under prison compulsion they took to gardening, and when they came out they continued it of their own accord.

2570. But in Edinburgh you cannot teach them agricultural work?—You could send them out of it.

2571. Attached to the Edinburgh Prison you would like to see some such training?—Very much.

2572. Have you had any experience of labour colonies apart from what you have mentioned?—Yes, I have recommended several people to the Salvation Army, and they are now doing well. I consider these colonies about the greatest social improvement of the age.

2573. Have they any labour colonies here?—Not here. They have got what they call a *metropole*—a sort of model lodging house. Any people I have sent to the Army have done very well.

2574. You have not had any of them back again?—That is what I like about the Army. There is no getting back from it.

2575. We have been told that there is a great increase in the number of juvenile offenders in Edinburgh. Have you noticed anything of the sort in connection with your establishment. Have you had an increase in the number of young children?—Not notice-

Captain Christie. 21 Nov. 1894.

able on the whole. It will be quoted in the statistics.

2576. Do you get many young people in?—Yes.

2577. What age do you consider young?—Nine or ten.

2578. Have you had a prisoner of the age of nine?—I think so.

2579. Can you look up that case?—I will do so. George Garland, age 9 years, living in Queen Street, Leith, convicted at Leith Police Court, 8th September 1894. Malicious mischief. One shilling or 12 hours.

2580. (*By Dr. Farquharson.*) What is the longest period of imprisonment in your prison?—Two years.

2581. Do you find the health of the prisoners improve during the period of detention?—Always.

2582. Is that due to any particular cause?—Well, of course the regular diet, work, and habits must contribute to that; but the Calton is a very healthy situation.

2583. And all abstention from drink?—Undoubtedly that also.

2584. Is it your impression that after two years' detention those who had the drink craving have lost it when they get out?—Very few of them. It is a question with many of them, when they will get their next drink.

2585. Even after two years?—I think so.

2586. You think that if you had power to draft them to some labour colony, and keep them under continuous supervision, that the drink craving might be extinquished?—Decidedly. The cultivation of the soil is in my opinion the most reformatory process. It is wonderful the interest a man takes in what grows by the work of his own hands.

2587. More reformatory than any occupation indoors?—Decidedly.

2588. Do you think most of the habitual criminal class would be physically capable of working upon the land?—Yes, a very large proportion.

2589. Do you think there is not a certain number of people like clerks accustomed to indoor work who would not readily take to this out-door occupation?—There is no particular training required. Such work is easily learned, and of course you must not expect too much from them at first. Then there would be always a certain time occupied in repairs of clothing and such like.

2590. Do you think that a colony of that kind could be made nearly self-supporting?—I think it could; and in time some of the people might be able to stock small places of their own. I would not call it a prison, but I would treat it more like an agricultural school. You see the country is suffering at the present moment from the manner in which education is imparted in this country. The agricultural labourers should be taught to be better agricultural labourers, the gardeners, to be better gardeners, the farmers to be better farmers. If that were done the country would get on much better. Now every labourer's son is trained to be a minister, and every minister's son to be a Lord of Session; and as there are not many appointments of that kind vacant, their education is in good part wasted.

2591. Do you think one advantage of these colonies would be to induce people to remain on the land instead of drifting into towns?—I am sure of that. There are plenty of people who would be willing to go there if they were well fed and cared for and were learnt something. Of course the element of compulsion must be employed. You might for example have such colonies at Inchkeith, the Isle of May, Alloa and Tullibody Islands, and other islands.

2592. Would you work your colonies by reclaiming waste lands, or would you rather have them working agricultural land?—Working agricultural land would pay best.

2593. Even under the present conditions of agriculture?—Decidedly.

2594. (*By Dr. Sutherland.*) You mean market gardening I suppose?—Yes; at Bridge of Allan and Rothesay, for example, they grow roses for Glasgow in great abundance, and I was told that they could get as much as 4d. for a bloom. Working waste land is not such a paying business.

Captain Christie. 21 Nov. 1894.

2595. (*By Dr. Farquharson.*) You are possibly thinking of Scilly Islands where they grow flowers for London?—Well, that is another case.

2596. (*By Col. M'Hardy.*) From what you have said you are clearly of opinion that the nature of the occupation given to a person has a very important bearing upon his reformation?—Decidedly.

2597. And you would consider that in any scheme for reforming habitual offenders it would be necessary to have free scope for attempting whatever might appear to be the best occupation for the purpose of reformation?—Decidedly.

2598. Without any restraint from outside trades organisations?—Exactly.

2599. You want to have a free hand?—Yes. There is no great measure of reformation in prison. I want to carry them somewhere else.

2600. Out of harms way?—Yes.

2601. What length of sentences would you suggest offenders should have—such persons as you would send to a labour colony?—For two years at the most. After the first, second, or third month in prison, if the person showed signs of reformation he might be sent to the labour colony for the rest of his term. In the case of an habitual offender who had been five or six times in prison before, the judge might sentence him in addition to his 60 days to two years' agricultural education.

2602. Two years would be your limit?—Yes.

2603. (*By Professor Dove Wilson.*) Have you any suggestions to make for the case of women?—Very much the same—the country and market gardening.

2604. How do the women brought in for importuning behave in prison?—Very well.

2605. Do you think they could go out to the fields in the way you suggest?—Certainly; those might do so who had not yet acquired a tremendous thirst for drink. The time that a woman is getting a liking for drink is the time to get her away out of the town and into the country.

2606. (*By Dr. Sutherland.*) What do you think should be the maximum sentence for drunkenness aggravated by three or four previous convictions?—I think it might run up to six months.

2607. In giving that answer have you considered the sentences now being passed by Sheriffs and by Justiciary Judges in the High Courts for grave criminal offences?—You mean how they would come into relation with these sentences?—(*Dr. Sutherland.*)—Yes. Witness.—I look upon drunkenness as a heavy offence. After a man is had up five or six times, I do not think six months would be too much, considered with the view to his cure and reformation.

2608. Do you think solitary confinement in a prison cell teasing oakum for six months, and an hour a day in the open air, would be likely to cure a man of drunken habits?—If he were sent to a labour colony after a month or two, you might do something.

2609. I am speaking of the prison. Would six months in prison be like to cure a man of the physical, not to speak of the mental disturbance produced by a long course of drunkenness?—I should think not.

2610. (*By the Chairman.*) You suggest long sentences, with power to remove them as a premium of good conduct to a labour colony?—Exactly.

2611. (*By Col. M'Hardy.*) The Chief Constable of Edinburgh has told us that the number of habitual offenders in Edinburgh has been very largely increased by those discharged from prison, who have been brought in from outside localities, who have not on their release returned to those localities, and who have rather sold their tickets at the railway stations and remained to commit offences in Edinburgh—are you aware if that is the case?—Well, it is almost infinitesimal, I understand it does not reach 10 per cent.

2612. Ten per cent. of what?—Of those who get tickets.

2613. You are aware that precautions have been taken with your assistance, and with the assistance of

the Railway Companies, to see that first of all if a passenger goes at all he must go by the first train, and by that train only; also that the ticket which is issued to him is a specially marked ticket, and is not available to anyone unless they cared to pass themselves off as a discharged prisoner; and that there is a very short time available for the sale of such tickets between the time of the discharge of the prisoner and the first train?—That is so; a very short time.

2614. (*By Dr. Sutherland.*) Do any of those prisoners brought in from country districts refuse to take tickets when they are discharged?—A few.

2615. They have a desire to rest in Edinburgh?—Yes. They are tramps mostly, and may as well be in Edinburgh as anywhere else.

2616. In speaking of a six months' sentence for drunkenness are you aware that in the last Police Act passed by Parliament after a lengthened discussion, 14 days was the maximum Parliament would allow?—It all amounts to this that the growing spirit of the age is looking less severely upon drunkenness every year. A 14 days' sentence by itself will merely refresh a drunkard and prepare him for another debauch, for it must be remembered that although this may possibly be his sixth conviction he has nevertheless had innumerable warnings even before his first conviction, as a man is rarely arrested for drunkenness until his conduct has reached a very helpless and disorderly standard.

2617. (*By Col. M'Hardy.*) You have become aware that there has been a considerable increase in the number of indecent assaults of recent years?—Decidedly.

2618. And these in your opinion have been due to the consumption of liquor?—Very largely.

2619. What sentences are given in cases of indecent assault?—Sometimes as little as a month. A general sentence is 40 days with hard labour. [The witness then withdrew.]

WILLIAM DONALDSON, Secretary to the Prison Commissioners of Scotland, called in and examined.

2620. (*By the Chairman.*) You are Secretary, I understand, to the Prison Commission?—I am.

2621. In your statistics have you remarked whether there has been an increase or diminution in the class of petty offences?—They have been increasing.

2622. Much?—They have increased 6 per cent. since 1884.

2623. Has the increase been regular?—Pretty regular all through.

2624. Give us the increases?—These offences in 1884 were 114,066, in 1885 100,992, in 1893 120,890.

2625. (*Col. M'Hardy.*) Are you not taking the apprehensions?—These are apprehensions.

2626. (*By the Chairman.*) Have you any statistics as to the percentage of convictions to apprehensions?—87 per cent. were convicted, but I should explain that there are in the Police Courts a great number of cases where pledges are forfeited for non-appearance, and the case dropped in consequence.

2627. I am told such cases occur in Glasgow, but not in Edinburgh, where they require every person to appear. And that a man is not considered to have purged his offence unless he appears before the magistrate?—I know from statistics that these forfeitures over the whole country amounted to 21,194 in 1884, and 24,847 in 1893.

2628. So that pledge breaking is very general?—Very general.

2629. You cannot tell us whether that occurs in towns working under these new Police Acts, or whether it is under the law of the country?—It is under both.

2630. Can you offer any reason for the increase in the number of apprehensions made proportionally to the population?—In some districts the police are more active in running-in particular offenders than in other districts.

2631. You have not thought over that subject?—I have not.

2632. Of late years I understand there has been a considerable decrease relative to the population in apprehensions?—They have fallen since 1890.

2633. Can you suggest any reason for that?—No.

2634. Have you any suggestions to make in regard to the treatment of habitual offenders—has that matter ever occupied your attention?—I think they would probably be more effectively treated outside the prison,—in Reformatories and other Institutions.

2635. Have you thought the matter out?—No.

2636. You, as an official, will know all about the details of the arrangements connected with our prisons and institutions—I mean as to their ways and means. Supposing Reformatories were established, how would you propose that they should be supported?—I think locally by the districts. Each district should support its own, with probably a contribution in aid from the Treasury to the extent of the present cost of keeping them in prison.

2637. Of course if each district supported its own with contributions from the Treasury it would mean that the expense of maintaining these habitual offenders should be transferred from the Imperial funds to local ones?—Quite so.

2638. Don't you think local human nature might rebel against that?—Yes, it may.

2639. You think they might be satisfied by a grant from the Treasury?—I think so.

2640. Have you any figures as to the cost to the State of the detention and support of these habitual offenders whom you propose to deal with in Reformatories?—The cost is very heavy just now.

2641. What is the average cost per prisoner?—£20 to £21 per annum.

2642. Have you any idea of the cost of the habitual offenders? Could you give us, for example, the number of prison years that their aggregate sentences work out to?—I am afraid not.

2643. You cannot tell the cost to the State of these habitual offenders?—I have not statistics showing that, but it could be worked out.

2644. That is a practical point, and if you have materials for working it out, we should like to have it?—I could give it to you approximately.

2645. Perhaps you will work it out and fill it into your evidence when you get it to revise, and also send a copy to the secretary?—I will do that. The aggregate number of days spent in prison by prisoners who had been committed 4 times and upwards in 1893 was 79,646 (males 13,718, females 65,928). This represents a daily average number throughout the year of 218⅕ (males 38, females 180⅕), and at £20 per annum for each the cost would be £4,364. A Table giving details is submitted.

2646. Now as to juvenile offenders. We have been told that in Edinburgh, for instance, there is a great increase in the number of juvenile offenders brought before the magistrates since the passing of the Edinburgh Acts. Is that so according to your statistics?—I have not got the figures as to particular localities. I thought it was the totals for Scotland that were required.

2647. Well, let us have the totals for Scotland as regards juvenile offences? What is a juvenile offender?—A prisoner under 16 years of age. In 1871 the number received into prison was 1,094; in 1881 857; in 1891 797; in 1893 741.

2648. So that there has been a very considerable diminution in the number of juvenile offenders?—There has been a fall of 10 per cent. in the 10 years ended 1871, of 22 per cent. in 1881, of 7 per cent. in 1891, and 7 per cent. in 1893.

2649. Well now, to what do you attribute that. Will that be owing to a greater number of juvenile offenders being sent to Industrial Schools and Reformatories?—Yes.

2650. In the early years of Reformatories boys were

William Donaldson.

21 Nov. 1894.

sent first to prison before being removed to Reformatories?—Yes.

2651. (*By Miss Stevenson.*) When was the change made?—It began last year.

2652. Then it could only refer to last year?—Yes.

2653. (*By the Chairman.*) You have not a great fall between 1891 and 1893?—No.

2654. I see it is 56. So that a diminution of 56 between those two years, considering the change in the administration of the law, does not indicate any very general decrease in the number of juvenile offenders?—No, there is still committal to a small extent before removal to a Reformatory. We have had repeated cases lately.

2655. The law is optional is it?—It is optional.

2656. Have you any record of the number of boys committed to prison before being sent to Reformatories, since the change of law, and an optional power given to the magistrate?—No, but in 13 cases the attention of the Committing Authorities was directed to the Act.

2657. Have you any suggestions with regard to juvenile criminals?—No. Further than this, that they ought not to be sent to prison under 16 years of age. They should be committed to Reformatories direct.

2658. Do you take any cognisance of the extent to which whipping is resorted to for the punishment of juvenile offenders?—Yes, but there is a great dislike to it in some districts.

2659. I wish to know if you can tell me how many cases of whipping there are in a year?—I can give you that.

2660. You can give us the figures of the extent to which whipping is made a substitute for imprisonment for juvenile offences, and the districts in which it is practised?—I can do so. In 1893, 335 boys were sentenced to be whipped. The number for each year appears in the returns for that year.

2661. You have told us that 741 juvenile offenders under 16 were received into prison in 1893—how many of these would be boys and how many girls?—The majority would be boys.

2662 To what extent of a majority?—Over two-thirds boys.

2663. About 500 of the 741?—Yes, fully.

2664. (*By Professor Dove Wilson.*) Would it not be three-fourths?—Possibly, female prisoners are generally one-third of the males.

2665. (*By the Chairman.*) Taking it at 500, that would be 500 boys sent to prison, and 335 whipped in 1893?—Yes.

2666. You don't know the offences for which these boys were punished?—The statistics do not show the offences.

2667. There must be a much smaller number of girls dealt with if you have only say 240 girls sent to prison, and no girls whipped?—Yes.

2668. What is the youngest juvenile offender you have on your record?—I have no record of individual ages. They are all classed under 16 years.

2669. You have no knowledge beyond the record?—Just that they were all under 16.

2670. Can you give us any information in regard to the class of vagrants?—The printed statistics give no information in regard to vagrants except as to begging.

2671. (*By Dr. Sutherland.*) There has been a very great increase in the number of apprehensions for petty offences in the counties of Scotland, amounting to about 100 per cent. These have risen within the last 14 years from 13,000 to 24,450; is this increase owing to the condition of the population becoming worse, or is it owing to the fact that many small towns and burghs have adopted the Police Acts?—That explains a great deal of it.

2672. In that offences are created which were not offences before?—That is so.

2673. You are the author of that volume of judicial statistics which appears every year?—Yes.

2674. No notice is taken of prostitution as a separate offence?—It is classed with police and guild offences.

2675. Don't you think as showing where prostitution most prevails, and where it most comes under the whip of the police, that it would be well to have a separate Act for it?—That could be easily accomplished.

William Donaldson.

21 Nov.

2676. (*By the Chairman.*) What are guild offences?—The offences classed as police and guild offences are:—prostitutes importuning; posting bills without permission; harbouring prostitutes; refusing to admit police; allowing dogs to go unmuzzled; selling coals, &c. unweighed; exposing unsound meat for sale; conveying carcases uncovered; chimney vents on fire; beating carpets or committing nuisances; failing to light or clean stairs; overcrowding dwellings; failing to clean pavements and other places; acting as brokers porters, chimney sweeps, cabmen, or guards without license; keeping unlicensed articles such as cabs, &c.; contravening bye-laws for public parks; slaughter houses; river or harbour traffic; porters, chimney sweeps, cabmen, &c. failing to deliver found property.

2677. These are what are classed under guild offences. Can you explain the meaning of the term?—It has reference to offences that came under the cognisance of the Dean of Guild Court.

2678. But the Dean of Guild Court would not deal with all these offences—prostitution for example?—But the classification is police or guild offences.

2679. (*By Dr. Sutherland.*) As prostitution is so much identified with drunkenness, don't you think a separate column would be desirable in these returns so that the public might know exactly whether prostitution is increasing or diminishing in the cities, and the way the police are dealing with this matter in different towns?—The police statistics are not statutory in their form, and such a column as that could be inserted.

2680. Under instruction of the Lord Advocate?—Yes.

2681. Before saying that the burden of the maintenance of these habitual offenders should be local or general, would it not be desirable to ascertain the birth-place and places of residence of these people?—It is very difficult to get their birth-places accurately. But in the prison registers the birth-place of every prisoner is registered.

2682. From the statement of the prisoner?—Yes.

2683. If the burden was made a purely local one, would it not be an injustice to cities like Edinburgh and Glasgow to be saddled with the maintenance of tramps from all parts of the country?—No doubt it would.

2684 (*By Professor Dove Wilson.*) Can you give me figures showing the number of children under 12 committed to prison during 1883, 1888, and 1893?—In 1883 there were 172 (boys 166, girls 6), in 1888 there were 142 (boys 134, girls 8), and in 1893 there were 64 (boys 58, girls 6).

2685. (*By Col. M'Hardy.*) The Chief Constable of Edinburgh has told us that the number of habitual offenders in Edinburgh is very largely increased by prisoners discharged from the jail who are sent there from districts outside Edinburgh, and do not return to them. Have the Prison Commissioners made any inquiry into the facts?—Yes.

2686. With what result?—They inquired into the facts when complaint was first made by the Lord Provost of Edinburgh in 1886, that prisoners brought from a distance remained in Edinburgh, and did not go home. The matter was fully investigated. The result was that 736 prisoners coming from country districts got tickets and returned to their homes, and 230 refused them.

2687. Did you find out anything about the 230?—Nothing further than this—that a number of them were persons who had no fixed residence, and had been apprehended in one of the districts outside Edinburgh. They belonged to the tramp class, and preferred to remain in town.

2688. A considerable proportion of them were tramps whose centre was Edinburgh?—That is so. They would have found their way there in any case. In the following year, 1887, it was ascertained that 100 refused to take tickets, and 68 did not use the tickets given to them. That was out of 1,394 country prisoners

William Donaldson. 21 Nov. 1894.

2689. Were the same facts ascertained about most of these men as about those of the previous year?—Yes; I have made an estimate for the present year by taking the months of September and October, and I find that in these two months 343 tickets were given, and 36 were not used. That would give about 2,058 for the year, and about 216 as not used.

2690. Have the Prison Commissioners taken steps to prevent the sale of tickets by discharged prisoners?—Yes.

2691. What means did they adopt?—They first arranged with the Railway Company to mark the railway ticket with a large 'D. P.' (discharged prisoner) so that the ticket collector would be able to recognise persons whose appearance was not that of discharged prisoners; and after the second complaint had been made, they arranged that the train by which the prisoner was to travel should be the first after his discharge. That was marked upon the ticket, and it could only be used by that train.

2692. Is there any ground for the belief that there is practically a traffic in these tickets?—None whatever.

2693. That is the view of the Prison Commissioners and the Railway Company?—Yes.

2694. (*By Dr. Farquharson.*) Do you think that Reformatories for the detention of offenders should be kept up by localities with a State contribution thrown in?—Yes.

2695. Might not the effect of getting State aid be to destroy local effort?—I think not.

2696. By State aid you mean State control; would not that clash with local feeling?—I think not.

2697. You think they might harmonise?—I don't see why they should not work together.

2698. (*By the Chairman.*) Have you any record of the educational state of juvenile offenders—as to their being illiterates or otherwise?—We came across a girl the other day of 15 who could not read. We have no record published in the reports. But the state of education on admission into prison might be obtained.

2699. When we run over the list we spoke of already you could possibly get us that also. Perhaps you could get us the educational state of the juvenile offenders on any one day you choose?—Yes. [The witness then withdrew.]

SHERIFF-SUBSTITUTE RUTHERFURD, Edinburgh, called in and examined.

Sheriff-Substitute Rutherfurd.

2700. (*By the Chairman.*) You are sheriff-substitute of the County of Mid Lothian?—Yes.

2701. How long have you had your present appointment?—I passed at the bar in 1857 along with my friend, Professor Dove Wilson. From that time until 1872 I had no more than a casual acquaintance with the prosecution of crime, occasionally appearing for the defence, and sometimes assisting a brother who was an advocate-depute on circuit. In 1872 when Lord Young was Lord Advocate he appointed me as one of his deputes, and from that time until 1882 I was more or less connected with the Crown Office. In 1882 I was appointed sheriff-substitute of the Lothians, and I have held that appointment ever since. Except in time of vacation I have been constantly on the bench in the Criminal Courts of the County.

2702. Tell us about the arrangement under which you sit in the same Court as the bailies?—It struck me at one time as an anomaly that this should be—so far as I know—the only Sheriff Court in Scotland where the sheriff sits in the Police Court. I made inquiry into that sometime ago. I don't recollect the whole particulars very well, but I rather think it was because of this that originally the magistrates exercised a police jurisdiction within the bounds of the ancient Royalty within the city walls. But as the city grew and extended, the bailies were not competent to exercise jurisdiction beyond the Royalty, and the sheriffs came to their assistance. That I rather think was recognised by various Acts of Parliament, and continued down to the passing of the Edinburgh Municipal and Police Act, 1879, which contains a clause providing for the rotation of judges in the Police Court (the sheriffs and the bailies), being regulated by the Lord Provost and the sheriff, or the Lord Advocate.

2703. But in practice, now, each of you has jurisdiction in the other original dominions?—Yes; the way it is worked is this, that the bailies take one month and the sheriff-substitutes another.

2704. If you were ill would you apply to a sheriff-substitute or a bailie to take your place?—Either could do so.

2705. And you could take the place of a bailie in his month?—Yes. That is frequently acted upon, but I may say that lately, the bailies finding inconvenience in getting any one to act for them when they wished to be relieved from duty, have appointed an ex-magistrate, Mr. Colston, a judge of police, and it is his duty to relieve them when they want assistance.

2706. We have been informed that the bailies have another capacity in which they act, viz., hon. sheriff-substitutes or as sheriff-deputes, on the theory, I suppose, that the Lord Provost of Edinburgh is the high-sheriff of the city?—I do not know anything about that. By the interpretation clause of the Edinburgh Police Act of 1879, 'The word "sheriff" shall 'mean the sheriff of the County of Edinburgh or Mid 'Lothian, or any one of his substitutes, excepting where 'specially provided to the contrary.'

2707. Before we go further, how does this criminal jurisdiction fit in with the civil work of the Sheriff Court?—It has often caused us considerable inconvenience, and some years ago when Sheriff Hamilton and I were both absent in vacation, we had a young advocate friend acting for us. He had not much experience, and did not get through the work of the Police Court very rapidly. The consequence was that the procurators of the Sheriff Court made complaint about the delay in that Court, and an arrangement was made by which the sheriff-substitute of Peebles, which is within the same sheriffdom, was under a Treasury order brought in to sit in the Police Court three days during the month in which it falls to the sheriff-substitutes to take police duty. That relieves Sheriff Hamilton and myself to a considerable extent.

2708. This is the only place in Scotland where such an arrangement prevails?—So far as I know it is.

2709. Where the sheriffs do Police Court work?—Yes.

2710. We were told by the Chief Constable, I think, that in cases where persons are charged before the magistrates with petty offences, and plead not guilty at the trial, previous convictions are brought against them in proof before the judge has pronounced them guilty or not guilty. Is that so?—So far as my experience goes previous convictions are libelled. But I never take evidence as to previous convictions, unless I have made up my mind to convict after hearing the evidence for the defence.

2711. But they are libelled, and can be proved?—Yes.

2712. Is that the case in more serious offences under Lord Kingsburgh's Act?—They are simply libelled as productions in jury causes. The accused is charged, for instance, with theft on a particular occasion, and with having been previously convicted of dishonest appropriation of property, and then these previous convictions are libelled as productions. But I may say that the libel is never laid before the jury. They never see that, and therefore know nothing of the previous convictions until the case is concluded, and the sentence is about to be pronounced. But it is impossible in a summary complaint, where the judge sits without a jury to do that. You must libel the previous conviction to give the accused notice of what is to be brought against him, and the judge cannot help seeing that. Personally I do not allow them to be proved until I have made up my mind that the case is one for a verdict of guilty.

Sheriff-Substitute Rutherfurd.

21 Nov. 1894.

2713. What is the practice of other magistrates?—I don't know.

2714. I presume it would be much more difficult for a non-trained lawyer to make that separation? He might have more difficulty in divesting his mind of the prejudice which the fact of the previous conviction coming to his knowledge might create. We were told that in Glasgow previous convictions are not brought under the notice of the magistrates, and that as a matter of fact it was held to be wrong to bring them under notice in that way?—In very many cases they don't know of them. For instance, in cases of breach of the peace, and petty offences of that kind, the prosecutor in the Police Court only libels previous convictions if they have occurred within the year.

2715. We have been told that in Edinburgh it is the custom for prisoners who plead not guilty to be remanded; and that that is a source of considerable hardship to prisoners, who, in many cases in order to avoid having to appear a second day or be locked up for 24 hours or 48 hours if the case occurs on a Saturday, plead guilty, though they might be able to offer a good defence. Have you any remarks to make on that?—I presume the suggestion arises from the idea that it would be well to have the case disposed of at once. The statute provides that the accused shall be brought before a magistrate with the least possible delay and charged, and the idea seems to be that the trial should proceed then and there. But I should like to point out that that would be attended, not only with inconvenience to the Court, but entail a great deal of hardship on many people. Nine-tenths of the accused plead guilty; but if you are to go to trial with all cases on the morning upon which they are charged, you must have all the witnesses in attendance. There would be hundreds of witnesses in the Police Court every morning, just to hear accused persons pleading guilty, and these people would be deprived of their wages for the time they had put in there to no purpose. But very likely they might not attend, and you could only compel them to attend in the ordinary way by a citation of 24 hours. Constables on night duty are very frequently the leading witnesses in cases tried in the Police Court, and they would be kept out of bed to the end. But you have also this to be kept in view, that in many cases serious injury might be done to the accused if he had not time to prepare his defence.

2716. Might that difficulty not be got over so far as the accused is concerned if he asked a remand?—They often do ask for delay, and I always grant it.

2717. Is this system of remanding prisoners who plead not guilty peculiar to Edinburgh, or does it occur all over the country?—I cannot tell. I may say this that the same practice prevails in the Sheriff Summary Court, in which cases very much resembling those in the Police Court are tried.

2718. Can you give us any idea of the number of people who are locked up under this remand system. I suppose you offer them every facility for getting out?—We accept bail, or their own bond, generally for a small amount, that they will come up again, and very often without going through the form of taking a bond, we release them on their promise to come up the following morning. I may say that in all my experience I only remember this promise to have been broken upon one occasion.

2719. Do you know as to the number of people locked up?—No.

2720. It was charged against the administration of the law here, that a very large number of prisoners were brought up, and tried and sentenced on their plea of guilty without their accusers being there, and without any possibility of the magistrate getting any evidence as to what the real nature of the offence was; we were told also that the English system, and the system which prevails in many other towns in Scotland, was a fairer one to the prisoner when the accuser had to be present in Court, although the prisoner pleaded guilty. Do you think there is anything in that?—I hardly think it. The accuser here is the public prosecutor. We have no private prosecutors as they have in England.

Sheriff-Substitute Rutherfurd.

21 Nov.

2721. That is the difference in that respect between England and Scotland?—I think so. It is not necessary in the Police Court here to serve the accused with a copy of the complaint. When a prisoner is brought before the judge the complaint is read over to him and he is asked to plead. He may get a copy of the complaint then if he wishes it. But the practice is not to serve a copy of the complaint.

2721A. And you don't think that the practice gives rise to any injustice?—I do not think so.

2722. You have to deal with a considerable number of cases of solicitation. I understand you deal lightly with them?—I do.

2723. What is your sentence?—My invariable practice in such cases is to dismiss a first offence with an admonition. That is the practice I follow in a great many of these petty offences which are distinct from crimes—such as aggravated assaults or thefts to a considerable amount. These police offences, such as being drunk and disorderly, or loitering and importuning for the purpose of prostitution, I deal with in this way—I admonish the accused the first time, and on the second occasion I inflict a small fine with the alternative of a short imprisonment. I do not much regard previous convictions, although they are libelled, unless there is some special reason. If the accused has just been a day or two out of prison, and is brought back again for the same offence, I would make the fine a little more, that would be all.

2724. What is your customary sentence for an offence with aggravation?—As I say I admonish for the first offence. The second time I impose a fine of 5s. with an alternative of 24 hours' imprisonment.

2725. And where does the prisoner do that 24 hours—in the cells or in the prison?—They may detain them in the cells. They have power to do so if the sentence does not exceed three days. If the cells are full they send them to prison.

2726. But if the cells are empty they keep them there?—I believe so, but that is a detail which does not come under my notice.

2727. Is there any uniformity in the practice of sheriffs in regard to all these petty offences, and especially in regard to cases of importuning?—I rather think a number of the bailies agree with me in the view I take. I consider it the first duty of a criminal judge on the conviction of the accused to endeavour to apportion the sentence to the nature of the offence. It is sometimes a difficult thing to do. It depends upon circumstances. But in these petty offences I don't think the thing is materially worse after 1 or 2, or after 20 or 30 previous convictions.

2728. Would you give 5s. for a 5th or 6th offence of this nature?—Yes.

2729. I ask you because in some places it is regarded as a rather serious offence, and we have got evidence that a common sentence for that offence in Glasgow is 30 days?—I should consider that to be oppressive, and my impression is that if such a sentence were brought before the High Court of Justiciary on a suspension it might be quashed on the ground of oppression.

2730. Have you known of any such conviction for solicitation being brought before the High Court?—I am not aware of any.

2731. You have told us you think the bailies have come round to your view; is there any uniformity among the sheriffs?—I rather think Sheriff Orphoot follows the same line as I do. It has really not been brought under my notice.

2732. The sentences in Edinburgh are not very high I believe, even by those who deal most stringently with solicitation. Fourteen days I am told is about the maximum?—It is not a crime; it is merely a police offence.

2733. Fourteen days is considered a very heavy sentence for it in Edinburgh?—I consider that a very heavy sentence for such an offence.

2734. Is it a rare sentence in Edinburgh?—I cannot tell you. I should not give such a sentence.

Sheriff-Substitute Rutherfurd.

21 Nov. 1894.

2735. In Glasgow we had evidence to the effect that the police there were very ready to arrest known prostitutes on a charge of importuning. In Edinburgh the chief of police told us that his instructions to his men were never to arrest a woman for importuning unless they had seen her importuning and had warned her the same evening against it?—I believe such instructions were issued. I confess I have sometimes had an uneasy suspicion about these cases from the fact that the better dressed class of the sisterhood very seldom appear at the bar. It is generally the oldest and the poorest outcasts; and from observations that they have sometimes made at the bar. I have an uneasy idea that members of the police force may levy blackmail upon them, and that it is when they cannot pay that they are brought up. That is a thing you could hardly prove unless you were to lay a trap for the offender. You have only the word of the constable against the woman. It is a mere suspicion.

2736. And that is evidence against the police it would be very difficult to establish?—It would be difficult.

2737. Do many of those women who come before you plead not guilty?—Very few. Sometimes they do, and then I hear evidence.

2738. In cases where you hear evidence is there a fair percentage of cases in which you find them not guilty?—I certainly have done so in some cases where I did not like the testimony of the constables—when their testimony did not agree, or was in other respects unsatisfactory. But the cases that go to trial are very few.

2739. We are informed that in Edinburgh it is only importuning that is considered an offence, and that the police do not arrest a women for loitering, although loitering is an offence under the Police Act?—The complaint is for loitering and importuning, that is invariable style. It would be a dangerous thing to libel it alternatively.

2740. You say you have been struck with the fact that what you call the better class of prostitutes are rarely brought up?—Very rarely.

2741. The Chief Constable gave evidence that steps had been taken for the suppression of brothels, and that, he said, had assisted in the lessening of offences?—I do not know as to that.

2742. Do you find as many cases brought before you as there used to be?—Well the Act had been in force for sometime against brothels before I became a sheriff-substitute.

2743. Are many young girls—juvenile offenders—brought before you in connection with this offence?—No; not at all.

2744. In Edinburgh what is the law as to any increase of penalties in connection with repeated convictions for drunkenness?—I think all the magistrates repeat the same penalty—5s. or 24 hours.

2745. What are your powers?—They are contained in the 247th section of the Act—'Every person found 'drunk and incapable of taking care of himself, and not 'under the care or protection of some suitable person, is 'liable in a penalty not exceeding 40s., and in the case of 'a continuing offence the sum of 5s. for every day during 'which such offence shall be continued.'

2746. But the man cannot continue drunk and incapable for many days?—I don't think that is ever libelled.

2746A. Look at the same provision in the general Police Act. Is it the same or different?—It seems the same, the penalty is not to exceed 40s.

2747. But there is a subsequent clause for people who have been previously convicted?—Clause 382 gives permissive powers in that case to impose an additional penalty of 40s.

2748. But we were told that here it was in the power of the magistrate to send a man 60 days to prison for drunkenness?—I do not know where that power is.

2749. Possibly that power is only exercised in the Burgh Court?—I don't think there is anything in the Edinburgh Municipal and Police Act to that effect.

2750. (*By the Chairman.*) One witness told us that he had himself sent one man to prison for 60 days, but possibly there was disorderly conduct also?—That comes under section 248, which provides that every person who shall be drunk and guilty of riotous and disorderly conduct is liable in a penalty not exceeding £5, with an alternative not exceeding 60 days.

2751. There are a large proportion of the drunks in Glasgow who, on being conveyed to the Police Office, attempt to kick and fight the police, and are thereupon charged with being drunk and disorderly. Is that so in Edinburgh?—I cannot tell. Those who are found simply drunk and incapable under section 247 are tried by themselves, I mean their cases are dealt with separately from those charged under the following section, which deals with drunk and riotous and disorderly conduct.

2752. But the police who run them in formulate the charge against them?—The public prosecutor does that.

2753. Have you many petty offences, mere technical offences, dealt with under the Police Act? For instance, in Glasgow, we were told that boys were in prison for kicking a dirty football against a woman. Have you anything of that sort here?—Juvenile offenders are brought up frequently charged with committing a breach of the peace by kicking about a football or something of that kind.

2754. What is done with them?—My way of dealing with them is to reprimand them. If it appears that they have been cautioned by the police before, I speak to them more emphatically, and tell them that if they are brought before the Court again they will be dealt with more severely. It is of no use fining boys like that. It only punishes their parents.

2755. Ought not the parents to punish them?—Well, that is so. I often hand them over to the parents on that condition. As to sending boys to prison, that is not to be thought of, if it can possibly be avoided.

2756. As a matter of fact you are strongly against sending boys to prison?—Certainly. We have better ways of dealing with them. We can send them to Industrial or Reformatory Schools, or we can order them to be birched.

2757. We are told there is a great reluctance to ordering them to be birched?—I have not that reluctance. I do it frequently. When I became a sheriff and it fell to me to sit in the Police Court, I found that the Act giving power to order juvenile offenders, under 14 years of age to be whipped, had never been put in force, and that they had no executioner and no instrument of punishment. I went thereupon to Sheriff Crichton and I had some conversation with him about it. He spoke with the Lord Provost of the time, and in consequence there was provided a birch rod, and we got an established executioner. I have constantly ordered boys to be whipped for petty offences.

2758. Do you think that is a much better way of dealing with them?—Oh, much better than sending them to prison.

2759. Do these boys often or ever come up again?—I cannot say I have observed that. Of course you could order a severer whipping; but a few strokes are severe enough as they are quite sufficient to draw blood. That should deter them from coming back again.

2760. What is the usual number?—Six strokes, and up to twelve if it is for something very bad.

2761. We were told by an ex-magistrate that he had on one occasion ordered a boy to be whipped, but that he believed he was the only Edinburgh magistrate who had ever had recourse to this form of punishment, although the sheriff ordered it. The reason of that he said was that his ordering this boy to be whipped had given rise to a great deal of hostile criticism on the part of the public. Have you found that?—I am not aware that I have ever been criticised in a hostile manner for that.

2762. You don't think that public opinion in Edinburgh is more against whipping juvenile offenders as an alternative to sending them to prison than anywhere else?—I do not think so.

Sheriff-Substitute Rutherfurd.

21 Nov. 1894.

2763. I forget whether your colleagues, the other sheriff-substitutes, do the same as you do?—So far as I know they do.

2764. Is Leith, do you know, under the Burgh Police Act?—I do not know. I have nothing to do with Leith. The Magistrates of Leith sit in the Police Court there. I suppose they are under the General Police Act.

2765. (*By Sir Colin Scott Moncrieff.*) In cases of women brought up for importuning you always give short sentences. You do not attach any weight to long sentences as deterrents?—Not at all.

2766. None of them acting as reformatory?—Not at all. I have reason to believe that a very large proportion of these unfortunate women are married women, who are driven out to get money in this way, either by their husbands or the men they live with.

2767. Is there no way of getting at these husbands?—I have not considered that. But I fear not.

2768. I suppose you agree with every other person who has spoken on the subject, that there is no reformation possible among drunkards with short sentences?—None whatever. Any sentence that could be awarded in the Police Court would have no effect in reclaiming an habitual drunkard.

2769. Suppose there was some fresh legislation for the establishment of Reformatories: would that do any good?—I may say that my old friend, Mr. Charles Morton, who was for many years Crown Agent, prepared and drafted a Bill on this subject. I have conversed with him about it. I have the Bill in my pocket.

2770. We have had that Bill submitted to us. I should just ask you, however, if you approve generally of his proposals?—I do. Of course, as he says 'the 'present Bill does not propose to deal with the case 'of persons who are not able to pay a moderate board, 'or with the cases of inebriates of the pauper or criminal 'classes. The great majority of the sufferers whose 'cases may be curable under such treatment as is pro-'posed are of the well-to-do classes quite able to pay 'a board. Different provisions would be necessary as 'respects these other classes.'

2771. But these other classes are far more numerous?—Yes.

2772. Have you any suggestions to make as to how the more numerous class should be dealt with?—I might instance the experiment Bailie Walcot made in dealing with the notorious case of the woman Jane Lovey.

2773. We have heard of her. Do you think it practicable to work a system of Retreats with penitentiaries for the poor and the semi-criminal class on some such lines as Mr. Morton proposed for the better classes?—I have never given much attention to that. I think you would require to safeguard anything of the kind very carefully because it is an infringement of the liberty of the subject for one thing. If means could be found, and Parliament would sanction it, I certainly would think it a good thing. With reference to the case of Jane Lovey or Kirk, long sentences and short sentences had been tried in vain. Long sentences were just as inefficacious as short. The reason was that the woman was a dipsomaniac. When she was sober, I believe there was no more well-conducted woman. Bailie Walcot, in order to remove a scandal, got her sent away.

2774. In your personal experience you have never known the case of an habitual drunkard who was really reformed?—Never one.

2775. (*By Dr. Farquharson, M.P.*) Is that because the present prison machinery for reformation is imperfect?—I do not profess at all to give a reason. I only state a fact.

2776. Would you be of opinion that if we got some power of compulsory detention for a long period a drunkard might have a chance of reformation?—Personally I think it is an experiment well worth trying.

2777. Would you have those Reformatories maintained by local or imperial contributions?—That is a difficult question. I ought to say that I have not devoted sufficient time to consider these matters, and I would not like to offer an opinion upon them.

2778. (*By Professor Dove Wilson.*) Would you think it possible to conduct the business of the Police Court without this power of remanding?—Well I have pointed out what I think would be a great difficulty—the hardship to witnesses.

2779. In the case of persons remanded is it not the practice to release them without any bail?—Yes, constantly.

2780. And they don't run away because they know the police can get them if they are wanted?—That is so.

2781. In the case of loitering what is the highest sentence that you yourself have ever given?—As far as I know 5s. or 24 hours.

2782. I think you stated that if persons came back within a few days you might give them more?—I was referring to cases rather of breach of the peace. I do not remember any case where a person convicted of loitering was brought back very soon.

2783. In the case of loitering what kind of evidence do you usually have if the woman pleads not guilty?—Generally there is no evidence except that of the police constables. It would be vain for them to bring up the evidence of the persons importuned. Two or three police constables generally give evidence which requires to be very carefully scrutinised.

2784. Do you require more than the constable?—According to the law of Scotland we must have two witnesses.

2785. There is no special provision for accepting the evidence of one witness?—There is nothing in the Act of 1879 about that.

2786. In the case of a person brought before you for being drunk and incapable, what is the highest sentence you have ever imposed?—I should think 5s. or 24 hours.

2787. Even if that person was an habitual offender?—I don't know that it has ever been the practice to give more than that for simply being drunk and incapable.

2788. The charge is really being drunk and incapable and friendless?—Very much so.

2789. And you don't think high punishments at all necessary for that?—No, it is sufficiently kept down. I am not aware that 'drunks' are increasing more than might be expected from the increase of the population.

2790. We were told that in the Police Court of Edinburgh, Lord Kingsburgh's provision for not proving previous convictions till after the person had been found guilty did not apply. Have you any information as to that?—No, except this; that in a summary complaint you require to set forth previous convictions, you must do so to give the accused notice. That observation applies to summary procedure in the Sheriff as well as the Police Court.

2791. We were told that as a matter of practice before the magistrates, the whole proof including that of previous convictions was taken at once?—My own practice is to hear the evidence for the prosecution. Then I ask the accused if he has any witnesses, to bring them forward, and I hear them. Then I make up my mind, and it is only when I have made up my mind to convict that I take evidence of previous convictions.

2792. Does it consist with your knowledge that that is the general practice in the Sheriff Courts?—That is my practice.

2792A. Is it necessary for you to know as to the previous convictions in the charge?—Not at all.

2793. As a matter of fact you don't read the libel?—It is read to the accused in open Court by the clerk of the Court. That is all I hear of it.

2794. When the clerk reads the complaint, and asks him if he is guilty or not guilty, does he read out the part about previous convictions?—He either reads it or says that there are previous convictions.

2795. Are you aware that in other Sheriff Courts the clerk stops when he comes to the bit about previous convictions?—In the Edinburgh Police Court the clerk reads the whole thing. That is necessary because the accused has not been served with a copy of the libel.

2796. Are you aware that in other Sheriff Courts the clerk stops at the part about previous convictions?—In the Sheriff Summary Court of Edinburgh they read the whole thing before the accused is asked to plead.

2797. Do you see any necessity under our present law for sentencing a child under 12 to prison?—No. I have never done so.

2798. Do you find that your power of reprimanding, of whipping, or of adjourning to another diet quite sufficient for dealing with such cases?—Quite sufficient.

2799. Did you ever order a child to be fined with the alternative of being whipped?—Never.

2800. Does it occur to you that it would be an improvement if you had the power to put the father under security for the good conduct of the child?—I never thought of that. I never did it.

2801. You cannot very well do it under the present law. Would it not be an improvement?—It might be an improvement.

2802. (*By Miss Flora C. Stevenson.*) I am somewhat surprised at the statement that the most of those women of the unfortunate class brought before the Court, are either married women or women living under protection?—I have been told that.

2803. Is the class of women brought before you elsewhere different from those who are brought before the Police Court?—My remarks apply to the Edinburgh Police Court. Such offenders are never brought before the Sheriff Court, for there we can only deal with offences at common law. This offence is a mere creation of the Police Act. It is solely from acting as a police magistrate that I have any experience of these cases.

2804. Do you think there would be any gain if the magistrates had power to commit these women, especially the younger ones, to Homes of detention, where they might get useful employment?—Yes, I think so. There are some asylums of that kind in existence, and women like the late Miss Maitland used to attend the Court, and took steps to get women of this class to go to such asylums. But what the result was I don't know.

2805. The difficulty I understand in regard to such places is, that magistrates have no power to detain these women. I know as a fact that many of them leave the Police Court promising to go to these Homes. But they either don't go or they don't remain more than a day or two in them, if they do go—the magistrates having no power to detain them?—I think that is very likely; but I have no knowledge of it myself.

2806. Is it within your knowledge that there has been an increase of what might be called juvenile delinquency within the last 10 or 15 years?—It would be very difficult for me to answer that. The records of the Court would show that best.

2807. I suppose the most of the cases, or a great many of the cases that come before you, and which you dispose of by sending the children to an Industrial School, come from the School Board Office?—Many of them do, but I think that in most of the cases the child is charged with an offence in the Police Court or Summary Court.

2808. (*By Dr. Sutherland.*) In answer to the Chairman you stated that you believed that if a 30 days' sentence for importuning was brought under the review of the High Court, it would probably be quashed on the ground of oppression. Do you know that the law allows 30 days as a maximum for this offence?—The High Court would be very reluctant to interfere with the discretion of the magistrates, but it would be in their power unquestionably, if they thought the sentence was oppressive in the circumstances of the case, even although the law allowed it, to quash the sentence. I remember a recent case, in which I think Lord M'Laren said that apart from quashing the conviction on some ground, I don't remember what, the sentence was excessive, and might have been quashed on that ground alone. I believe there are other authorities to the same effect.

2809. Have you heard of the famous Glasgow case, where the magistrates of Glasgow had to pay £500 for the police illegally arresting a woman on a charge of this kind?—I don't know anything about that case.

2810. Have you heard that a magistrate of this city was pilloried in the press for ordering a boy to be whipped? Of course I know the same thing does not apply to a sheriff who has not to seek re-election for a ward of the city, and is not subject to popular feeling. —No, I never heard of it. I am not aware that I have ever been pilloried in the press.

2811. So that in that case it would be better to send boys guilty of those trivial offences to the sheriff rather than to the police magistrates?—It may be.

2812. Do you think that imprisonment should be abolished as an alternative to whipping, or would you recommend that imprisonment should be abolished altogether for juvenile offenders?—In the Police Court the age up to which you can whip is 14. In the Sheriff Court it is 16. It might be for consideration whether it would be a good thing to take away the alternative of imprisonment. A boy's might be a bad case, and yet he might be prevented on a medical certificate from being whipped. In that case what could you do.

2813. But I thought you have strong objections to boys being imprisoned at all?—I have.

2814. Whether they are delicate or not?—It is the worst thing you can do with them.

2815. You are doubtless aware that private parties prosecute in England, do private parties prosecute for the offence of public drunkenness?—I have no knowledge of that.

2816. Suppose I told you that much fewer prosecutions took place in England than in Scotland, do you think that the system of private prosecution in England, as opposed to public prosecution in Scotland, would account for the extraordinary difference?—It might to a great extent.

2817. How many times do you think a person should be convicted of drunkenness before he earns the title of habitual drunkard?—That question might be more properly put to a medical man than to me.

2818. As an Advocate Depute of course you have had experience of those cases of fatal assault which come up at the Circuit Courts, where it has been proved over and over again that the person committing the assault was notoriously a drunkard, but that no notice had ever been taken of it until the fatal assault had been committed. Don't you think something should be done to these people before they reached such a stage?—Of course it would be the best thing to deal with them earlier, if possible, and so prevent serious crime.

2819. Who do you think should take the initiative?—I remember Lord Deas took a strong view of these cases, and in the case of a party indicted for murder, strongly charged for a verdict of culpable homicide on the ground that the accused was suffering from *delirium tremens* at the time.

2820. *Delirium tremens* is now recognised by the medical faculty as being a form of insanity? But who should like the initiative in informing the police that so-and-so is habitually drunk, and likely to become dangerous to his friends and the lieges?—In the Bill Mr. Morton proposed it was put upon his relatives to apply for an order from the sheriff for one of these Homes.

2821. I think there are three parties mentioned in Mr. Morton's Bill?—A member of his family or a near relative or friend.

2822. Have you known ladies in the upper circles of society dipsomaniacs who have been reformed?—No.

2823. Do you know that dipsomaniacs exist in the upper circles of society?—I presume they do, but I have personally no knowledge of them.

2824. If under Mr. Morton's Bill it is considered right that there should be a number of safeguards applied before a man is pronounced an habitual drunkard, don't you think there should be similiar inquiry made for the protection of a working or respectable man who may get occasionally drunk, in regard to the circumstances of his life, general habits, and conduct, and that he should not be confined unless it were certified that he was not otherwise likely to be cured of his drunken habits?—Most certainly there should be inquiry.

Sheriff-Substitute Rutherfurd.

21 Nov. 1894.

2825. From a return by the Chief Constable it appears that 184 people in Edinburgh have been responsible for 1,403 arrests or 20 per cent. of the apprehensions by the police?—Yes.

2826. On an average each of these people have been convicted eight times, would it not considerably reduce police expenditure in Edinburgh if something were done to these 184 people?—Certainly.

2827. If they were sent to Homes would you not be entitled to set up against the expenses of their detention in such institutions the present cost to the country while in prison, and the cost borne equally by the Imperial Exchequer and the Local Authority in maintaining an unnecessary police force?—Probably the existence of such Homes would have in itself a deterrent effect, and where it had not, the cost of maintenance in prison might I think be fairly set against the expense of detention in a Home for inebriates.

2828. I find in the Burgh Police Act (Scotland) that the age limit for whipping a boy is 14 years. In a case in Glasgow the stipendiary magistrate sentenced a boy 15 years of age to whipping for creating a disturbance, but in appeal the sentence was quashed. You have told us that in the Sheriff Court you can sentence a boy to whipping up to 16 years of age. Would you be in favour of extending the age during which whipping could be substituted for imprisonment?—I think that the age in the Police Court should be raised to 16.

2829. I understand that as a Police Court magistrate you constantly remit cases to yourself in the Sheriff Criminal Court?—Constantly.

2830. And that the magistrates remit to themselves from the Police to the Burgh Court?—I know of no cases remitted from the Police Court to the Burgh Court.

2831. If you had a boy of 16 in the Police Court you might remit him to the Sheriff Court in order to deal with him there by whipping?—When I remit I know nothing about the case, the officials of the Court ask for a remit.

2832. I find that in 1893 in Edinburgh there were only 351 apprehensions, or less than one a day for importuning. Of these, 235 went to prison, what percentage of these 351 would come before you in your year's work?—Well, the sheriff-substitutes take month about with the bailies. Sheriff Orphoot and I take the biggest part of the month, and Sheriff Hamilton assists.

2833. Say that in a half of these cases the sentence would be 24 hours or 5s.?—That would depend on who they came before. Sheriff Orphoot and I think most of the bailies deal with them in the same way as I do.

2833A. What I wish to make out is that if two-thirds of these girls go to jail rather than pay the small fine, that shows that they are of the poorer class?—No doubt.

2834. You cannot tell in what proportion girls dealt with by you go to jail for 24 hours rather than pay the the fine of 5s.?—I have no means of knowing that.

2835. (*By the Chairman.*) With the view of safeguarding the liberty of the subject, would you approve of an inquiry being held before the sheriff, such as is done under the Lunacy Acts before a man can be put into an Asylum, before a person was declared an habitual drunkard and ordered to be sent to a Reformatory?—It might be done, but I really have given that part of the subject little consideration.

2836. It would correspond to what is done under the Lunacy Acts?—Yes; there is an inquiry before the sheriff in the case of dangerous lunatics. If the man is not a dangerous lunatic he is remitted by the sheriff to the parish, and they take charge of him.

2837. But in every case before sending a man to an Asylum in Scotland, as I understand, the case must be brought before the sheriff, who satisfies himself that there is *prima facie* evidence that the person is a lunatic?—No doubt.

2838. So that by analogy the sheriff should be the person to certify habitual drunkards?—Yes.

2839. What is the machinery I would have to set in motion if I wanted to get any person for whom I was responsible into Morningside?—You would first of all have to get the certificate of two medical men; then an application has to be filled up in which is set forth the relationship of the applicant to the person alleged to be insane, and under what circumstances the warrant is craved; whether the case is one of urgency or not. These papers are laid before the sheriff.

2840. The sheriff has to judge of the evidence?—Yes. He has to judge of the evidence and the grounds on which the warrant is asked. I sign such warrants almost daily.

2841. (*By Sir Colin Scott Moncrieff.*) You have told us how you treat boys in relation to the birch. What do you do with little girls of the same class. You don't want them sent to prison?—I avoid sending them to prison in every way I can. I tell their parents to deal with them.

2842. (*By Professor Dove Wilson.*) Or send them to the Industrial School?—Some of them.

2843. (*By Sir Colin Scott Moncrieff.*) It has been represented to us that it was the girls who sold newspapers on the streets that fell into bad habits and became juvenile offenders. Do you know anything as to that?—I cannot say anything as to that.

2844. (*By Dr. Farquharson, M.P.*) Who does the whipping?—A police constable is employed, and it is always done in presence of a medical man.

2845. Do you find that six stripes breaks the skin?—I believe so.

2845A. I observe that in his report for last year the Chief Constable for the City very properly draws the distinction between crimes properly so called and mere police offences. He says:—'"Crimes" include all 'charges involving dishonesty or violence against the 'person or property of a serious kind. "Offences" 'consist chiefly of crimes of disorder and drunkenness.' Then he says:—'There is a slight increase in the 'number of crimes reported as compared with the 'two preceding years, but the number is lower than for 'several years prior to 1891. There is a most gratifying decrease in the number of offences.'—Well, that I think shows that these petty offences are sufficiently punished and should not be visited by cumulative penalties; but in any case, you soon get to the end of your tether, which is 60 days.

2846. You think it would be oppressive?—And have no result.

2847. (*By Dr. Sutherland.*) How many lunatics do you have inquiries regarding in the course of a year?—Very frequently. But I could give you no figures. That could be got from the sheriff clerk.

2848. One hundred?—Far more.

2849. The number of habitual offenders in Edinburgh is only 184?—These are given as the figures, I believe, but I observe that according to the Chief Constable's Report, of the number of persons apprehended more than once during the year 1893, only 26 were in custody more than ten times, and these 26 were all females.

2850. (*By Professor Dove Wilson.*) It is only in the case of dangerous lunatics that the sheriff has a formal inquiry and takes evidence?—Yes.

2851. In the case of lunatics that are not dangerous his duties are confined to seeing that the medical certificates and the application are in proper form?—Yes.

2852. (*By the Chairman.*) The medical certificates are the statutory evidence?—Yes. There is one institution in Edinburgh for inebriates which is referred to in Mr. Morton's Bill, viz., Queensberry House, which I believe exists for paying patients. It is said to be voluntary, but what I want to bring under your notice is this—that I have often received applications from parties, inmates of this asylum, complaining that they were being detained there at the instance of friends against their will. I thought the best way to deal with them was to send an agent of the poor to see them. That was done, and in some cases I believe that the agent threatened the authorities of the establishment with an action of damages. Then they liberated the complaining parties. Cases of the kind

having been brought under my notice, I had a consultation with Sheriff Crichton, who was sheriff at that time, and he spoke to Major M'Cartney, the Governor of Queensberry House. We arranged that if there were any more of these applications we should send them to the Governor of Queensberry House, asking him what explanation his directors had to make, and if the reply to that is satisfactory, we just intimate it to the party complaining, and state that we think it better for his own interest that he should remain there. Of course it is illegal to detain anyone there who wants out. This practice has been followed. I have here a letter with reference to a complaint which lately was addressed to Sheriff Blair. On the 27th September last, this man, Mr. John Fisher, an inmate of Queensberry House, complained, and wanted to be released, and the answer he got was this :—'I am directed by the sheriff to communicate the result of the inquiry with regard to your letter asking to get out of Queensberry House. He is satisfied that it is for your good that you should remain in the institution ; further, that your leaving may be attended with very serious consequences to yourself.' That is the kind of reply that is sent. I have always had an uneasy feeling that some of these parties are being detained illegally, and that some day the directors of Queensberry House may be treated to an action of damages.

2853. I am glad you have brought forward that subject. My recollection is that before the Dalrymple Commission similar evidence was given at the time of women sending complaints—were made by women to the Edinburgh magistrates. You say it is illegal?—Detaining them against their will is illegal. *Sheriff-Substitute Rutherfurd.*

2854. Is it the case that by complying with the formalities prescribed by the Inebriates Act they could have legal powers?—No! The Habitual Drunkards Act only applies to parties who are willing to make application. 21 Nov. 1894.

2855. People who are willing to stop there of their own accord might be presumed to be willing to make application ; and if you assume that none of them are willing to make application then the detention in every case is illegal. They have no right to be there at all. You have no executive concern in the matter?—None. I mention it because Queensberry House is referred to in Mr. Morton's Bill.

2856. Take this case. If one of the inmates of Queensberry House were to assault the doctor and the gate keepers in his efforts to get out—and were brought before you for assault ; assuming that he had committed these assaults in fighting against illegal detention, what should you do?—It would be a difficult question. No doubt the directors of Queensberry House are acting from the best motives. They have got the people in the house there at the instance of friends. But they incur the risk of actions for damages.

2857. Are you as a sheriff suspicious of such illegal efforts?—I always am. I may say that the letter I have referred to came to me through the dead letter office. The man had been let out the day before it arrived and could not be found, and that is the way I have it. [The witness then withdrew.]

Dr. T. S. CLOUSTON, Physician-Superintendent, Royal Asylum for the Insane, Morningside, called in and examined. *Dr. Clouston.*

2858. (*By the Chairman.*) You are medical superintendent in Morningside?—I am.

2859. How long have you been in that position?—Twenty-one years.

2860. Please state your medical qualifications?—I am an M.D., and a Fellow of the Royal College of Physicians.

2861. You have had other medical experience in connection with asylum work?—I have. I was ten years in England in charge of the County Asylum, Carlisle.

2862. Please give us your views as to habitual drunkenness—how far is it a vice and how far a disease, and whether there is any possibility of a border line between it as a vice or a disease?—I consider habitual drunkenness a disease in many cases. Undoubtedly it is only a vice in others. I do not think it possible, however, to draw a hard and fast line, or anything like a hard and fast line between what is vice and what is disease.

2863. Should I be right in stating that a person who is habitually intemperate—an habitual drunkard by his intemperance brings about a diseased condition of his brain and tissues generally, which in time amounts to disease?—That is undoubtedly so, if he drinks long enough, and we can now prove it microscopically by the actual change of tissue of the brain.

2864. And the first step towards the cure of that condition is to stop the alcohol?—Beyond a doubt.

2865. Further, is it the fact that certain diseased conditions produce in persons who have hitherto been temperate the loss of power to resist temptation to drink. I refer to such things as sun-stroke, apoplexy, or other diseased conditions, specially in connection with certain conditions to which women are subject, change of life and so on. Am I right in stating that these conditions change very frequently the whole disposition regarding drink, and cause otherwise formerly temperate persons to become drunken?—That is undoubtedly so in my experience, and I believe in the experience of other physicians. In addition to the cases you have stated adolescence and the coming on of old age, through the degeneration of the tissues undoubtedly produce a craving for drink, and men who have lived soberly may lapse at 60 or 70.

2866. In connection with your own special subject the action and reaction of drink and insanity is very close?—There is a very close connection indeed.

2867. In many cases does intemperance in drink bring on a well-marked insanity?—That is so. The assigned cause, predisposing or exciting, of about 16 per cent. of the insanity of the country in drink.

2868. And that insanity probably deprives the patient of the will to resist the inducement to drink?—That is so. It is frequently the case in the beginning, before proved insanity comes in, that the self-control is lost.

2869. In connection with that you have a provision under the Scots law for the admission into asylums in voluntary cases ; do you find many cases in which drunkards apply for voluntary admission?—A certain number do so ; but from my experience of such cases I am extremely loath to admit them. I find that many of them come in for the purpose of getting a sort of pick-me-up, and go away before any permanent good is done.

2870. Have you any suggestion to make as to the duration of the period of detention in cases of that kind?—I should not have drunken cases admitted as such into asylums at all.

2871. Not even the voluntary cases that come in?—I should not.

2872. You state here that in some few cases you have used the asylum as a Reformatory, keeping patients for six months, and even a year when they did not press for a discharge, but that your experience generally in regard to the plan of mixing inebriates whose legal insanity had passed off with insane patients had been unfavourable. In cases where they did press for a discharge you had no legal power over them?—If such patients had asked to get away I should have had to discharge them.

2873. How were these people sent to you?—They were originally certified as insane persons, the technical legal insanity had passed away, but still they retained the tendency to drink. They became intellectually sane, but not normal as regards self-control.

2874. I suppose you have a large number of patients who, a short time after they come into you, from being

Dr. Clouston. 21 Nov. 1894.

kept from getting drink became intellectually sane?—That is so.

2875. And how do you treat them?—We have to discharge them as soon as a reasonable period of probation has expired. We treat them exactly as we treat cases of mania or melancholia. We can retain such cases after the legal insanity has gone off but a very short time.

2876. What is the view which you take of delirum tremens as regards insanity?—It depends on whether the certifying doctor looks upon it as insanity or not. It is a mere accident whether it is sent to the Royal Infirmary or to the asylum.

2877. Do you get many cases?—We do get some.

2878. And you are entitled to keep them in for a reasonable probationary period?—We are.

2879. What do you consider a reasonable period?—It depends a good deal on the patient himself. One tries to persuade him after coming to reason to stay for something like three months; but usually one fails. There are certain reprobate cases coming in which we discharge at once. We do not keep such about the place after they are legally sane. I do not think it worth while to exercise any reformatory ways with them, because they are not reformable.

2880. Do you think they could be dealt with in the earlier stages before their condition became one of insanity?—I believe certain of the cases in the earlier stages could; but the reformation of habitual drunkards is not hopeful.

2881. Have you many reprobate cases; who go out, get drunk, become insane, and keep going the round in that way?—We have a certain number of cases; not a very large number of that class coming and going. We have one woman notoriously. Her mother had been insane, and a patient in the asylum; two brothers are insane, and she herself is a dipsomaniac, and has been with us ten times.

2882. In connection with dipsomania, and certain diseases of that type, have you observed anything in relation to heredity?—There is a close connection. This is a subject I have particularly studied.

2883. We should like if you can give us any light on that point?—It is difficult to give it in statistical form; I can only make a general statement that it is extremely common that hereditary connection exists. There are many instances of the hereditary connection between actual disease, that is legal insanity, where a man is unable to conduct his own affairs and requires to be placed under treatment, and the drink craving, and want of control over it which we call dipsomania. It is an exceedingly common circumstance in some families, but there are no statistics.

2884. Have you observed any cases in which the dipsomaniac children of dipsomaniac parents develop and show symptoms of insanity?—Constantly so. I have seen cases where, for instance, the parent was not insane when the children became dipsomaniacs and the parents became insane at the beginning of old age. Others with the hereditary taint, procreated children, who at the age of adolescence became insane. That is an important aspect — the way in which the drink craving comes in somewhere between the ages of 16 and 25—during the development of the brain just as St Vitus dance, epilepsy, and other nervous disorders do at that age. That is a critical age with many people in relation to dipsomania.

2885. Should you say that the influence of heredity in connection with the drink craving is as great as it is in the case of lunacy?—I am not prepared to give a definite opinion on that subject. I should say it is not perhaps quite so great.

2886. Is it sufficiently marked?—Very distinctly marked; but I am not prepared to say distinctly whether it is as great or not as in actual insanity. I have not got statistics.

2887. In dealing with such cases do you think that the Inebriate Acts is insufficient to govern the majority of them?—They have been a failure, and perfectly useless except for the milder forms.

2888. There are no houses licensed under them in Scotland?—None.

2889. In all cases where they have been tried they have been kept up by payments by the dipsomaniacs themselves or by their friends?—That is so.

2890. Coming to the question of a compulsory Act. There are three classes of habitual drunkards; (1) those who will voluntarily submit themselves to treatment, whose case is provided for under the present Act, or whose case could be dealt with by an amendment of the present Act. Then you have the cases of dipsomaniacs whose friends would like to commit them, and whose friends could pay for them; (3) you might have the cases of persons who would be willing to submit themselves, or whose friends would like to commit them, but who have no money; and (4) you have the *quasi* criminal class constantly up at the Police Court as a public nuisance. How would you deal with the case of a man whose friends wished to commit him to a Retreat, but who was not willing to go?—I should allow his friends, the nearest of kin, to submit proper evidence before the sheriff. Undoubtedly the sheriff in Scotland is the proper judicial officer to act. I should give the sheriff powers under an Act to issue an order for the person's committal, for 3, 6, or 12 months, as the case might be, compulsorily, either to a family or to a Retreat.

2891. Would you have that family licensed?—That is a question I have rather strong views upon. I think probably we should begin experimentally with our legislation; and one experiment in my judgment should be to allow certain persons suitably situated, and under proper conditions of supervision of course, to take dipsomaniac patients and to have control over them.

2892. There is some analogy to that is there not in the Lunacy Acts?—Yes, and it works remarkably well in certain cases.

2893. Under the Lunacy Acts what powers have the people to whom these lunatics are sent to detain them and to control them?—Absolute powers under the Lunacy Acts.

2894. Yes! I want to get the analogy. If you were called in for instance to advise as to a case of incipient mental derangement. You think it might be better to treat certain patients by sending them to reside with some suitable family than by taking them into the asylum. What I want to know is under what Act has such a family power to detain a lunatic sent to them?—There are two methods of doing what you refer to. An insane person can be detained for six months without a certificate, on notice to the Lunacy Board, as is provided in the Act 20 & 21 Vict. Cap. 71, Sections 41 & 43, 'with a view to his recovery.'

2895. But are these people under the provisions of the Lunacy Acts?—Under this first instance I speak of —this sending of a curable patient for six months for the purpose of cure—I am not aware that they are inspected at all.

2896. That is a very important point in connection with the analogy between the two things. I should be obliged if you will give us a definite reference to the whole thing. I want to know where such people get their power of detention and control?—Under the Lunacy Act of 1857.

2896A. You can give us the exact section?—I can send them to the secretary. The other way is this. There are certain houses licensed by the Board of Lunacy to take not more than four patients under the Act 25 & 26 Vict. Cap. 54, Section 5. I believe they usually prefer places where only one or two are taken. These houses are definitely licensed by the Lunacy Board, and these licenses can be withdrawn. To these houses usually paupers are sent by the Inspectors of Poor. That is commonly called the 'boarding-out system;' and these licensed persons detain these insane persons in their houses, and use the same control over them as I do with patients in the asylum. That is very extensively practised in Scotland.

2897. Then there must be express powers given to them?—Express powers are given to detain these persons

2898. These provisions do not exist under the English law?—Nothing analagous to them exists; and we think it is entirely to the disadvantage of the treatment of the insane in England that they do not exist there.

2899. That makes it all the more important that we should have a distinct reference to the Act. You will perhaps quote the section in your evidence when you get it to revise?—I shall be happy to do so.

2900. You speak of the boarding-out system. I suppose when one patient only is sent to a family for the purpose of cure he will mostly belong to the richer class?—On the whole they do.

2901. And on the other hand where three or four are sent together they are mostly paupers?—Mostly paupers. But at some places I know private cases are also boarded together in such licensed houses.

2902. The risk of abuse I suppose is always greater in the cases of the richer class of patients than in those of paupers — the risk of abusing the powers conferred by the Lunacy Act?—I don't know. I should say the risk is more where the money payments are small. You have in the case of the richer class sometimes large payments, and the risk of losing these payments undoubtedly operates towards good treatment of the patients. In the case of pauper patients that does not exist to the same extent, and one great risk is that the patients may get insufficient food and clothing, and care, and proper exercise.

2903. Are they inspected?—Oh yes; the inspection is at least three-fold. In the first place the Inspector of Poor, let us say in Edinburgh, sends his assistant to visit these patients at stated but irregular times. Secondly, he employs the local doctor to visit them four times a year, and for that he is paid. And third, a special officer, a deputy commissioner, visits them once a year at no specified date, so that the guardians are liable at any time to have some one in authority inspecting and seeing how the patients are treated. The patients have abundant opportunity of making complaints if they desire to do so.

2904. That system of inspection does not extend to those houses where a single patient is sent for the purpose of cure?—It does not.

2905. Have you any statistics on the subject?—I have not. The Lunacy Board will give you full statistics of boarding-out cases.

2906. And of those other cases?—I cannot tell whether they keep a regular record. I have never seen anything published in blue books as to cases sent for the purpose of cure.

2907. You find that a successful method of dealing with certain cases?—I think successful and appropriate. I resort to it often myself. It gives a man a chance of recovery without being considered insane in certain modified cases.

2908. In connection with the compulsory commitment of persons to Retreats for habitual drunkards, a case is given in the evidence taken before the Inebriates Committee in which a man in one of these houses had the drink craving so strongly upon him that he smashed up all the furniture, and made himself a nuisance in order to get out of the place. How would you deal with such a case?—I would hand him over to the police and try the ordinary effect of punishment.

2909. You can only do that in a licensed place?—I suppose that a man who breaks the law can be punished under any circumstances unless he is insane.

2910. I understand there are some houses in Scotland where inebriates are received?—Yes.

2911. Are the patients at liberty to leave when they like?—They must be so; otherwise the keepers of these houses would be breaking the law.

2912. As a matter of knowledge are you aware whether the keepers of these houses regard the law, and allow patients to go when they want, or whether they disregard the law?—Well if you had a man sent to the Orkney Islands say, and he had no money to take him away, it might be rather hard for him to leave.

2913. Of course in that case they would not be breaking the law?—No; that is often done.

2914. If a man is kept short of money that is perfectly legitimate?—That is the way it is done.

2915. When you are called upon to give advice regarding habitual drunkards where do you send them?—I have no particular place. But the best results I have hitherto seen have been got by boarding the patient with a minister or county doctor or farmer in a good house in some part of the Highlands as far away from temptation as possible.

2916. Where do you find that?—Well in Colonsay; or among the Orkney Islands and the Shetland Islands there are few public-houses. By putting certain patients under these conditions, if you get the right kind of guardian, you get a certain moral whip hand over the patient. He is in the midst of people leading right lives, and if they take trouble with him he gets into a better state of mind. His health is attended to, and I certainly have seen very good results in some early cases under that system of treatment. You first get your patient in a mood to want to be cured and then you may have good results.

2917. That is half the battle. I do not suppose there is any power that can help you if the patient himself does not want to be cured. If you get him into a state of mind that he wants to be cured it aids all the treatment.—That is a vital point.

2918. A good many nostrums are now proposed for the treatment of the drink craving. What is your opinion regarding them?—I do not think much of them. In the earlier stages medical men use bromides to diminish nervous irritability, and by producing a certain quietening effect diminish the actual craving, but their effect does not last for any length of time.

2919. There are some patent American cures such as the 'Gold' cure, the 'Tyson' cure, and the 'Metabolic' cure.

2920. What do you think of them?—My own opinion is that they are a gross quackery every one of them.

2921. You do not believe there is anything in them?—Absolutely nothing.

2922. Those cases you speak of which are sent to the Highlands must be a very small fraction of the grand total of habitual drunkards?—No doubt they are. They do not apply to the poor.

2923. You have the *quasi* criminal who comes before the Police Court, and you have the man who is unable to manage his own affairs on account of being an habitual drunkard. How would you deal with the poor but respectable drunkard?—Well, if the law would allow me, I should experiment with an institution of small size, where such people could really work for their livlihood. Probably the cost of the buildings would have to come out of public funds or from philanthropic sources. But I think a considerable part of the actual maintenance might be got by the work of the patients, especially by selecting favourable and curable cases to begin with. I think I should get good results by such an experiment. I do not believe that anybody would be rash enough to propose a gigantic scheme for treating drunkenness. I do not think we have the knowledge for it.

2924. Take the *quasi* criminal drunkard—the man who is constantly before the magistrates, who spends a good deal of his life in prison, is a nuisance to himself and everybody else, and the city a considerable amount. Do you think he might be better dealt with in a Reformatory and Retreat than under the prison system?—It seems to me that Reformatories might be set up for such cases. Practically I do not know more about such cases than any other citizen. Except there is a mental trouble they do not come before me. I cannot speak of this with any sort of authority or experience.

2925. Your experience has been chiefly among the well-to-do and richer classes?—And among the poorer too; we have a large pauper department at Morningside.

2926. In cases where you are consulted about habitual drunkards, you could not, I suppose, give any power of detention or control, if the case proved less

Dr. Clouston. 21 Nov. 1894.

than insanity or dipsomania?—I should give control to the guardians of such cases. I think that the principle of prevention would be very valuable.

2927. Under the present Act you would not care to do that?—There is no legal power at present to detain them against their will.

2928. You mentioned that you had been in England, and in England there are a large number of private lunatic asylums. We all know the reputation of Morningside, but every one has heard something about these private asylums in England. I suppose you admit the necessity of inspection of every asylum?—Beyond any doubt. Wherever the subject is deprived of liberty he must be inspected.

2929. Therefore you would inspect all places in Scotland where people may be or are detained against their will?—I think you must. If compulsorily placed, they must be under some kind of proper inspection.

2930. Don't you think it is desirable that inspection should be insisted on in every place where habitual drunkards are received, and where they may be detained against their will?—I do.

2931. At this present moment, as you are aware, a man comes forward and gets a certificate to keep a Retreat for habitual drunkards; his character is inquired into, the license is granted, his place is inspected. But is it not open for a man to set up a Retreat on his own account, and do away with inspection?—All I can say is that I get applications from at least a hundred persons for the care of dipsomaniacs. If patients of that kind were sent to unauthorised places they would very soon find out that they were being illegally detained. Dipsomaniacs, as a rule, are very sharp at finding out that sort of thing.

2932. You know of course some institutions about Edinburgh where dipsomaniacs are received?—Yes, there are houses, I don't call them institutions. There is a little place at Peebles, and there is Queensberry House.

2933. What is the size of the place at Peebles?—It is a small place.

2934. (*By Dr. Sutherland.*) I believe it has 14 patients.

2935. (*By the Chairman.*) You would have such places inspected as Queensberry House and Peebles?—Certainly.

2936. You believe in them having some employment?—Yes; that is one reason why I like them to go to a farm. They can have a little work there, and a little shooting and fishing; some occupation in life.

2937. You think the presence of inebriates in asylums is bad both for the lunatic patients and the inebriates?—I do. Of course if you have a private asylum, where the board-money is of some importance, I think it is a legitimate enough thing for them to take in certain dipsomaniac patients, and do the best they can for them in the present state of the law. It is for money reasons, but it is a perfectly legitimate thing.

2938. In the case of private asylums in Scotland where dipsomaniacs are received, are they received as lunatics?—They are received under the provisions of the Lunacy Act. They are voluntary patients, but the law expressly provides that such cases shall not be classed as lunatics, or treated as such, or entered in the register of lunatics. But they are not deprived of the control of their affairs or treated as insane persons.

2939. What does a man do if he wishes to get out?—He asks the doctor or he writes to the Lunacy Board. I think a good deal of good is often done by such residences. I should like to make one suggestion which I did not send in—I forgot about it—and that is that in any future legislation I would very strongly suggest that it should be made a penal offence for any publican or licensed grocer to sell any intoxicating liquor to any person who has been intimated to him by the proper authority as an habitual drunkard. I would make that a condition of the licensing laws. It would be most important; it would merely be carrying out what most of the guardians of dipsomaniacs try to do by private arrangement with publicans in their neighbourhood.

2940. That would be very good in the country; but would it not be rather difficult to work in towns?—Well, it might be more difficult. The other day the wife of a man who had been a former insane patient of mine came to me and told me that her husband was making 28s. per week, and was drinking about 22s. in a certain public-house, the people of which knew that he had been insane. She was practically starving, but she could not get them to stop supplying the man with drink. That is merely an example. I should extend that provision to every person who had been insane. And after intimation by the Inspector of Poor, or nearest relative, to a publican or licensed grocer in the neighbourhood, I would make it a penal offence for such publican or licensed grocer to supply intoxicating liquor to the person referred to in the intimation.

2941. Could you not get that in some other way?—I have no doubt it might be done in some other way, but such intimation would do a certain amount of good, and in country places it would take away the chief risk we have at present.

2942. (*By Dr. Sutherland.*) Do you think good might be done by holding over the heads of publicans, licensed grocers, and pawnbrokers, pains and penalties for selling drink to certified drunkards?—That is so.

2943. In the country towns the excuse could not be put forward that the drunkard was not known?—It could be carried out there.

2944. Do you think that the same penalty should apply to the pawnbroker in so far as he should not be permitted to receive furniture, body-clothes, or bed-clothes from certified drunkards?—I have not considered that particular question. It never occurred to me.

2945. Is it within your knowledge that drunkards pawn their clothing, &c., for drink?—It is so in a great many cases.

2946. Does he do so for any other reason: because if he were a starving man he could in this city, with so many benevolent societies, get food by applying for it?—Undoubtedly.

2947. You say that from your experience we have no information at present justifying us in starting big establishments for the treatment of habitual inebriates?—I should put it in this way. That we have not sufficient information and sufficient experience in starting gigantic or very costly experiments.

2948. In Scotland, allow me to mention that there are 13 Reformatory female shelters, in which women are detained for 12 and 18 months who have been addicted to drink and prostitution. The directors of these institutions inform us that from 40 to 50 per cent. have been cured and restored to society?—I should think that too favourable a statement.

2949. Assuming for the moment that the results in the main are true, is it not an object-lesson for the Government, the Municipality or County Council, separately or jointly, to deal with these people in Retreats or Reformatories and not in prison?—I have no doubt we ought to found on every bit of experience we have, but I am very sceptical of the records of cures of dipsomaniacs hitherto published. They are not at all in accordance with my own experience.

2950. Have you heard of the *asile alcoholique* about to be erected in Paris on the report of Dr. Magnan?—I have seen a statement in the papers about them. I have seen several establishments of the kind in America.

2950A. Do you think the law in America in regard to inebriety better than our own?—Different States have different laws.

2951. Is it the law that is wrong in America, or is it the management of the Homes and the want of constant, healthy, and varied occupation?—I looked upon them rather casually, and it would scarcely be right of me to express an opinion. But, from the knowledge I possess, I have no doubt they are run with the real object of benefiting the insane and benefiting society.

2952. Did it strike you that in most of the American Homes employment was looked upon as secondary to detention?—I took up some such impression in regard to some of them. I did not go into the question.

2953. You told us, Dr. Clouston, that inebriety should

be kept distinct from lunacy?—I did, but they occasionally cross each other; inebriety may become insanity, and the lunatic when cured of his technical insanity may take to drink from a still existing brain weakness.

2954. Are you aware that the habitual drunkard has in his own, and in the eyes of many, less of a stigma attaching to him than the lunatic?—Oh! I suppose it is often considered a more respectable thing to be a drunkard than a lunatic.

2955. And that there are fewer social and civil disabilities attaching to drunkards than to lunatics?—That is so.

2956. If it is necessary for the treatment and cure of lunatics to classify them, would it not *a fortiori* be necessary to classify inebriates?—Yes; I have strong opinions in regard to the classification to inebriates. They consist of different classes, and a proper classification has not yet been formulated. They are distinct one from another, and any attempt to deal with them without regard to this fact would end in failure.

2957. Classification is a most important factor in any scheme?—Undoubtedly.

2958. What sort of classification would you suggest?—I am not quite prepared to say. There are, of course, the early or adolescent cases, and cases from which after reasonable inquiry there is every reason to expect good behaviour. These should be regarded as one class and provision made for them first. Extreme offenders—those who have been constantly in prison—should be regarded as quite a different class altogether.

2959–60. Supposing they have not that desire, should not their wives and families, relations and the public, be protected?—I think so emphatically. I never have sadder experiences than when the parents and wives and husbands of drunkards come to me and say:—'Can nothing be done to save them,' and I have to reply:—'Nothing in the present state of the law, if 'they won't go voluntarily to some guardian.'

2961. And the effects—where these exist—of the dipsomaniacs placed under a *curator*?—I think that is most important. Something should be done for the protection of the property of dipsomaniacs for the sake of society. There is no other condition I know of that causes so much misery as a drunkard in a family.

2962–63. Supposing it were the case that 30 per cnet. of the poorhouses of Scotland are empty, or almost empty, there would be no necessity for going in for other costly buildings; they might be utilised, might they not?—Decidedly, I should like to see that tried.

2964. Do you believe in placing a large number of these inebriates together?—I do not. Where you get a number together they create a bad moral atmosphere, and prevent that desire of getting well which is at the foundation of their well-doing. They do each other a great deal of harm.

2965. Do you consider intoxication *per se* insanity?—I refuse to call it insanity. Insanity is a disease; intoxication is a temporary aberration.

2966. (*By Miss Stevenson.*) In regard to the statement which one sees frequently made, especially by temperance reformers, that there has been during the last few years a marked increase of drunken habits amongst women in the upper or educated class, producing a corresponding increase in cases of insanity among the same class. Does your experience corroborate that?—That is not in accordance with my experience. Thirty years ago, at Morningside, we had as many such cases as we have now.

2967. In regard to the treatment of people addicted to drinking among the upper classes whose friends can afford to have them put under restraint. Would you approve of such legislation as they have in France; where the family can meet with a lawyer and arrange to have the member who has incurred extravagant habits put under a curator?—I think that a remarkably good law, and I have often wished we had such a law here.

2968. (*By Professor Dove Wilson.*) What is your idea of the length of time that would be requisite to keep a patient in one of these asylums in order to operate a cure?—It is an extremely difficult question to answer. But I would say this, that there is very little use of placing a patient for any time under six months. Something between a year or two is a much more likely time in which benefit might be received.

2969. (*By Col. M'Hardy.*) From what you have been saying hitherto I understand that you would be in favour of treating habitual inebriates in different ways?—I should.

2970. Some of them in one way and some in another. Probably a small amount of restraint would suffice in one case, and a larger amount would be required in another?—That is my experience.

2971. Am I right in supposing that in a good many cases probably simple boarding-out with satisfactory guardians would suffice?—In a great number of cases. In the best of the better-class of cases that would be quite sufficient. What you want is to get them out of the way of temptation.

2972. When you say 'better-class' I presume you mean the medical view of the case rather than the social position of the man or woman?—That is my meaning.

2973. Is there not a considerable difficulty, even in the Orkney Islands and elsewhere, in keeping drink from those men who are boarded-out?—There is considerable difficulty if the man is active and crafty.

2974. But you think some sort of simple guardianship would suffice in a good many cases?—Yes. If it did not the grip could be tightened until it became practically imprisonment.

2975. In every case you would have proper occupation?—I think that is most important; out-door occupation if possible. Agricultural work or gardening.

2976. Can you give the number you would deal with in one group?—I would not put more than four together in a private house and I prefer one.

2977. Does that remark apply to the *quasi* criminal class as well?—They would have to be grouped I presume in somewhat larger bodies. But the smaller the better.

2978. What number would in your opinion be the maximum it would be desirable to associate together?—I have not quite faced up that question. But I should consider that more than 50 would be a very undesirable number.

2979. (*By Dr. Farquharson.*) You think we have not experience sufficient to warrant us going into a large scheme?—That is my belief.

2980. Do you think a *prima facie* case has been made out for doing something?—For doing something undoubtedly—something tentatively in various directions for the inebriate and for his relatives.

2981. You think the present system of short periods of detention on the voluntary system has not been a success?—Its success has been extremely small.

2982. Do you attach much importance to evidence from America?—I do not; so far as it goes it is commonly too optimistic.

2983. Would there not be one drawback in these small institutions you speak of—the difficulty of carrying out compulsion?—I am referring to the curable class. I am not talking of the criminal class whom society must take in hand for its own benefit and treat them as it thinks best.

2984. You think healthy out-door occupation should be part of the treatment?—I do. I have seen men do well when they take to gardening. I remember being consulted about an adolescent case from Edinburgh. We sent the young man to a respectable Orkney farmer, and the lad had made his home there. He is now a big ruddy burly youth with no drink craving, a marked contrast to the pale nervous-looking person he was before we sent him away.

2985. Do you think there would be much difficulty on the score of expense if we recommended the establishment of Homes?—Well one would not like to frighten the tax-payer to too great an extent.

2986. Tax-payers are getting rather sensitive in these days?—They are undoubtedly; and not altogether without reason.

Dr. Clouston. 21 Nov. 1894.

2987. Do you think it would be possible to get a fair return from these institutions so as to diminish their expense?—I think an energetic superintendent of one of these institutions might take a good deal out of one of them.

2988. As regards the machinery for putting habitual drunkards into these Homes, would you put the responsibility on the doctor as under the Lunacy Acts, or would you make it a legal matter and leave it to the sheriff?—I think it should be treated as a legal matter and brought before the sheriff. It could come up by petition from near relations, or those suffering at the hands of the inebriate, and the sheriff should take evidence upon it and decide accordingly.

2989. Would the sheriff hear that in open Court?—No. I think that would immensely diminish the good effects.

2990. Do you think it should be a medical question at all?—It should be a question for the legal authorities. The family medical man would no doubt be asked by the sheriff to give evidence.

2991. He would give collateral testimony?—Not necessarily. There are plenty of cases in which the relatives would give sufficient evidence to convince the sheriff that a man was an habitual drunkard, and there are others where the doctor's evidence would be the most important—cases with markedly medical aspects.

2992. (*By Sir Colin Scott Moncrieff.*) Are these individuals who are sent to farms for six months sent on the certificate of a doctor or doctors?—They are sent with the certificate I have referred to.

2993. And the person they go to restrains them?—Yes. *Dr. Clouston.* 21 Nov. 18

2994. That seems to me capable of tremendous abuse?—A certificate is signed to the Board of Lunacy; the doctor intimates that a case has been placed under such a guardianship in such a place. But it is not a formal certificate like our ordinary medical certificate.

2995. Any practising physician can sign that?—Yes.

2996. Are you aware if there has been abuse from it?—I am not aware that there has been the slightest abuse from it. I look on it as an extremely valuable measure for certain cases of slight and transient mental affections.

2997. (*By Dr. Farquharson.*) Do you think we have any scientific evidence which would enable us to judge if there is much hope of reclaiming those people by continuous treatment?—Certain of them you can if you get hold of them early. The discouraging thing in connection with all legislation of the kind is that we shall probably have to begin with the worst cases that are the greatest nuisances to themselves and to society. That will tend to discourage. Undoubtedly one has seen drunkards who have been reformed.

2998. In the worst cases you speak of is it because there is an actual structural change in the brain or nervous system that makes the cure so hopeless, or is it merely that the will is lost?—In the advanced habitual drunkard such a change has taken place in the brain that it is impossible for a cure to take place. This change can undoubtedly now be demonstrated microscopically like any other bodily disease. In such cases the bodily vehicle of sound or strong will is gone.

[ADJOURNED.]

EIGHTH DAY.

Edinburgh, Thursday, 22nd November 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman*).
Lieut.-Col. A. B. M'HARDY, R.E.
Sir COLIN SCOTT MONCRIEFF, R.E.
Dr. FARQUHARSON, M.P.
Sheriff DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Miss Louisa Stevenson. 22 Nov. 1894.

Miss LOUISA STEVENSON, Edinburgh, called in and examined. *Miss Louisa Stevenson.* 22 Nov. 18

2999. (*By the Chairman.*) You are a member of the Edinburgh Parochial Board?—I was; but I was obliged to resign owing to a change in the boundaries by the Boundary Commissioners throwing my residence out of St. Cuthbert's Parish, and rendering me no longer eligible.

3000. How long were you a member of the Board?—Nearly ten years.

3001. And I suppose that in connection with that body you came across a very large number of petty offenders of all sorts?—A very large number.

3002. Had you to do with any schemes for their reclamation?—No; not specially.

3003. Have you any suggestions to offer as to the causes of repeated crime in these people?—Well, the subject on which I wished specially to speak was the case of children of vagrants who, through being trained as vagrants, add to the vagrant community in after years.

3004. Had you much experience of them in connection with Parochial Board work?—We had cases of the children of vagrant parents—parents who spent their lives between the prison and the workhouse during the winter, and who during the summer went off travelling through the country, taking their children with them out of the workhouse, begging from poorhouse to poorhouse, spending a night or two in whatever poorhouse was *en route*; and at the end of the time all the bills for their board and lodging during that period were sent in to us, and we had simply to pay for them. That went on repeatedly.

3005. That would only be people who were not classed as able-bodied?—They cannot be classed as able-bodied.

3006. We got evidence as to the children of vagrants detained in some other parishes. There they appear to board them out, and they seem to have power to retain them against the wish of their parents. Had you anything of that sort, or did you work on that system?—There is the Custody of Children Act 1891, giving the Parochial Boards power to apply to the Court for permission to retain children; but that Act has been practically useless. I believe that no case has ever occurred in which the Parochial Boards could defend such cases, partly because of the great expense; but as a matter of fact parents do not take such cases to Court. These Courts are too far apart from them. If it were the Police Courts—I think these were suggested for England—the parents might go there.

3007. It is not a question of police. You say that your Board has suffered considerably in consequence of these guardians leaving their children in poorhouses all over, and then going off and travelling the country with them. What I say is that in some of the Glasgow Parochial Boards, inspectors told us that they were able to deal with such cases by boarding-out the children and refusing to give them up to their parents, and that they had something that they construed into legal warrant for doing so?—They may have construed it into legal warrant, but practically these parents cannot be said to be altogether 'unmindful' of the interests of their children.

3008. Then, might I ask, is what you suggest that there should be a cheap and readily accessible tribunal which might give power in such cases to the Parochial Boards to retain the custody of these children?—Well, what I suggested was, that the Parochial Boards themselves should have the power to retain those children till the parents had returned all or part of the money that the Board had expended on them—to have a sort of hold on them; not making it absolutely certain that they must do so, but giving them this power without going to the Court at all.

3009. You do not think that is a power that might be liable to abuse?—From my experience I should say no; because I think that as a rule Boards are rather anxious to get rid of their children than to retain them.

3010. We have suggestions made to us that the Boards should have power of compulsory retention in the case of another class of paupers—those namely, who get out now and again, get drunk, go to prison, and come back to the poorhouse; get obstreperous, go out again, and repeat that process indefinitely. The suggestion is that the Boards should be given power to retain those people for a certain number of weeks. Do you think that would be a good thing?—I do. So far as I can see it would be the only way of getting hold of the children under the existing law. Along with that would go the power of boarding-out these children and keeping them.

3011. You do not have any statistics sent in to the city parish from other parishes who had maintained your vagrants during the summer?—Not being a member of the Board now I have not access to statistics; but I have in my mind the case of a man and wife who wandered through the whole of Scotland in the summer, walking with their children as far as they could—to Stirling, Aberdeen, Inverness, and every large town—and then coming back at the end of summer.

3012. You speak of these as vagrants, but their domicile must have been in Edinburgh?—Yes. They are domiciled in Edinburgh; leading a vagrant life in the summer.

3013. They were vagrants so far as the rest of Scotland was concerned?—Yes; but they are domiciled in Edinburgh.

3014. Is there any other special point that you wish to bring before the Committee?—No; I think the one great point is that power should be given to the Boards to retain those children, until perhaps the whole or part of what had been expended upon them had been repaid.

3015. That might practically mean a very long time?—Yes; it might. But it would be in the discretion of the Boards, and I think from my experience it probably would work well.

3016. Now, did the exposure to this treatment prevent the Boards from boarding-out those children? Did they say 'It is not worth while boarding them out?' Did it operate to the detriment of the children themselves?—It did operate detrimentally to the children; because, whilst they are wandering about their education is interrupted, and they are learning vagrant habits.

3017. That is not exactly what I meant? Did it operate to the detriment of the children so far as their treatment by the Board was concerned?—No. I do not think so. The Board ultimately, after a number of years, persuaded parents to allow the children to be sent to an orphanage.

3018. (*By Sir Colin Scott Moncrieff.*) Have Parochial Boards any power at present of taking children from their parents when they are sent out to beg? Is there any legal power?—Yes; under this 1891 Act they have the power if the children have been badly treated by the parents—where the parents have been unmindful of the interests of their children.

3019. Did you say that Act was really a dead letter?—So far a dead letter that they have to go to the Court.

3020. Can a Parochial Board confine children sent out to beg on the street? Can the inspector carry them in and lock them up?—No; every one who goes to the Parochial Board must make application one way or other. No one can be made a pauper against his will. He must apply.

3021. Begging is a police offence?—It is an offence in towns.

3022. In a town what comes of the child found begging. Can the police not send it to the work-house? It is not sent to prison?—A child would certainly not be sent to the work-house unless taken up before a Court.

3023. (*Miss Flora Stevenson.*) They go to an Industrial School, under the 14th section of the Industrial Schools Act.

3024. When you talk of money spent on the children do you mean money spent on their food and clothing?—Money spent on their keep. It mounts up to a considerable sum when it goes on year after year.

3025. It practically means keeping the children so long as the Parochial Board choose to keep them?—If you fix the limit of age.

3026. (*By Dr. Farquharson.*) Are most of those vagrants pursuing some kind of ostensible occupation?—Sheer begging.

3027. Is there any chance of their ever accumulating enough capital to be able to pay off their Parochial Board obligations?—I should say not.

3028. Would they not look upon this as rather an eligible opportunity of getting rid of their children; foisting them upon the Parochial Board. Do you think they would be inclined to make any effort to pay off?—I think those that were worth anything would; the worthless would not. Some who really care for their children might, but the worthless ones never.

3029. Do these children turn out badly in after life? Do they swell the criminal population; get worse than vagrants?—In this special case of which I speak the parents at last consented to the elder ones being sent to a Catholic Home. They were Catholics.

3030. There is a distinction, I see, made in our instructions between pure vagrants and show people—caravan people?—I speak of pure vagrants.

3031. I suppose a good many of the inferior class of show people lead very much the same kind of life as vagrants?—Yes, except that the show people carry their caravan with them, and the children are consequently not subject to the same bad influences as the children that are wandering about the country in the way I have been speaking of.

3032. Would you punish the people who do not attempt to pay up their debts to the Parochial Boards?—I would propose that the Parochial Boards should have powers, not only to recover for the past, but to make parents pay a fixed weekly payment to the Board for the children's maintenance.

3033. To intercept their wages?—To intercept wages or get it in any way they could.

3034. (*By Col. M'Hardy.*) Don't you think that the tax-payer would be likely to object to pay for the detention and upbringing of these children?—The tax-payer must pay in any case, because all the time this family I allude to were wandering, their bills were running on. These bills came to us at the end of the season and we had to pay for them; so that they are on the rates in any case.

3035. Supposing that the children had been educated and well brought up, and had in any case come to earn wages, the parents would be more likely to try and reclaim them than if they were merely younger vagrants than themselves?—That is so. There are many cases where as soon as the child was able to earn wages, the parents have stepped in and claimed the child, in order to get the benefit of its earnings.

Miss Louisa Stevenson.

22 Nov. 1894.

3036. (*By Sheriff Dove Wilson.*) Might these children not have been dealt with under the wandering clause of the Industrial Schools Act?—They only wandered during the summer, and they were with their parents, their parents really having some sort of affection for them, and taking advantage of what opportunities they had to visit them when they were in the work-house. *Miss Flora Stevenson.*—I think it is the 14th section of the Industrial Schools Act of 1865.

3037. Was any attempt ever made to commit them under the Industrial Schools Act?—No; they were not suitable cases for being committed under the Industrial Schools Act, because the parents had this claim upon them, they cared for them, and when they were in the work-house they cared to visit them at stated times; so that they were not entirely neglected.

3038. But their education must have been completely neglected?—Yes; whilst they were wandering.

3039. And that was a large part of the summer?—During the great part of the summer.

3040. However, no attempt was made to apply to the sheriff for warrant to deal with those cases?—The Board to which I belonged, even I believe in the cases of grown people, about 25 years ago defended a case before the sheriff of a pauper applying for relief, and it was given against them. Now, and ever since, whoever applies for relief is offered the work-house. If they do not really need it they do not go in.

3041. (*By Miss Stevenson.*) I think your Board are of opinion that it is better if possible to board children out than send them to Industrial Schools?—Much better.

3042. And the difficulty was, as you have said, that these children did not come under the section of the Act because they were not without proper guardianship; they were with their parents?—Yes.

3043. If they had their children with them they helped them to beg?—Yes.

3044. You are also of opinion that it would be desirable that Parochial Boards should have the power to retain children after they are 14 years of age, so that dissolute parents who had been relieved of their children all that time could not take them away when they were wage-earning?—Yes. I think in the case of girls the age might be raised to 16.

3045. What did you do with illegitimate children who came in with their mothers? Did you ever board them out?—Yes; if there was more than one they were frequently boarded-out.

3046. Did you make it a condition of boarding the child out that the mother should stay in the poorhouse?—Not in every case; because each mother was supposed to be able to support one child.

3047. Some of the guardians in England are making application; are agitating for such powers to Parochial Boards as you refer to?—I think the suggestion in England was that it would meet the difficulty if the Police Courts had the power. They would save all the expense of going to the higher Courts if a parent might apply to the Police Courts.

Miss Louisa Stevenson.

22 Nov. 1894.

3048. For recovery of a child?—Yes.

3049. As a matter of fact, if the case is referred to the sheriff, the Parochial Board has to pay not only its own expenses but the expenses of the pauper?—Yes.

3050. (*By Sheriff Dove Wilson.*) Are you aware that the expense of putting a child into an Industrial School under the Industrial Schools Act is only a few shillings?—I was not talking of the expense of putting a child into an Industrial School; I was talking of the expense of a parent claiming his child from a Parochial Board, or from any guardian in whose hands it might be.

3051. You would have that in any case. A parent might apply for a child even though the Parochial Board kept it at its own hand, and might take it into the Sheriff Court?—Yes.

3052. But the expense of committing to the Industrial Schools is a mere trifle?—Yes.

3053. (*By Miss Stevenson.*) Your point is that those parents get rid of these children when they are of no use to them, and they become chargeable to the parish. Then when they are of use, you wish that the Parochial Boards should have power to keep these children altogether—if they have been chargeable to the Parochial Boards at all—if the parents are not suitable guardians over them?—Yes.

3054. And your point is that in the case of a parent applying for legal power to recover the custody of his child, the case has to come before a higher tribunal than the Police Court?—Yes. And to avoid that the Parochial Boards should have power to say:—'Well, we are not legally bound to consider this case 'till the money that we have already expended on the 'child is paid up—till you have paid up the money 'which we have already expended on the child,'—without going to a higher Court.

3055. (*By Dr. Sutherland.*) Do you know if these vagrants have any respect for the law?—They have no respect for the law in so far as they are ready to break it.

3056. Are you aware that there is 1 out of every 7 vagrants apprehended by the police, whilst in the ordinary civil population the proportion is only 1 in 27?—I have not those statistics.

3057. That would indicate that they have not much respect for the law?—Yes, in that way; but I do not quite understand the question.

3058. Assume that there are 14,000 vagrants and beggars in Scotland. Of that number 2,000 have been apprehended by the police. That gives 1 to 7 of the vagrant population as offending against the law; whereas in the civil population it is only 1 in 27. That would indicate that they have not much respect for the law, and are rather frequent breakers of it?—Yes. [Witness then withdrew.]

Major M'Cartney.

MAJOR M'CARTNEY, Governor of Queensberry House and Lodge, called in and examined.

Major M'Cartney.

3059. (*By the Chairman.*) Will you please explain your connection with Queensberry Lodge and the House of Refuge?—I am the governor of that institution—one institution, because it is under the same board of directors and under the same government.

3060. But in different places, and with different sorts of patients?—It is within the same enclosure and under the same management, only that the patients in the one place are perhaps superior in status or in means to those in the other—although there are as good people in the House, people who have perhaps seen as good days, and maybe better, than some of those who happen to be in the Lodge.

3061. Well, one of the two institutions is called Queensberry Lodge, Holyrood, and it is described as 'a 'temperance home, instituted in 1866, for ladies'?—It is also an invalid home.

3062. And the other is returned, the House of Refuge for the Destitute, Queensberry House, 64 Canongate?—Yes, that is the foundation of the House. The House is upwards of 60 years old, but since the introduction of poorhouses the place has been materially changed. Still it is a home for the destitute and a home for poor people who have no home at night—whom you might call vagrants and tramps, houseless and homeless. I should like here to make one statement. Any answer which I may give I give upon my own individual responsibility, and not as representing the Board of Directors of whose institution I am governor.

3063. How many inmates have you in Queensberry Lodge?—On an average there are from 12 to 20.

3064. Are you full just now?—No; at the present time I think we have about 16.

3065. Are there many of these inebriate cases?—I should say about half-and-half.

3066. You have got different classes of payments?—Yes, the payments range from £50 to £100 a year, but the majority of the patients pay £50 or £60. The place is not a commercial speculation. The directors allow me a certain amount of discretion, and the amount

of the payment is sometimes reduced if they cannot pay.

3067. Is it self-supporting?—Yes; and it receives no grant. It does not require any subscriptions to meet any deficit.

3068. Does it make any profit?—No.

3069. After allowing interest on expenditure in building and the like of that?—The money to build the Lodge was originally taken from the House or by subscriptions. Any profit by the Lodge goes towards maintaining the House, which is a charity.

3070. Then does it make much profit?—Not much. Perhaps to the extent of from £50 to £100 a year or thereabout. It depends upon the number of inmates.

3071. You talk about invalid and aged ladies. These are not cases of weak-minded people are they?—No. Well you may call them so if you like. They are aged and infirm. They are people who require looking after in the way of nursing. Some are somewhat paralysed. We do not take in lunatics.

3072. I see when evidence was given in regard to this Lodge in 1872, Sir Arthur Mitchell mentioned that he had several cases of lunatics certified from there?—Whenever a case developes, I immediately call in a board of doctors, and if they are satisfied, I send the patient either to Morningside, Rosewell, or Gartnavel.

3073. Have you had many cases in the Lodge?—In the ten years I have been there, I think about three in the Lodge.

3074. I see Sir Arthur Mitchell had inspected the Lodge at the time of this evidence. Has he or any person connected with the Lunacy Commission inspected the House during your tenure of office as superintendent?—Sir Arthur Mitchell has been there once within the last three or four years, and Dr. Sibbald, I think, the deputy-commissioner in lunacy, has also been there, and gone through the whole place.

3075. What sort of cases of insanity were those—from drink?—One was through religious mania, supposed to be brought on by Moody and Sankey, and the other two, I should say, were from drink.

3076. None of them took the shape of *delirium tremens*?—No; I send those cases to the infirmary.

3077. Have you many cases of that in the Lodge?—I have never known a case in the Lodge; I have had them in the House.

3078. As to the Lodge, have you any statistics of the numbers of inebriate cases that you have had there, and the results so far as you know?—Nothing further than what I submitted to the secretary in the annual report which I sent him a short time ago.

3079. You are well acquainted with the annual report? Have you got a copy?—I did not bring one. I did not think it would be required.

3080. The admissions, according to the report, from August 1886 till 1893, are stated at 759 ladies, but it does not appear to differentiate inebriates and invalids?—Inebriates and invalids combined.

3081. You have no separate information as to the number of inebriates?—I would say about half. There are many ladies there who would not consider themselves inebriates. They live there for choice. They live there because they feel they are safe in it. I would say they are perfectly cured.

3082. During the last three years mentioned, 1891, 1892, and 1893, you have according to the report had 98 ladies in the institution?—Yes; during the year. It fluctuates, being sometimes more, sometimes less.

3083. Here is what is said about the results: 'The 'results of the treatment, when time has been afforded 'by a sufficient length of residence, continue to be 'satisfactory. Information cannot in all cases be 'obtained as to the benefits derived, but good accounts 'have been received in regard to a large number of the 'boarders, particularly those who have resided in the 'House for a period of four months or longer.' You can give us no more detailed information than this?—Those who have been there for a year or two rarely have returned—that is to say if the crave for drink has been starved out of their system. But if they have been in for short periods they frequently come back; sometimes two or three times over.

3084. How long do they come to you for?—As long as they wish to stay. They are nearly all voluntary people; whilst some are there perpetually of their own choice, and pay their own way.

3085. You say they are nearly all voluntary?—We prefer voluntary patients.

3086. Who are the involuntary patients?—Sometimes they are brought for their own protection to get cured from drink for the time. But we always prefer that they should come of their own accord. They always come with their own people, and so soon as their people see fit they come to take them away.

3087. If they want to get away without their people coming?—We have no legal power to detain them—nothing more than moral influence.

3088. Do they ever make off?—Sometimes. They get restive and write to the sheriff who generally inquires into the case; or perhaps they write to their law-agent, who inquires into the case. If the sheriff sees fit he advises them to return, or me to release them if he thinks proper.

3089. Have you ever had people go out and not return?—I have had worthless people go out and not return—thorough inebriates.

3090. Do you allow them out?—After a certain time there is no restraint placed upon their liberty. If they return under the influence I shut them up for two months according to the rules. In the Lodge they go out under the charge of the lady superintendent or the chaplain. As I came up to-day I saw several on the street shopping.

3091. Suppose they mean to give the chaplain the slip?—If they are mean enough to do so they can do so, if they wish to break their parole.

3092. Do you think the word of an habitual drunkard is worth much?—No, certainly not; but whenever I get them sober, and the drink out of their system, they are rational.

3093. In every reclamatory institution we have come across, we have found a certain, it may be a very small percentage of escapes or 'absconders?'—The thing has happened with myself. Half-a-dozen years ago at Christmas-time, I took out several ladies from the Lodge with me to buy some presents to send home to their children. Whilst they were buying and paying for the presents one of them made her escape. She is dead now.

3094. Was she brought back?—Subsequently she was brought back by her husband, who was a minister.

3095. Have you had any cases of ladies managing to get drunk when they were out?—No, never.

3096. Because I find that in 1872 several instances are given. One lady was found to be dead drunk, and on her trunk being searched they found 64 bottles of chlorodyne. It appears she had washed them out and drank the water, and managed to get drunk. In another case three persons were found apparently under the influence of drink, and on the matter being searched out, it was discovered that they had got possession of a box of Locock's Pulmonic Wafers?—I know they will drink anything that will, to use their expression, 'bite'—ginger, vinegar, cayenne pepper diluted in water. During my time I have never known a case of a lady getting drunk outside, for the simple reason that she was not allowed out except in charge of the chaplain or the lady superintendent. But I could not say the same of the House.

3097. The great difficulty is found in connection with the management of Retreats for inebriates, of keeping the servants from bringing in drink to the patients?—We search them. Everybody is searched coming into the house. I give a prize of a shilling for every bottle that is detected either on a boarder or a servant.

3098. Do you get many bottles?—I have got a good many.

3099. Have you to dismiss many servants for smuggling?—No.

3100. Are there public-houses near?—Yes; public-houses all round.

Major M'Cartney. 22 Nov. 1894.

3101. Have you any understanding with the keepers of those houses not to supply these ladies?—It would be no use to enter into an arrangement. They would supply anybody with liquor who give them the money.

3102. You do not discourage the friends of those people?—We search the friends if we suspect them. If we detect them bringing in liquor we never allow them in again.

3103. You allow the inmates to go with money? In some places they ask the inmates not to have money?—As a rule we do not allow them to have money; but there are voluntary inmates who have money on their own accounts. But they do not misuse it. If they do they are either turned out or kept in.

3104. Do you find them willing to submit to being kept in?—Oh yes. Plenty of them come of their own accord.

3105. How long do you keep them in as a rule?—Perhaps a month.

3106. Do you use that as a means of discipline?—Yes; as a means of punishment for them transgressing the rules of the House by doing anything wrong. I give them from one to two months. They submit to it. It is an understood thing. They submit to it rather than be turned out.

3107. Do you find that the intermixture of invalid ladies and habitual drunkards is conducive to the reclamation of the latter?—The invalids are generally bed-ridden, and they have rooms of their own.

3108. The two points on which Mr. Nelson gave evidence before the committee in 1872 were—in the first place as to the great commercial success of the Lodge, which made a very handsome return in the shape of profit, if you did not allow for interest on the buildings and on the furniture. You could not tell us exactly what that profit is?—No, because the directors have allowed me to make the price elastic—to charge people according to what they can afford to pay.

3109. You cannot tell what surplus?—£200 a year is about the most I have ever handed over from the Lodge to the Refuge.

3110. The second point was the very great number of cures that you appear to have effected. Mr. Nelson was asked—'I think your experience is that you have 'cured 28 per cent. of the inmates that have been with 'you—37 out of 132?—Yes.'

3111. 'And you think you might cure a larger 'number if you could retain them compulsorily?—I 'have no doubt the result would be far more favoura-'able.' That is a specific statement as to ratios of cures effected.

3111a. Do you think that is effected yet?—Since I have been there I would say that we have cured a great many people—I could not say exactly the number, and they are living in the House now perfectly cured—that I could trust just as much as you or myself.

3112. Do you encourage them?—I encourage them by giving them liberty to test them after a given time.

3113. Do you get many of them to take the pledge?—The chaplain administers the pledge to those who wish to take it. They are advised to take it as a guard against giving way.

3114. Do you ever use drink in the House for medicine?—Never except as prescribed by the doctor. Dr. William Russell is very much against it. He does not approve of it.

3115. What is your idea as to the necessity for compulsory powers? Do you think that you have power enough, or would you want more power in connection with the Lodge?—I think I have as much power as I require. I have no difficulty whatsoever in dealing with the people. Sometimes I get in an incorrigible, and people in whom there is no reformation or hope of reformation; and such people as these I would recommend to be placed in a lunatic asylum, as I think they are off their head.

3116. Probably the Lunacy Commissioners might object?—I think myself that inebriates, thorough inebriates are lunatics, and should be treated accordingly.

3117. Now we go on to the next branch of your charity or institution, the Queensberry House of Refuge for the Destitute, 64 Canongate. I suppose the object of that is as it was a number of years ago?—Yes; there is no change there.

3118. You take in poor women and lodge them?—We have at the present time, I suppose about 100 destitute men and women in the House, whom we make work for their living. They do all the household work about the place.

3119. Then you have another lot of drunken wives and daughters, who are sent in by their husbands and parents, who pay for them?—The payment ranges from 4s. 6d. to 10s. a week.

3120. And you find that from 5s. to 6s. pays you?—On an average about 7s. a week keeps a person there. But on the other hand we have a great many people, old and infirm, who live on small pensions—Trinity Hospital pensioners; and the parents of people who are in the Colonies, America, and Australia, who keep their old bodies in our place, because they know that they will be well cared for and well looked after. That is a large part of the concern.

3121. How many inebriates have you?—I would say that at the present time there are about 50 inebriates in the place.

3122. How do they come in to you?—Some come in of their own accord, and ask to be shut up, and notify their husbands or their friends that they are there.

3123. Who pays for them?—Their people as a rule; and if they are not willing to pay I make them work.

3124. The worst lot; how do they come in?—There are people who make themselves nuisances. An unfortunate man will tell you that he cannot work by day or sleep by night owing to a drunken wife, and he asks me if I will take her in. If she is not willing to come, I do not mind taking her in until we sober her and put her into a right state of mind, and try to teach her by her surroundings the folly of her procedure.

3125. How long would it take to accomplish this?—Probably a month, perhaps two. A great many of the voluntary boarders were there in the first instance by compulsion, but after being in once, they never object to come back again.

3126. What I want information about is, how you keep them when they are in the thirsty stage, and want to get out?—We have a place called the nursery where we take in the first cases, and we have a moderate strong woman who is able to look after them. We give them as much butter-milk and potass-water mixed up together as they can drink, and they drink any quantity of it. We give it to both men and women, and sometimes we give the butter milk alone; we have not very many inebriate men—very few.

3127. Do you find that they take to that kindly as a substitute for drink?—The men are more difficult to deal with than the women. They are physically stronger, and their wills are stronger.

3128. Suppose a woman came with her husband very drunk, and persuaded him to go in there, would you treat him in the same way until he got unliquored?—Yes. Sometimes a husband and wife come in together, and we take them both in.

3129. How do you manage to bring your moral suasion to bear upon a strong willed husband who wants to get out?—I just advise him for his own good, tell him in plain language that it is not a cemetery or a burying ground, and that he is there for his own good. We have never had occasion to use violence. I can always deal with the people so that they submit to my advice and good will.

3130. How many inebriates have you among the men in the house?—I should say at the present time there may be a dozen of what I would call inebriates—men who have been in business and have drank themselves out of it.

3131. Have you a nursery on their side of the house?—No, we do not require it for the men; only for the women.

3132. Mr. Nelson who gave evidence respecting the

House before, mentioned that he had a good number of cases who would be there for a month, and who at the end of the month got very impatient and difficult to deal with. Do you pursue any system of that sort?—When people are brought to me, I write to them or to their friends that they must come voluntarily and submit to the rules of the institution, and they may remain as long as they please there as long as their friends, with their own consent, wish to keep them.

3133. Mr. Nelson mentioned another method of getting inmates into the House, that a magistrate having to deal with an habitual drunkard ordered him to go to Queensberry House as an alternative to sending him to prison. Is that resorted to now?—Occasionally magistrates and police authorities act like that. They send them to me to keep them from going to prison.

3134. The evidence given before the former Committee was that women were brought from the Police Court in charge of policemen?—The detectives sometimes bring them, but they come of their own accord.

3135. Then the magistrates do not pursue this system?—No. I could not take them in but of their own accord. The place is not a prison.

3136. There was an interesting fact disclosed that certain magistrates had the habit, as an alternative to commitment to a prison, of giving the option of going to Queensberry House, and sending the prisoner there in charge of a policeman. Have you had any example of that in your time?—No, not in charge of policemen. I have known magistrates, out of kindness of heart, to send people to me that have come before them and pay for them out of their own pockets, not as prisoners, but merely in the hope of reforming them.

3137. You let the inmates come and go?—Any person who is thoroughly sober has as much freedom of action as if he or she were living in private lodgings.

3138. I ask for this reason, that Mr. Nelson mentioned that many inmates were sent there by their husbands, who instructed the superintendent to keep them there, and not let them come back to them at all events. These women when they went out occasionally got drunk, and were occasionally sent to the Police Office, and came back again?—I have had people who have got into the Police Office and been brought back again; and I have a great many people thoroughly sober and reformed who were like that, and whom I can trust to go out whenever they please, and to come back again perfectly sober.

3139. How many inebriates will you have among the women?—I would say altogether there are 50 who came into the House as inebriates out of about 200. I should say that one-half of those are thoroughly reformed, and living there from choice.

3140. How long have the longest of that reformed lot been living with you?—Some as long as I have been in the place; nearly ten years. I call them reclaimed.

3141. That would leave you with acute inebriates to the number of about 25?—Perhaps between 12 and 24. Of course there are some there that I could never hope to reform.

3142. How long would you keep one of those inebriates in before letting her out?—I should say two years at the very least, to make a cure of a thorough inebriate; that is if his or her brains were not drunk away before they came in, which unfortunately they often are.

3143. You do not, as a matter of fact, keep them in for two years?—Oh no; I let them out after two months.

3144. Do you let them out in charge of any one?—I let them out on their own parole of honour that they won't taste drink. I generally try them first on Sundays. I let them out on Sundays frequently. I do not allow any out on Saturdays, because it is a drunken day.

3145. Have they any money?—Oh yes. And they earn money by their work—sewing, knitting, &c.

3146. I was going to ask you about employment. You keep them employed as much as you can?—The destitutes work for the House, the others for their own hand.

3147. I suppose you like the inebriates all to work?—They are better working than brooding about doing nothing.

3148. You say they work for their own hand. Do they work in concert, and directed by the institution, or does each one simply do a bit of sewing or knitting, and so on?—They make work in concert among themselves. I know there is a trade of capmaking. One woman does borders, another the centre, another does hemming. There are specialties amongst them, and they send out their caps—they are female caps—to big shops in town; Small's and the like. When they get the price of these they make a division of the earnings among themselves according to the nature and degree of their work. That is one style of industry that is carried on.

3149. But you don't have any supervision of that?—Nothing to do with it; but I encourage them to go in for it. There is stocking-knitting and semmet-knitting, and there is dressmaking. There are some very good dressmakers among them.

3150. Do you do any laundry-work?—We do not take in public laundry-work. We have enough of our own: we have about 300 people to wash for.

3151. The laundry-work is done by people who are not inebriates?—By the poor. And we give them a small remuneration—perhaps to the extent of 2s. 6d. a month, or 3s. 6d., as a rule; and if they are going away to a situation we help them with a little clothing or the like to give them a start.

3152. So that during their sojourn at Queensberry House they simply make use of you as a regulated lodging-house? They earn what money they can for themselves, and you, as a charitable institution, assist them to make a new start?—That is the destitute people. We don't assist the boarders.

3153. How do the boarders pay?—Their people pay for them or they pay themselves. Many of them have small annuities. Some have money from the Patriotic Fund—soldiers' widows.

3154. We have been told that habitual drunkards are very often apt to consider themselves cured, when they are not so strong in their resolution as they may think, and that they want to get out of every place—against the conduct of which no suspicion would be raised—lunatic asylums and the like—long before they are able to be brought face to face with temptation. Do you often find the same thing?—I often find them say that they have no right to be there, and when they go away they go all wrong and come back again.

3155. I suppose wives in that condition would wish to go back to their husbands and families?—Yes. We have not so many wives in just now. I find that the greatest number of people of the female sex there are widows—widows who generally go wrong when their husbands die, who cannot contain themselves, who give way to drink, and whose sons and daughters bring them in.

3156. Mr. Nelson mentioned a strong form of compulsitur that was exercised upon the married inmates—that the husbands who put them in to get rid of them were very apt unceremoniously to kick them downstairs. Does that accord with your experience?—I know this, that in many cases when drunk men bring their wives there, I do not take them in. This also I do know, that a great many men, if they got leave, would bring their wives in there to get rid of them. Those I do not accept; because if a man wants his wife to do what is right and proper, he should do that himself to begin with.

3157. Suppose he wishes his wife removed?—If the man is a good man, and he wants his home peaceable and quiet, and is desirous of placing her with us, and she admits that she is in the wrong, I take her in. If the man is a drunkard, I refuse to take his wife, for the reason that he would just treat her again in the same way.

3158. It is not very easy to discriminate these cases?—In a very short time I find out. If I find that a

Major M'Carney.

22 Nov. 1894.

man wishes to get rid of her, I immediately send her to the poorhouse, where she is under legal authority.

3159. In the course of your experience have you had any inmates who have gone off, returned to their friends, and come back to you with evidence that they had met with a warm reception—in the shape of black eyes and things of that sort?—No sir; because the people who have left me have always been taken away by their friends. But I have numbers of people—ladies and gentlemen—who have come back to me in friendliness when they come to Edinburgh from the country or from other towns, to see their old friends, and to show me how well they have done since they left.

3160. Have you any complaints from the sober and the pensioner class of your inmates as to the effects of association with these inmates?—No; because I have them so placed in the wards as to give, I think, two superior wards for better-class people.

3161. That is for non-inebriates?—Yes. Then I have one, an intermediate, and I keep the pensioners by themselves as much as possible.

3162. What are your hours?—From ten in the morning until nine at night. We finally lock up the House at ten. Their is no rule as to their taking their meals with us. If they wish for leave I give them it. If they absent themselves without leave I treat it as an offence, and I shut them up for a month. If they won't be shut up, I shut them out. They have the full run of the barrack square. They are just confined to barracks, to use an army phrase.

3163. Have you anything analagous to the sentry?—We have a man at the gate, and their names are on the gate.

3164. (*By Dr. Sutherland.*) What do you think of outdoor employment for inebriates?—I think outdoor employment would be very good if they were under supervision.

3165. Light labour?—Light or any labour that they could be made to do.

3166. Do you believe that these nostrums, said to contain chloride of gold, &c., have any influence in checking the drink crave?—No.

3167. What do you think about these things?—I believe there is only one cure for drunkenness, and that is to stop the supply. The reformation must proceed from the party themselves, helped by good advice and object lessons, on the principle that you may take a horse to the water but you cannot make him drink.

3168. Have you formed any idea as to the restriction that should be placed on the vendor of liquor and the pawnbroker?—I think if the liquor shops were closed the pawnshops would close with them. The one is the counterpart or the father of the other.

3169. Would you apply any restrictions upon these if the person had been certified to be an habitual drunkard?—I would abolish liquor shops altogether.

3170. Seeing we cannot abolish them?—Whilst they are there the Upas tree of intemperance will remain. The common people will not control themselves.

3171. Could you not protect the victim of intemperance to some extent from the liquor seller and the pawnbroker?—Yes; by putting a sentry on the door of the public-house and keeping him out.

3172 (*By Miss Stevenson.*) You spoke of the regulations in regard to the ladies who were boarded in Queensberry Lodge. Do they sign any agreement that they are willing to stay there when they come in?—If their friends wish them to do so they may, but I do not require it.

3173. Do you read over to them the rules of the institution, and take them in on condition that they know the rules?—They are always sent to the parties who apply for admission before they come.

3174. These are the friends of the parties, but do the ladies themselves know under what conditions they are living?—They should know; they generally know.

3175. But do you not, as the governor of the institution, make a point of seeing that they know what the rules are that they submit to in coming in there?—There are no rules except that of total restraint from drink.

Major M'Carney.

22 Nov.

3176. There are rules as to exit and entrance?—They know that they won't be allowed out. They know that perfectly well; they are told so. They are treated in every way as if they were in a hydropathic or a hotel.

3177. You say, that in order to prevent the introduction of any intoxicants into the Lodge, you search the friends. By what authority do you do that? If a friend came to see a mother or a sister in the Lodge, and they refused to be searched?—If I suspected it I would ask if they had any liquor. If they gave me their word of honour, I should be satisfied. If I suspected that they were shady people and likely to bring in liquor, I would have them searched by the lady superintendent, and if I found any drink, I would put them out straight off.

3178. By what authority?—My own; simply as governor of the institution.

3179. You say that a number of the women there do work for profit?—Yes.

3180. I understand that you have your sewing-hall under the management of a superintendent, where work is done for the benefit of the institution?—Yes, that is so.

3181. Do the women there get any proportion of their earnings?—No; for the simple reason that their earnings do not keep them.

3182. How many hours do they work?—In the winter from eight till six, with two hours interval for meals, their Thursday afternoon free to themselves from one o'clock, and their Saturday afternoon from four o'clock. On Saturdays I do not light any gas in the winter evenings.

3183. They must have light somewhere?—They have light in their rooms. They come to their work in the winter after breakfast, in summer at seven. They work until twelve, when they have an interval for twenty minutes, they get from two till three for dinner, and they work then from three till six—with the exception of Thursdays and Saturdays.

3184. The proceeds of the work done in this department are £120?—On an average there are between 30 and 40 women. They have to be fed and clothed out of that sum.

3185. I understand that in the House of Refuge you take in destitute people for their meals—what you call casuals?—At night at eight o'clock, we take in 20 men and 20 women. Women with children we give a preference to. Many of these have half-a-dozen little ones at their heels, and they could not tell you who their fathers are. We give them porridge and milk and a scone, and we give them breakfast. We do not require any work from them, and we keep them on Sunday. If the men will work I make them work, but many of them are too lazy to work. I take in as many as I can to the extent of 40. Old men and lads I give a preference to.

3186. Do you find that those class of people belong to Edinburgh, or are they people on tramp?—I am sorry to say that many of the men are short-service soldiers. The short-service system is at present productive of a great many tramps and vagrants. In our two casual wards we have about 40 tramps a night. There are generally from 8 to 12 children among the women.

3187. During the past year there have been 13,181 persons sheltered and relieved?—Yes, about that.

3188. The nightly average of inmates being about 38?—Yes. Then we feed a multitude of people during the day for a penny a meal, and we feed poor children for nothing, to the extent of 100. We also feed a considerable number of children at a penny a meal.

3189. (*By the Chairman.*) I see you say you have 25 persons suffering under incurable disease?—We have an hospital with 54 patients in it. They pay 8s. per week. They have two attendants in each ward, with fires, medical attendance, medicine, and all that. It does not pay us; but it pays the people to come there.

3190. Who is the doctor?—Dr. William Russell.

3191. (*By Sheriff Dove Wilson.*) Have you many children in the Refuge?—We don't take them, except at night.

3192. Do you ever take children in the Lodge?—Sometimes; when they are children at the breast, or when the mother wishes to bring them. We have a child there now.

3193. Do you ever take them at such an age that they require education?—If they do, I send them to school. I have a child at the present time with its mother whom I send to Moray House School.

3194. You mentioned what work you had for the women; what sort of work can you give to the men?—I make the men do all kinds of work in the place. I make them clean. I utilise their trades as far as I can—slaters, painters, plumbers, joiners, and so on—that is, if they will work. If they won't work, I won't feed them, and I send them about their business.

3195. Have you any gardener?—I have a gardener; also a destitute man.

3196. Do you employ many of your men upon garden work?—We find one or two quite sufficient. There are about three acres of ground: it does not require a great deal.

3197. You have inebriates sometimes who are quite destitute. Do you ever take them in without payment from anybody?—Yes; but I make them work.

3198. Do you think you lose much upon those inmates?—We don't gain anything by them. The place could not be maintained as it is if it were not for public contributions. It is a charity.

3199. Do you think their work represents anything like a fair equivalent for their board?—No; it does not half pay their board.

3200. You mentioned that you took in 40 people every night?—Yes.

3201. Do you find that that exhausts the supply, or have you a competition to get in?—Sometimes there is competition. I do not take in any person more than three times in the month; because if we did not have a rule of that kind we should have the same class in night after night. We have the same class of people presenting themselves very often—what you would call 'loafers.'

3202. What might be the greatest number that might apply on one night?—I have seen as many as 50 apply in a night; and I may say that although perhaps I was transgressing the rules of sanitation, I have, on a very cold, wet, frosty, or snowy night, told the people that they might come in and lie on the floor, if they preferred that to lying outside. I have taken in as many as 50 on a frosty night.

3203. Is it the case that practically you take in all who apply?—I cannot take in all, occasionally. I generally take in all the women. I never turn a woman away from the door if I can help it.

3204. Do you take in very nearly all the men that apply?—Probably two-thirds or three-fourths.

3205. You mentioned that you sometimes search the people who come in to see the patients. Have you any power of enforcing that, except just telling them that they won't get in if they do not submit?—That is all. I would never search respectable persons who brought in their people there for the sake of being cured. But sometimes shady companions come to see people there, and if I have a doubt about them, and if it be a woman, I ask her to submit to be searched by the female searcher. If they refuse, then I say, 'You can't go in.'

3206. (*By Col. M'Hardy.*) Children are sometimes sent to you from the Police Court — those who are brought before a magistrate under the Industrial Schools Act. Are girls occasionally sent to the House of Refuge until an Industrial School is provided for them?—Yes; the Police Commission give us £50 a year to take in these cases and provide for them temporarily. It used to be £80.

3207. How many cases in a year?—It is difficult to say. Sometimes the police pick up people on the streets, waifs and such like, and bring them to me. If the House is open I take them in.

3208. Are cases of people picked up on the street covered by this £50?—I daresay it does cover it.

3209. How many girls would you have brought to you in the year, until an Industrial School for them is settled?—Not many of that kind. But when they do come, they generally stay for a week or a fortnight. Perhaps to the extent of 30 in the year; perhaps 2 or 3 per month. I take in boys in the same way until they are sent to Reformatories

3210. You have had considerable experience of men and women afflicted with drunkenness?—Yes; I think I have.

3211. And not only those who have behaved themselves and kept clear of the police, but also those who have been offenders and come under the notice of the police?—Yes.

3212. From your experience of that class of offenders who have been apprehended and convicted for disorder, accompanied by drunkenness, have you thought of any better treatment than the present one of sending them to jail for short periods frequently?—I do not think that it is advisable to send them to jail altogether. I would employ them in a useful way for the good of the community—place them under police supervision or any other supervision, and make them work and do their punishment in that way for the good of the community—exposing them if possible.

3213. Working outside do you mean?—Working outside; and shutting them up at night either in poorhouses or prisons.

3214. How would you deal with persons convicted frequently of vagrancy and begging?—I would make these people criminals; I would put them in a penitentiary or a house of industry, and I would make them work for their living under Government supervision.

3215. How long would you keep them?—From one to two years according to the nature of their offence.

3216. I think you said two years would be necessary to reclaim people who had become habitual drunkards?—Yes; to starve the drink crave out of the system I think it would take fully two years.

3217. (*By Dr. Farquharson.*) Do you think that you could do more effectual work at your institution if you had compulsory powers?—I do not think so. I do not think that in a private institution, worked as ours is by moral suasion and kindness, I could do any more good than we are doing there; because if people won't reform you can't reform them. You can do nothing with incorrigibles but make criminals of them, and our institution would be no place for them.

3218. I think you have said that the only chance of reclaiming those people is to keep drink absolutely from them?—Totally.

3219. Would not compulsion come in, in keeping them away from drink?—I think myself that a drunkard should be deprived of his liberty.

3220. You have only a modified moral compulsion which practically compels people to stay with you?—I have no other force but my own force of character to compel them.

3221. You have found that pretty effectual?—Yes, I have. But I may tell you that force of character has no effect upon a man when he is drunk. He is the worst kind of lunatic. You cannot influence him in any way unless he is sober. You can quell a lunatic but not a drunkard.

3222. But suppose your successor were a man of less force of character, would you require compulsion?—I do not know that I have great force of character, but I manage to deal with those people with very little trouble. Any man with ordinary firmness and kindness could I think.

3223. Then you are satisfied with the results of your institution as a whole?—Yes, quite so.

3224. Is it your opinion that you could cure almost any case of confirmed inebriety by a detention of two years?—No; it is not. Because an inebriate is not like any ordinary being. If he is two years sober and anything goes wrong with him when he is free, he is

Major M'Cartney. 22 Nov. 1894.

liable to lose his balance, to go off his head, and to take to drink again; but the chances are that he may keep sober.

3225. Would you say that your chances were better if you got the case earlier?—Yes; and that is where people fail. They do not bring in their cases until they are too far gone. In many cases they do not bring them in until they have drank their brains away. I find that husbands screen their wives, and their friends do not like to let it be known.

3226. Do you follow up your cases to find their future career?—Yes; and I invariably find, in most cases, that they are doing well. I have met people on my holidays who have been delighted to meet me, and have spoken of themselves as being perfectly cured.

3227. I observe you treat the male and female patients with different discipline in the matter of going out?—Females in the House are allowed to go out by themselves.

3228. You said you had no faith in nostrums. Has your medical attendant any medical treatment that he pursues beyond the potass-water and buttermilk?—He might perhaps administer bromide of potassium to an inebriate, just to settle him, until he got a night's sleep or so.

3229. Do many medical men give doses of cayenne pepper, or something of that kind?—Dr. Russell does not. Like myself he believes in knocking the thing right off. He sometimes administers a little brandy when the patient is infirm, or the action of the heart is weak; but that is all.

3230. Do you find no cases of *delirium tremens* from sudden knocking off?—Unless they are when they come in. I do not treat them. I send them to No. 6 ward in the Infirmary. I may say that drugs are more difficult to deal with than drink.

3231. (*By Sir Colin Scott Moncrieff.*) What are the youngest of your inebriates?—I have a girl in the House now not 20 years of age.

3232. Is she a confirmed drunkard?—I would not like to say that; because she was taken in time. Her father and her brother brought her in. She is there quite voluntarily and quite happy, working and sewing away.

3233. Did you inquire as to her antecedents?—I did not. Her mother is dead, and getting too much opportunity of knocking about, she afterwards got in with bad associates. It is largely women that lead each other away.

3234. Did she lead a bad life before she came in?—No, as far as I know.

3235. Were her people respectable?—Her father is respectable, and her brother thoroughly respectable. She is a nice-looking girl.

3236. How long has she been with you?—Now about three months, and perfectly content to remain. But in most cases I inquire into the antecedents, and I find that either the father or the mother was a drunkard, and that it is hereditary.

3237. That is in a large percentage of cases?—Yes.

3238. Do you make any inquiry into the character of the applicants for admission?—Yes; the people who apply for admission to the Lodge are generally people of means and of substance, and of respectability.

3239. As to the House?—I take a great many people in to take them off the streets, and I try to get situations for them. Sometimes I send them to the country, and keep them until they get something to do.

3240. Do they often come from the streets?—I do not know. Sometimes country girls find their way into Edinburgh, and some kind person brings them to me, and I take them in. To-morrow there is a nice young girl going away to a place in the country.

3241. There are destitute people who do not pay?—Yes.

3242. Would you refuse a girl whose previous character had been immoral?—Not if she wished to reform.

3243. Do you ever find that the other inmates have any objection to associate with them?—No. If a girl tells me that she has gone wrong, I tell her to keep it to herself, and to say nothing to the others.

Major M'Cartney 22 Nov. 1

3244. (*By the Chairman.*) I asked you about the number of lunatics that had been certified from the Lodge, and you mentioned three?—But I have sent a great many more from the House.

3245. That is precisely what I wished to ask you. Can you give me any number in regard to the House?—I suppose since I have been there I have sent probably a dozen people to Morningside Asylum—people who developed insanity after they came.

3246. What class do they belong to?—Inebriate boarders. I would say they were alcoholic lunatics.

3247. Do they often get *delirium tremens* in the House?—No, I have never known them to get *delirium tremens* in the House, but I have known them to come in in *delirium tremens*, and when I see that I send them at once to No. 6 ward in the Infirmary. We have no means of strapping them down.

3248. With regard to the Refuge, where you have 40 people every night, does that in Edinburgh come within the definition of a common lodging-house, and is it inspected?—No; it is just a shelter for the destitute. There is a policeman there every night. I asked a policeman in order that he might see if there were any delinquents that the police might want; and I find that the presence of a policeman maintains order when they are being selected.

3249. I merely ask because there are certain provisions as to the regulation of lodging-houses in certain towns?—The place is open to supervision from daylight to dark to any to come to see. Anybody can come and see.

3250. You spoke about a sewing-room. How many have you there?—Between 30 and 40.

3251. Does that come under the Factory Acts?—No; it is just part of the charity.

3252. That is quite true; but it is not inspected, and you do not comply with the provisions of the Factory Acts as to putting up notices and so on?—No.

3253. You do not regulate the hours of labour according to the Act?—To many of those who cannot sew we give the knitting of tablecloths, &c. It is just to keep them employed.

3254. You mentioned about boys sent to you to be kept until they are sent to a Reformatory. Many of these boys are very obstinate and stubborn to deal with?—They are troublesome and tricky, and they will escape if they can.

3255. You have no powers?—No, but they are only there for a short time, until they get into the Mars Training Ship or an Industrial School. Sometimes their parents demand them in spite of the magistrates and the police.

3256. (*By Sheriff Dove Wilson.*) Are you quite certain that you have no authority to keep them. Are you not aware that under section 19 of the Industrial Schools Act, a magistrate can send them to you for two or three days?—Yes, he does. And I never let them go without consulting a magistrate.

3257. I have been looking over the suggestions of a scheme which you have submitted. You would work habitual petty offenders in a special garb in gangs, under gangers, on public roads, streets, gardens, docks, &c., or in any manner in which they might be usefully employed for the public good for longer or shorter periods, and you suggest that the jails or poorhouses might be utilised to house them at night, and on Sundays when not at work. You suggest that they should have a reasonable plain diet of wholesome food, and that any among them who might refuse to work should be placed in solitary cells or apartments, on one pound of bread daily, with as much water as they might drink, until starved into submission?—That is exactly what my directors disapprove. That is purely my own idea. In suggesting these things I speak from my military experience.

3258. You suggest also that while at work, or in their dormitories, should they offer violence to a ganger or other person placed over them they should receive

jor Cartney.

Nov. 1894.

corporal chastisement—from 12 to 24 lashes on the bare back with a cat-o'-nine-tails well laid on?—I saw that when I was on duty in a penitentiary in Canada. It had a splendid effect. They never committed themselves again. I may mention further that in Canada vagrants are made criminals, and are made to work; either that, or they deport them out of the country.

3259. Do you think dipsomaniacs to whom there comes the lunatic asylum, should be treated in a somewhat similar way?—That is my opinion.

3260. If they have the means they should be made to pay for their maintenance, if not, they should be treated as criminals and made to work for their living, although their work would not support them?—I say criminals, because I think it is a criminal offence for a person to get drunk. They do things when drunk that they would not do when sober. I consider drunkenness is no excuse for crime.

3261. You are in favour of a heavy penalty for drunkenness accompanied by incapacity or disorderly conduct. You would fine them nothing under £1, and if the fine was not forthcoming, you would make the man or women do scavenging or charring work?—Yes; I think our punishments are far too light for criminal offences of that kind.

3262. You would have the culprits wear uniform, and be employed under gangers, and housed in jail or some other public building in which they would be kept under lock and key?—Yes.

3263. You would have them work from six to six, either by night or day, as exigencies might require, with an hour's interval for meals?—I would make them do street work at night.

3264. You would deal with breaches of the peace and petty assaults on the lines of habitual petty offenders, only with more vigour?—The oftener a man had committed himself the more severely he should be punished.

3265. You think that prostitutes or women who go about the country as tramps, vagrants, &c., propagating their species with indiscriminate men, should be shut up in houses of correction, or located on islands where there are no male inhabitants except married officials, and be made to work for their living at either indoor or outdoor labour; and that they should be housed, clothed, and fed at the public expense, and made to work in return for the public good?—I say that from what I see takes place. I have in my mind a young woman under 30 years of age, with five little children at her feet—she could not tell the name of the father of one of them—tramping about the country, propagating their species. It is a common thing.

3266. Vagrants you would treat on the lines of habitual petty offenders, but with more stringency?—Yes.

3267. You have mentioned Canada. You were in Canada?—I was in the army in Canada—in Kingston, where there was a large penitentiary.

3268. You had no position there?—No, except when I was on duty we had to guard it when we had Fenians in it.

Major M'Cartney.

22 Nov. 1894.

3269. You speak of how they treat habitual offenders there?—They make them convicts; make them work; and hire them out to contractors under prison supervision.

3270. (*By Dr. Sutherland.*) Does that hiring go on now?—Yes.

3271. (*By the Chairman.*) It is common all over Canada?—They also put them down mines. There were no mines then, but they employed them in quarries.

3272. Don't you think the miners might have something to say as to that?—It would bring the miners to their senses.

3273. (*By Dr. Sutherland.*) You said you had no desire for compulsory powers. How are you going to deal with obstinate and refractory drunkards?—Put them in jail and make them work there. If you want to stop drunkards you must stop the manufacture of drink.

3274. Your Home is a voluntary one, and you have no desire for compulsory powers?—No.

3275. But I suppose you could conceive of Homes where compulsory powers would be necessary?—They are necessary in a prison.

3276. Oh yes. Never mind the prison. I am speaking of Homes for inebriety where the drunkard class would be confined against their will?—You might make it an inebriate asylum, and put it under authority the same as a lunatic asylum—put it in the same position exactly.

3277. Are those vagrants and destitute people that you take in for a night at a time, people who are domiciled in Edinburgh as a rule, or are they tramps passing through the town?—In some cases domiciled; in some cases tramps.

3278. What proportion are tramps?—I should say about half.

3279. But you only take them in three times in the month?—Men as a rule, but I never refuse a woman. I have never turned out a woman except she was drunk. They are, as a rule, under or about the twenty.

3280. (*By the Chairman.*) I see you have a strong objection to Government interference with private or social enterprises of any kind?—Perhaps I might modify that, and say I object to Government interference in private affairs.

3281. (*By Dr. Sutherland.*) Do you admit that like every public institution, hospital, &c., in this country, you are liable to public inspection?—To the civil authorities.

3282. Which may be the municipality or the Government?—Whichever the Government require. When I allude to Government interference, I speak from my army recollections of trouble with the War Office. If I were under Government I could not get a broom-head without a Court of Inquiry. [Witness then withdrew.]

ev. H. Mackenzie ampbell.

THE REV. H. MACKENZIE CAMPBELL, M.A., Chaplain, H.M. Prison, Edinburgh, called in and examined.

Rev. H. Mackenzie Campbell.

3283. (*By the Chairman.*) You are chaplain to the prison here?—Yes.

3284. How long have you held that office?—On the month of May I shall have had it for three years.

3285. Have you been connected with any other prison?—I have not.

3286. Will you state what is the daily population of the prison?—The daily population is on an average about 290. It is 306 at the present moment.

3287. You have both female and male prisoners?—We have. The proportion of males is very much higher.

3288. A very large proportion of the inhabitants are drunkards?—A large proportion.

3289. Do you mean by that that they are regular habitual drunkards, or simply that they combine drunkenness with their other evil courses?—Many combine drunkenness with their other evil courses, and many are drunkards pure and simple—a considerable number. I should say that of 300 male habituals 200 are to a great extent drunkards, though that follows perhaps as a result of their condition.

3290. Will you please explain?—I mean that drunkenness follows with many other vices. They are habituals probably by birth and upbringing; and drunkenness is added on among the other things.

3291. There are about 250 females?—250, of whom I compute that 150 are drunkards.

3292. That gives you a total of 550 habitual criminals?—As expressed between the periods of 31st March 1893 and 31st March 1894. I mean habitual offenders.

3293. Petty offenders such as come within our remit?—Precisely.

Rev. H. Mackenzie Campbell.

22 Nov. 1894.

3294. The total number of habituals in Edinburgh you put down at 550?—About 550. And of these 550 I put down 350 as drunkards.

3295. What do you mean by habituals of habitude?—By habituals of habitude I would indicate that their birth—their surroundings I mean—has been unfortunate; that their parents have not shown them the example that one might desire; that as they grew up they had no regular form of education; that they were not disciplined to live in such a fashion as would make them other than habituals.

3296. Of the remainder you say that a small number are neurotic habituals, victims of a physiological condition. Would you explain that?—That in connection with the brain of such an individual there is a neurosis pointing to a particular line of action, associated to a certain extent with one who might be insane, with that same condition, though not insane—still that there is a neurosis pointing to a particular line of action which the patient, the sufferer, cannot readily combat.

3297. Do you find that many of these habituals are weak-minded?—I find that what is for their own interest they would neglect, rather than fail in the particular thing that seems to lie as a curse upon them.

3298. You do not consider the present method of dealing with these as at all satisfactory?—The present method is very perfect so far as it goes; but I daresay that since there are two distinct classes—the habituals of habitude, and the neurotic—a certain classification might assist the matter.

3299. In prison?—In prison.

3299A. How would you propose to carry out that classification—by individual examination?—By individual examination.

3300. You propose to adopt the special method of treatment to each individual class?—Yes; I think there are only the two classes.

3301. What difference of treatment would you consider necessary?—For habituals of habitude, I should of course eliminate, as the prison always does, the particular environment that they have been brought up in, the particular example that has always been before their eyes. To that I would add a regular form of education in all that they lack. There is first of all discipline which they already have. Then there is encouragement towards labour; there is definite purpose; there is some definite aim that might be set before them; some rational result that might be aimed at.

3302. The present system of prison labour is calculated to carry out your views?—To a great extent it is.

3303. In Edinburgh they have the same form of labour as in other prisons?—Picking oakum, teasing hair, mat-making, &c.

3304. Do you consider that that tends to educate their industrial instincts?—To a very great extent it does.

3305. Do you consider it is equally educational to employment in trades which, I suppose, you also have in Edinburgh prison?—Well, if definite and distinct trades were introduced it might be better, because I daresay the different kinds of employment that are at present in operation in the prison are forms of labour that, after release, there is no possibility of the man performing outside.

3306. As to the neurotic habitual, you say that scientific treatment would also be necessary, as these are scientifically set apart?—Yes.

3307. What do you consider?—That, I am afraid, I cannot answer. In some of these creatures, men and women both, undoubtedly a great portion of the brain is cerebellum—it is evident even by outward examination. The fact is that, to put it broadly, the world would need to supply the cerebrum which they lack. I know that cannot be done, but I think that certain things might be done to improve their mental condition.

3308. In corroboration of this statement you propose to give us certain illustrative examples?—I have brought a few here. As a neurotic individual I might instance the case of ——. This man, first of all, committed a small forgery—a thing that was almost certain to ruin his entire life—and he did it just within four months of the completion of his law apprenticeship, when he had every prospect of entering into the tolerably fair business where he had been.

Rev. H. Mackenzie Campbell.

22 Nov. 1894.

3309. Did he do it under any special circumstances?—The circumstances were certain to be found out in a very short period. Then this man got into prison and did nine months afterwards. I wrote to a friend in Glasgow, who, on his release, took him in to enable him to complete his indenture. There he stole. The whole theft amounted to the most paltry sum, and thus he ruined himself remorselessly, and apparently without any reason.

3310. What did he get for that?—Six months.

3311. What is his subsequent career?—He has disappeared just now. I think that the moral nature here was totally submerged. I have no doubt that upon this particular point this man was mad.

3312. (*By Sheriff Dove Wilson.*) Did he drink?—Absolutely he did not drink.

3313. (*By the Chairman.*) Another case is that of a lad ——, a very painful case belonging to a remarkably nice family. His father is a minister, and he is very well connected in every way. He is one of a family of six who have all done exceedingly well, and he himself is the only one who has gone astray. He was brought into prison on a charge of forgery. He came out of prison and promised amendment. I got him into a shop in George Street, and the lad evidently determined to do well. He was brought up to St. Giles during Assembly time, and it was observed that a whole lot of money was pilfered in small sums. This boy, however, had money; his parents have money. He was perfectly comfortable, and it was unnecessary that he should steal in this way. Still he persisted in this course, and I was asked by the gentleman into whose employment I had got him to come and speak to him. I saw him, warned him, threatened him. Still money disappeared, and this time the theft was clearly proved. I asked his employer to take no further proceedings. He agreed to this, but he went to an employer whom the lad had had before, and he told precisely the same story—that he pilfered little articles really without any necessity whatsoever.

3314. You have not any subsequent information?—I have traced really four distinct cases of theft, for which he would certainly have got sentences accumulating altogether to a year and a half.

3315. You told us that you had asked his employer not to report him to the authorities, in order to avoid his being punished. Did you think that the absence of punishment was calculated to produce his reformation?—No, I did not; but I was sorry for his mother, and I daresay you will respect the feeling. I think for example's sake he ought to have been punished.

3316. Do you think it would have been better for himself if he had been punished?—I think he was a neurotic individual, and that it might not have done any good. Another clear case is ——. At the age of 16 he was found guilty of criminal assault and received sentence of three months. Immediately on liberation he repeated the offence and got a sentence of five years' penal servitude. Directly he was liberated he has done the same thing; and he is in prison for a couple of years now. Apart, however, from this particular line of action he is a very decent fellow—in prison a good worker and a thoroughly good prisoner; but I am perfectly certain that on his release this neurotic condition will still pursue him. Another case is ——. So closely does the neurotic condition approach to the insane condition in this man that he has been sent, either to the Criminal Department at Perth, or to Morningside Asylum proper. So closely does the one condition approach the other that it is difficult to distinguish them.

3317. What is his line?—He goes to lodgings upon Friday night, and leaves on Monday morning for his box, which he never finds; swindling landladies.

3318. It would appear that the first two cases would

come under what is sometimes pled of respectable people without apparent motive for theft—Kleptomania; but you appear to carry out the theory further, and think that wherever you have a criminal confining himself to one particular line, and repeating the offences in that line again and again, notwithstanding punishment and the probability of being again punished for these offences, this is due to a sort of moral twist—that he is a *quasi* maniac?—I think so. That is when the commission of the action is known to bring no gain.

3319. But that man who swindles landladies gets three days' lodgings, and a chance of getting them?—But if you take into consideration the general conversation of the man, there is a lowness of tone, an unhealthiness of tone about him.

3320. Does he give you any explanation of his motive, or have you ever tried to get one?—I have tried, but very often he is incoherent.

3321. His incoherence would seem to indicate some mental defect. But if insanity were pleaded in such a case I suppose the result would be that such a man would be sent to a lunatic asylum, to be detained there during Her Majesty's pleasure, which would be very much more severe than anything he would be likely to get for a petty offence of that kind?—Precisely.

3322. You say he has been in a lunatic asylum. Did he think it did him any more good than an ordinary prison?—No.

3323. Have you any other case?—There is a man ——, who has been in prison for the last 12 or 13 years almost continually. My impression of him is that he cannot on liberation do better than he has hitherto done. That is my distinct impression. The very appearance of the man, the aspect of his head, would show you that this man cannot do better than now. Only a couple of days ago he said to me that he would be perfectly willing to remain in prison all his life provided he got a pipe. He certainly is the best worker in the prison.

3324. What is his line?—A fighter; a sort of bully. He fights and of course drinks. He likes to fight—sober or drunk.

3325. Does he ever try to indulge in that amusement in prison?—No; he is under the power of discipline.

3326. What does he work at?—Hemp-teasing generally, and sack-sewing.

3327. Has he ever ventured to assault a warder?—He has: I remember one case. He is generally abusive if anything does happen.

3328. Abusiveness is not encouraged in prison?—It is not.

3329. Has he on that occasion been punished? Petty offences would be punished by the governor?—By the governor.

3330. Now, take a case of that sort. Supposing he had been willing, getting his pipe, to remain in a sort of Reformatory, he might find things more conducive to indulgence in his taste there than in prison?—There is not the least doubt that for a man of that type, and all men of that type, rigid discipline is absolutely essential.

3331. Are there any other cases?—There is one case, that of a man——. He has had four sentences, and he is an intellectual man, and an exceedingly clever man, who might do remarkably well, but who has persistently and on every occasion thrown himself away.

3332. What is his line?—Fraud.

3332A. Any particular form of fraud?—No; the usual form of fraud. He goes and gets money under false pretences, and is certain to be discovered. He is not an old man, and he really could do remarkably well in many ways. I tried to get him sent to America, but owing to the United States Law we could not do it just as we wanted. I thought a new country might have some effect upon him. I think he is a neurotic. I think he would do precisely again as now. These are all the neurotic cases I have the habituals of habitude.

3333. Could you give us one or two good chronic specimens?—One is a man ——. His whole environment has been such as to create a habitual of habitude. I have seen his mother, and he is always more or less under the influence of liquor.

3334. Do you know anything of her history—whether she was drunken at the time of his birth and childhood?—I understand she was.

3335. What is the number of his convictions?—Seventeen.

3336. What is his line?—He has really got all forms of convictions—theft, drunkenness, assault. I have just taken the general drunkenness and assault, but he has got theft, and has run a very narrow risk of penal servitude this last time.

3337. What is your idea of penal servitude as a means of dealing with people of that sort? Does that give them a caution?—There is a certain class with whom it acts in the way of a deterrent. Take the case of that man ——. The last time he came in—it was his eighteenth conviction—he lay grovelling almost on the floor of his cell. It was the grate out of the room he lived in that he stole, and sold for 9d. He said if he got off penal servitude this time he was perfectly certain he would never enter the prison again as long as he lived. He has not been back since; but that is only a very few weeks ago.

3338. How long has he been out now?—About seven weeks.

3339. But I suppose you do not attach a great deal to that?—I am afraid he will come back again.

3340. I suppose a man like that when drunk will forego all his good intentions?—Yes. Then there is the case of ——. He is a very distinct habitual of habitude. He is a son of the Queen of the Gipsies, Queen Faa. He is an habitual, and I do not think any possible system would reform him. He is a lazy rascal. I have got him repeatedly into Croall's stables. He has always remained for a very short time and then gone away.

3341. What has he gone in for?—For drunkennes and vagrancy generally.

3342. Was the Queen of the Gipsies notorious for drunkenness?—Not notorious; but for the general form of life, the nomadic life the gipsies lead, and not very serious labour; he is thoroughly lazy.

3343. Of course laziness is not a crime?—No; but of course with all these habituals it is one of the strongest adjuncts.

3344. Have you any good case of hundreds of convictions?—We have had numbers. I think there is one of 320 on the female list.

3345. (*By Dr. Sutherland.*) Jane Kirk?—Yes.

3346. Have you heard of her lately?—I have not heard of her lately.

3347. (*By the Chairman.*) Not since she was taken in hand and sent north?—No. Here is one ——, with 103 convictions; and his condition is, I should not say perhaps neurotic, but he certainly is in an imbecile condition, and is physically weak. He is a blind man who just gets drunk and is brought up as often as he gets drunk.

3348. I believe your sentences for drunkenness are very short in Edinburgh?—14 days and up to 30.

3349. Does it run up to that?—I think it often runs up to that.

3350. Have you often had that blind man in for that length of time?—Yes, I think so. I think he has done 30 days.

3351. You say here that the method adopted in Canton Neuchatel, Switzerland, is worthy of notice. Is that with respect to the treatment of habituals of habitude, or neurotic habituals?—Habituals of habitude. My information is slight, but I will give the little I know. I believe that there it is entirely trades they are taught, and that they may be said to be sentenced for a certain period conditionally; that when the craving for drink is submerged a certain amount of freedom is granted to them; that they labour under the supervision of the police, and also under the supervision of one member of a local committee; not a legal committee, but a charitable committee to supervise their progress; and that gradually they regain their freedom with the increased advantage of knowing a trade, and their craving for drink submerged altogether.

Rev. H. Mackenzie Campbell.

22 Nov. 1894.

3352. It is an extension of the ticket-of-leave system to ordinary business?—Yes; it is so.

3353. You have often spoken of teaching trades. Don't you think that would evoke a great deal of opposition from the members of these trades?—I am afraid it would.

3354. Well now, about vagrancy; you make the suggestion that for a repeated series of offences of vagrancy, of offences in respect of vagrancy, the Court should sentence to a poorhouse or house of detention?—For vagrancy and begging I think so.

3355. Well, that would not apply to the worst case of vagrants, because in Scotland there is no provision for the maintenance of the able-bodied poor. An able-bodied, a sturdy beggar is the worst class of vagrant?—Precisely.

3356. He is precisely the person whom the Parochial Boards would not be authorised to maintain or detain in Scotland?—Unless he is compelled to do a certain amount of work, to work at a particular trade, or whatever employment is assigned him, if certified as fit for labour.

3357. If not fit for labour he becomes a fit subject for parochial relief, but if he is fit for labour there is no legal right to assist him from the parochial funds. Have you any suggestion to make with regard to the able-bodied vagrant who could not be detained in the poorhouse?—For the able-bodied—the stalwart beggar—I think severe discipline would be necessary at any rate; and, of course, that might not be administered so effectively in the poorhouse as in the prison.

3358. What sort of sentences do they give for vagrancy here?—Tolerably long sentences—60 days for begging.

3359. What sort of beggars are the general run of beggars committed here?—Rather miserable specimens.

3360. Are many of them silly?—A good many of them.

3361. Do you think prison is a proper place for them?—I think the physically weak and the silly would be very much better in the poorhouse.

3362. Have you many prisoners in for prostituiton, solicitation?—We have got, I should think, 40. I should say that reckoning upon years' convictions, there are generally about that number.

3363. Per annum?—The same women come in from year to year.

3364. That is chiefly to the prison as apart from the cells?—We only get those of the higher sentences, and these vary from five and seven to fourteen days. Five days is very common.

3365. What class of women are they?—A very poor class?—Yes; miserably poor.

3366. I ask you, because we had the evidence of one magistrate, that the women who were brought before him did not appear to belong to the richer or better dressed class of prostitutes, but to the very poorest class. Is that so?—They are miserably clad as a rule. I hardly think I can recollect one case of a respectably dressed woman being brought in.

3367. It is your business to instruct them and try to improve their morals and so on, and probably they speak to you very freely. Do they make any complaint to you about their treatment at the hands of the police?—Well, I have heard them do so.

3368. In what respects?—They seem to be under the impression that if once they get into prison, and their bad name is established, they may be rearrested on very slight provocation—though I believe myself personally the charge is wrong.

3369. Have they ever made to you any charge of blackmailing against the police?—Never.

3370. We are informed that in Edinburgh they are treated with extraordinary leniency compared with some other places—that they are never arrested except for solicitation, and never arrested even for solicitation unless they have been warned on the same evening against it?—I myself have seen on the streets arrests made, and the women arrested I know personally by their having been in prison, and I think I can honestly say they were not arrested without sufficient ground. I have seen them warned repeatedly. Not longer than one week ago I saw two women warned in front of the Post Office. They did not take the warning, and afterwards they went along the North Bridge; and I think the policeman was certainly justified in arresting them.

Rev. H. Mackenzie Campbell.

22 Nov. 18

3371. I ask you, because we had had complaints on that score made in Glasgow, and I wished to see if there were any complaints made by these people in Edinburgh?—Yes.

3372. Is there any suggestion that occurs to you, as explaining how it is that only those very poor and miserable women find their way into the prison?—With most, with all of course, drunkenness is also an accompaniment.

3373. But there must be a number of what you may call the more respectable class, the better dressed, the richer class, who, we are told, do not gravitate there?—I imagine that they, perhaps, have not got so thoroughly debased. Their solicitation is a more private thing, and they do not bring themselves so prominently forward before the police. I mean they are more cautious.

3374. (*By Sheriff Dove Wilson.*) Possibly they do not get so drunk?—No.

3375. (*By the Chairman.*) I see no alternatives between drunkenness, disorderly conduct, and solicitation?—Precisely so; and it was very difficult to make out this list.

3376. When these women get out there are institutions for reclaiming them here?—There are.

3377. Do many avail themselves of them?—A good many go there.

3378. What institutions are there?—There is the Alnwickhill Home, the Magdalene Asylum, and the Grove Laundry, which has been discontinued; because they did not avail themselves of it latterly. We had 57 from the 31st March 1893, till the same date in 1894. I think 57 passed through these different institutions in one form or another; but I am sorry to say that the results were not encouraging.

3379. You get back a great number of those who do go there?—A great many have been back.

3380. After how long do you get them back?—Eighteen months as a rule.

3381. Do you mean to say that in 18 months they come back?—In that table a great many have not been in for that length of time.

3382. (*By Sir Colin Scott Monorieff.*) I see 13 have been reclaimed?—But that is for those years. A huge number must have passed through in that time. Those were really all I could get extracted. I went over the books, and wanted as many as possible in those sheets, and these were the results.

3383. May it not happen that a woman who has had experience of these Homes may try to hide herself and sink her previous history?—Well, I find that the officials associated with these Homes know fairly well the locality to which they go. The unfortunate thing is that the great majority are here, and have passed in and out since then.

3384. Is that after a long stay?—Less or more they have had. Here is a woman with three convictions, who has only had promiscuous assistance. Take another case with 23 convictions; repeatedly in the Grove Laundry; assisted in those other Homes; in Alnwickhill received promiscuous assistance; has not recovered.

3385. But has she been any length of time with you?—I am sorry I have not got the length of time. I know the majority of them have had a fair length of time. I should think a good number of them must have had a year.

3386. Your experience has not been at all of an encouraging nature?—I am sorry to say so as to those Homes, because I had hoped it was otherwise, and my desire was that as many should be presented as I possibly could.

3387. Might it not be the case that you get the very worst under your Edinburgh system, and the most degraded only of that class in your hands?—Undoubtedly it is so.

3388. And that would probably account for worse results here than elsewhere in the way of reclamation?—You mean that this class is a worse class than the corresponding class in Glasgow?

3389. I mean that in Glasgow, where they certainly do take up, I think, nearly three times as many prostitutes in proportion to the population, they reach a higher class of prostitutes, who are more desirous of reform?—That is probably so.

3390. Possibly the better results shown there are not quite contradictory of the worse results here?—That is so. These undoubtedly are an exceedingly low type of prisoners, and the women are a very much lower type than the men. It seems more hopeless work to reform a woman. Possibly on account of her keener susceptibility it is more difficult to tune to the old pitch.

3391. Your experiences generally do not appear to coincide with the returns, for instance of the Magdalene Asylum here; for, according to their statement, the number of dismissed, absconded, lapsed, is only down at 18 per cent., and they are more than self-supporting?—You see there occurs a period of release after they get out of this Home. It is then that one looks to see any benefit derived. Although they may appear perfectly clear upon that sheet, the question is, are they reclaimed? Of course, a few months after liberty they may revert to the old condition of things.

3392. You having fuller information don't you think that this information is accurate?—That may be accurate in regard to their residence in that Home. I am only reckoning the convictions over seven—not prisoners who have been with us fewer times.

3393. I suppose these people would be more or less excluded, or at all events they would not be selected in this institution. It is rather an important point that you had taken the number of reclamations from the books of this institution. If you do not credit them with being able to detect the lapsed, their information about the reclamations would probably be affected?—I have no doubt they are perfectly accurate in what they say; but in those I have dealt with I have taken seven convictions as making an habitual. I do not regard as habitual anything under seven convictions in all during life.

3394. I suppose there are a great many prostitutes who have been convicted more than seven times if the sentences are small. I suppose a 24 hours' sentence will be regarded as a previous conviction?—It will be so regarded. A prisoner having only six convictions I have not considered at all.

3395. In Edinburgh do your previous convictions mount up very much? Take these girls, have you got any note of the number of their previous convictions?—Here are all the names I have taken in connection with these Homes. They have all been above seven. Here are 34, 23, 21, 17, 36, 7, 10, 9, 16, 72, 34, 53, 30, 9, 35, 82, 39, 86, 103, 41, 108, 104.

3396. What are the ages of the 103 and the 108?—I have not got the ages here. I cannot exactly say what her age is. But the number runs up to 153. These are pronounced, absolute habituals, and for that reason I take them.

3397. My object was to see whether the very short sentences which are given here, and which would enable a woman to run up a very much bigger record than she could in a place where longer sentences were imposed, appeared to aggravate the number of convictions. Do these figures that you mention include convictions followed by committal to the cells as well as by committal to prison?—They do not include committal to the cells.

3398. You have had some experience of a class among whom there are a great number of vagrants, the gipsies?—I have visited the Caithness-shire caves where that historical race of gipsies are to be found. They are a law-abiding and peaceful people, but occasionally one drifts away from the general mass and goes into general society, becoming a pest and a plague there. Of course they are the fragments of a race, and possibly if they were in their original country they would be looked upon as satisfying the conditions of that country.

3399. How do they live in the caves of Caithness? What sort of caves are they? Where are they?—They are along the North Head from Wick.

3400. Are there many of these gipsies?—A great number.

3401. How do they live?—They come down to the town in bodies, and they sell tinware. It is very often difficult to know how they live.

3402. When they come down to the towns, do the inhabitants complain of anything going astray?—My residence was six weeks there, and I saw them repeatedly. I did not hear of anything during that time, and they seemed a peaceful set of people. I have spoken to them on the cliffs repeatedly. I know that when one isolated case came down to the town it became a pest to society generally; but while they remained in their own picked mass in the caves I do not know that they were regarded as offensive.

3403. You never heard of them descending upon isolated farmhouses and insisting upon being supplied with food?—I did not hear that.

3404. Your impression is rather favourable?—It is rather a favourable one.

3405. Have you anything to tell us about juvenile offenders?—I think the system of committing juvenile offenders to prison before reformatory sentence, is a hurtful thing, because the boyish idea of a prison as a very terrible thing is utterly removed. They see the thing before them as a reality, and I venture to think that they are not so frightened if they happen to come back again. I think it is a pity that the childish idea of a prison should be abolished.

3406. I suppose a number of the children who go to prison come from homes so very squalid that the prison cell is rather an improvement?—I should imagine that; although I find that several juvenile offenders who have come in have had a fairly respectable home.

3407. Do you find that when a child gets into prison for a childish offence, he or she is apt to come back there?—I find it is so.

3408. Have you many children?—Not just now. Of course this First Offenders' Act has given an opening for many who would otherwise have come to prison. I daresay pity is taken upon a greater number of them in that fashion; and certainly within the last few months we have not had nearly so many.

3409. How many have you in just now?—There is one small boy. I think that is the only one.

3410. Have you any idea what he is in for, or what his age is?—He must be, I should think, 14 years of age. Formerly I used to remark three or four at a time. There certainly seems to be a great reduction within the last few months.

3411. (*By Col. M'Hardy.*) Was not the common offence soliciting the carrying of luggage in the station?—That was the general offence.

3412. (*By the Chairman.*) What sentence do they get?—Seven to ten, and fourteen days.

3413. In Edinburgh?—Yes.

3414. You have spoken of the First Offenders' Act.—They would possibly get off under the Act; but they would be taken again, and get perhaps about seven days.

3415. They must have had more than two or three days or they would not have come into your place?—No; they might possibly come down upon six hours to our place.

3416. You do not generally get short sentence business? I understand that in Edinburgh most of the sentences under two or three days are worked out in the cells?—They are worked out in the cells when the sentences are very short.

3417. Have you had any of these luggage-soliciters?—Not recently.

3418. (*By Miss Stevenson.*) As to the class of women that Sir Charles has been speaking of, you believe that if they could be forcibly detained in any refuge, or in places where they could be employed suitably, there would be more chance of their reclama-

Rev. H. Mackenzie Campbell.

22 Nov. 1894.

tion than by this continual punishment and short sentences?—I think the repetition of the short sentence is not of very much value. I think that some sentence of that sort would be better.

3419. I see from your return that a great number of women went through the Grove Laundry?—A great number.

3420. That is an institution which was in connection with the Prisoners' Aid Society?—It was so.

3421. And apparently these women have been in that place two or three times?—A great majority.

3422. And find their way back to prison?—Yes.

3423. You said, I think, that nearly all those women are of a very low and a very poor class?—Exceedingly so.

3424. Have you ever had any of what might be called the more respectable, the better dressed class?—There was one girl, a girl from England, who promised me that she would return to England and abstain from the life she was leading. She seemed to belong to a class very much superior to the general class. That girl went out of our prison about three-quarters of a year ago, or even close on a year ago, and has not returned.

3425. You do not know if she has gone?—She said she would.

3426. Have you had many children committed to reformatories, and sent to prison, since you have been chaplain there?—Within the last nine months I cannot instance a case. Within the last four or five months previous to that there were several. I cannot exactly state a definite number.

3427. Did you think that was a bad arrangement?—I did.

3428. (*By Col. M'Hardy.*) The only point I wanted to ask you about is this, in regard to work. I do not think you quite understood some of the questions put by the Chairman of the Committee, and you included in the work, in addition to oakum-picking, and repairing bags, the word 'mat-making.' It has been pointed out to us that that kind of work has a very distinct influence upon reformation, and I suppose you would agree with others, that some kinds of work may have more of a reformatory tendency than others—for instance, that mat-making would be very much superior to repairing old bags?—Very much superior.

3429. And that if it were the object to reform the individual, those entrusted with the reformation should have a free hand in selecting the best classes of labour for the employment of the people?—Undoubtedly so.

3430. You say there is only one small boy in prison at the present moment, but from time to time boys are sent to prison. What is the ordinary state of their education?—The ordinary state is commonly good.

3431. Can they read and write, and sum up to compound division?—Yes, as a rule they can. We find that prisoners as a rule can read tolerably well—a great number of them. They can also write their own letters. Arithmetic is their stumbling block. These boys we find proficient to a certain extent in all three.

3432. So that their presence in prison is not due to want of education?—No.

3433. How many boys have been in prison during the last five years for offences in connection with disorderly conduct at the Waverley Station?—There have been, in all, 84 convictions on this special offence.

3434. (*By Dr. Farquharson.*) I think you make a sharp distinction between functional and organic conditions of inebriety. You talked of habituals of habitude in whom no organic change has taken place?—No.

3435. Do you consider those hopeful of cure?—Yes.

3436. In the second variety of organic change, do you think a cure would be difficult, if not hopeless?—I think that depends upon the organic change that has taken place, and the extent of it.

3437. You spoke of the *cerebellum*. Do you think the cerebellum presides, as it were, over the drink craving?—I do not think I said so.

3438. What did you say about the cerebellum?—That was in talking of the neurotic condition. If you find a person with positively no room for cerebrum; if you find that, as in the ape, the brow goes back, and a huge mass shows itself at the back; if you take all that in concurrence with the general course of the man's conduct and conversation, you can deduce certain facts.

Rev. H. Mackenzie Campbell.

22 Nov. 1

3439. Their condition would be necessarily hopeless? Could you develope the cerebrum?—I have no doubt you could do it through the centuries. In the neurotic I do not desire to embrace anything but the condition of the individual.

3440. (*By Sir Colin Scott Moncrieff.*) I understand that in regard to those by habitude criminal, the tendency of your remark is that it is more malady or infirmity than fault—that there is a certain allowance to be made?—You get a child born in a certain environment—the father a thief, the mother a questionable person. To begin with, the child has no basis of education. There is no education in any fashion. It simply exists by whatever method, questionable or otherwise, and the child simply goes on and develops; becomes a habitual from environment and habitude.

3441. That therefore one should look upon it more as an infirmity or mental want than crime? Would you say the same as regards those whose form of vice is picking pockets and theft, which wants the full exercise of the intellect, such as it is? I can understand there being a craving for drink or sexual passion; but for dishonesty, for forgery, you must trace some mental peculiarity?—Belonging entirely to the individual; produced, I will not say by heredity, but existing there as a neurosis. The father or mother may be perfectly devoid of that particular instinct, as in the case of the boy already referred to.

3442. I notice a terrible sheet there of female prisoners more than seven times in prison, and I think in every single case efforts have been made for their recovery, but they have all lapsed—perhaps one or two have been reclaimed, but virtually none. Now do you think that those Homes to which they have gone might be impoved? Do you think everything has been done for these poor women that reason suggests should be done?—I have no doubt that everything has been done for the best in those Homes—that the method that commended itself to these people as likely to prove most suitable was adopted; but at the same time, the results have been unsatisfactory.

3443. Have you any suggestions as to what would produce more satisfactory results? Of course, one knows that very much unwisdom is done, in spite of the best intention?—Yes! With regard to male habituals I daresay that agriculture might not be ineffective.

3444. But as regards those women whom you have in that sheet there—because it seems a very hopeless list?—I was sorry it was so; because my intention was all the other way. If I could have got any satisfactory results at all I certainly would have had them forward.

3445. Do the female prisoners generally go to some sort of Reformatory on leaving prison? What generally comes of them?—One evil is this. On the release of a prisoner, female or male, they are generally met by a certain company of friends beyond the prison gate; and however strong or however good the intention may be, it is exceedingly hard to get out of the old environment and the old life when those people meet them.

3446. I understand that they are also met by the agents of the Prisoners' Aid Society, which takes up the girls especially, and tries to make something of them. Is that not the case?—They are not absolutely met by them at the gate, and that is the important point, their friends meet them first. The important thing is that they should be met at once.

3447. Do you not manage here to transfer them direct to some Home?—If they desire to go to a Home that is always done.

3448. Are they recommended in that direction?—Yes, they are advised. And there are ladies from those various Homes that visit them and advise them very strongly. Very often they agree to go, but when the moment of liberation comes they do not go.

3449. Do a considerable number go to these Homes?—A fair number.

3450. Those ones on that list I have alluded to had all gone to Homes?—At one or other time.

3451. And yet nothing came of them?—No. But these of course are all over seven convictions. There may have been a great many successful cases that have been under seven convictions.

3451A. (*By the Chairman.*) You could tell us what had been done by the Prison Authorities in the way of reclamation.

3452. (*By Col. M'Hardy.*) Since you have been chaplain of Edinburgh prison you have taken a considerable interest in the prospects of prisoners discharged?—I have endeavoured to do so.

3453. Can you give the Committee any idea of how many cases you have dealt with?—I have dealt with a great number of cases. The difficulty is this, that the cases I have dealt with, and many of them with tolerable success, have not had seven convictions.

3454. But independent of the number of convictions can you give the Committee any idea of the number of cases dealt with?—I should think that individually I must have dealt with at least, perhaps 250 or 280, up to this date—say 280.

3455. And the lines on which you have gone more particularly are to obtain employment?—To obtain employment.

3456. Believing that that is the first necessity for an honest life?—That is so.

3457. Have the results been fairly successful?—The results have been fairly successful.

3458. In the case of habitual offenders, or in cases of first offences?—Only in the case of first or second offences.

3459. Extremely difficult where the offences were habitual?—Extremely difficult. One case I might mention. At those town destructors, work can always be had, and Mr. St. Clair Cunningham, who manages them, very kindly said I might draft prisoners there for a time. They got a very tolerable wage—at least a guinea a week; and it is disappointing to find that these men just worked for a few days, drifted, and then came into prison. On coming out they have asked and have gone back to work there, but they do the same thing—stay for a few days, and drift again.

3460. (*By Sir Colin Scott Moncrieff.*) These are drunkards?—There is both drunkenness and laziness. I think their laziness has as much to do with their condition as their drunkenness. I think their drunkenness is as much a consequence of their condition as their condition is a consequence of their drunkenness.

3461. (*By the Chairman.*) A witness who was before us, a magistrate, told us that one reason why he gave such very light sentences was, that many of the women were incited to prostitution by their husbands, or by the men with whom they lived. Has anyone told you that that is their case?—Well, their marriage of course is a promiscuous thing as a rule. I know that a lot of them live with any man.

3462. That I do not refer to. He said—because we had found a woman who told us just the same story in prison—this magistrate said that the one reason which induced him to give such light sentences was, that many of these women were compelled to go out on the streets in order to bring in money to their husbands, or to the men with whom they lived?—In one or two cases I have come across I have found that that was so. The man with whom they resided was not their husband; but they lived with him.

3463. But you would not have thought of that remark had it not been put to you?—I would not.

3464. (*By Dr. Sutherland.*) You seem to be familiar with the teaching of the Italian school of criminal anthropology?—I have not studied it in any fashion as a science, but have simply drawn deductions from the few things I have seen in the prison.

3465. Have you seen Lombroso's work on the subject?—I have not; but I have looked carefully over the works of M. Ribot.

3466. You attach great value to the symmetry of the head?—No; only in conjunction with other things.

3467. In conjunction with what?—In conjunction with general demeanour, the general tone of his conversation, and the nature of the offences which he commits.

3468. The mere formation of the head would not of itself lead you to your conclusions?—Oh, dear no. It is the general aspect of the case—his features as much as anything.

3469. *Sir Colin Scott Moncrieff* drew a distinction between a crime and a petty offence. The man who breaks into a place, commits theft, and picks pockets, must have some capacity to work out his plans; he must have a smart brain for doing these things, and ready communication between brain and the muscular mechanism. Where does the neurosis come in there?—You mean the neurosis pointing to this line of action? But the same thing may be said of an asylum patient. You find the greatest cunning in a particular line of action in one who is pronounced by competent authority to be insane.

3470. Do you know of any lunatic who ever left an asylum to pick pockets or burglarise?—I have known a lunatic whose particular bent was towards robbery; but I have known them whose particular bent was otherwise.

3471. Lunatics as a rule do not commit robberies &c., in or out of asylums?—If you regard the prison as an asylum, you find that those prisoners plot during the time they are there how they can commit those offences; and they afterwards do it.

3472. In regard to neurotic temperament, I suppose you are aware from your experience and observation that neurosis has a range as wide as the poles assunder, both in men and women?—That is so.

3473. Do you look upon neurosis as a form of insanity?—Certainly; an intense neurosis I look upon as a form of insanity.

3474. Legal insanity or moral insanity?—There is a certain point where moral insanity becomes legal insanity, is there not, if you push it far enough.

3475. As to your definition of an habitual offender, as one with seven convictions extending over the whole of his life, don't you think that is a severe definition?—Possibly it is.

3476. How many working men and others may have been in the Calton Jail seven times, and yet only once, twice, or even three times in a year. Still under your definition he would be considered an habitual offender, and as having a moral squint or a double dose of original sin?—That I cannot say. But if a man has got into prison once, and even after two years have elapsed he gets in again, he is a very foolish man, and there must be something seriously wrong.

3477. But you know these petty offences, such as breach of the peace, are easily committed. Don't you think your definition of seven is severe for such a man? (*The Chairman.*)—I do not understand Mr Campbell to set himself the particular number of seven, excepting as giving a line.

3478. (*Witness.*)—I confine myself to those with seven convictions and over.

3479. (*By Dr. Sutherland.*) You include the working man who gets drunk twice a year?—You must take some basis of 'habitual,' and I take sentence. I am willing to admit that I may have been rigid in my definition with a man who is seven times convicted.

3480. You have said that their education is fairly good, though the arithmetic is somewhat defective?—That is so.

3481. In regard to the typical cases you have cited, do you think the prison is the right place to treat them?—I think that in many cases the prison system is a good system in regard to these people.

3482. You say that even of those who go to Homes, there are very few reformed. If the present system is not yielding good results, is it desirable to continue it?—If the discipline could be extended after their liberation; if there could be surveillance of some sort.

Rev. H. Mackenzie Campbell.

22 Nov. 1894.

I believe something modelled on that might be followed with very good results.

3483. That would necessitate every man or woman having a keeper to look after her at the cost of the State?—Yes, not a keeper for each, but one for many.

3484. Have you formed any idea of the time these people should be detained in prison, supposing the prison to be the right place to treat them?—I think that method we spoke of, where they are shut up for a few years, and where they earn their liberation, if they can, within a shorter time. Within a certain period you may see a slight change for the better upon their general demeanour and their industry, and a certain prospect might be held out to them as to the future.

3485. Do you mean separate or cellular confinement?—For a time I would say cellular.

3486. Twelve months?—Possibly for that, or less.

3487. And the same discipline now in operation in prison?—The same discipline, with the classification of the subjects.

3488. The same dietary?—I would give increased dietary to those habituals. I think that certain little privileges might be allowed, and that they might earn privileges by good conduct.

3489. Do you think public opinion would support you in such a proposal?—I would even have some advantage held out to them on release. That is the blot on the present prison system, that on liberation there is nothing to look forward to but to go back to their old environment.

Rev. H. Mackenzie Campbell.

22 Nov. 1894.

3490. What do you find as the result of confining any person in a cell, let us say for 12 months, in regard to his physical health, and even his complexion?—The result is not good.

3491. Do you think it would be desirable to perpetuate that in regard to petty offenders?—No; but at the present time a prisoner has only one hour's exercise a day.

3492. You are almost inclined to admit that the prison after all is not the place for them, but a place where considerable relaxation of diet and other privileges might be conceded?—According to the classification of the prisoners. I mean that severe discipline might be necessary for one class of prisoner, and the very reverse for another class.

3493. What classification would you go in for?—I think the classification I have given is about the only one.

3494. Would you not find, among neurotics themselves even, great necessity for supervision?—That of course would be the medical aspect of the case. [Witness then withdrew.]

Miss Grant.

Miss E. GRANT, Matron of Edinburgh Prison, called in and examined.

Miss Grant.

3495. (*By the Chairman.*) You are the Matron of Edinburgh Prison?—I am.

3496. How long have you held that post?—I have only been two years in Edinburgh prison; but I have been in the position of matron for about 10 years. I have been 21 years in the service altogether—11 years as teacher, and 10 as matron. I have been in Greenock, Dundee, Glasgow, and Edinburgh as matron.

3497. How many women have you under your charge in Edinburgh?—Seventy-one last night.

3498. You give here the state of the female department on a particular day, the 3rd September 1894. You show that you had untried prisoners 4; convicted of serious crime 22; petty offenders 75—giving a total of 101. Then you analyse the crimes, and show 1 case of assault; 1 of assault and robbery; 1 of fraud; 15 of theft; 1 of child murder; 1 of harbouring prostitutes; 2 of robbery—making a total of 22. Then as to petty offenders, you show 9 of drunkenness; 39 of breach of the peace; 3 of assault; 1 of fraud; 15 of theft; 7 of importuning; 1 of begging—making a total of 75. These are your figures?—Yes.

3499. You give the number of convictions and nationality?—Yes. Of the habitual offenders there is a large proportion of Irish.

3500. Have you no prisoners besides Scotch and Irish?—One or two English occasionally.

3501. Here you have a table giving the number of convictions and nationalities, and you show that among those convicted 4 times and under of crimes there were 8, of whom 6 were Scotch and 2 Irish; that of those convicted over 4 times there were over 14, of whom 9 were Scotch and 5 Irish—making a total of 22, of whom 15 were Scotch and 7 were Irish.

3502. To show us the significance of that could you tell us the proportion of Irish in the population of Edinburgh?—I do not know.

3503. Of petty offenders your table shows that of those convicted 4 times and under there were 33, of whom 3 were English, 21 were Scotch, and 9 were Irish; that of those convicted over 4 times, 24 were Scotch, and 18 Irish—making a total of 75, of whom 45 were Scotch, and 27 Irish?—Yes.

3504. (*By Dr. Sutherland.*) While a great many Irish people come to Edinburgh, a greater proportion are born in Edinburgh of Irish parents, and register themselves as Irish?—Yes.

3505. The other contents of your table show that, according to the prisoners' own statements, none of those convicted of serious offences were of criminal parentage?—None of them would acknowledge that they were; but I think there were some who were, but would not say so.

3506. Of petty offenders you put down four as of criminal parents?—These were the only four who acknowledged that their parents were criminals.

3507. Of your prisoners, 12 of the serious offenders, and 47 of the petty offenders, had children?—Yes.

3508. You give the number of convictions as stated by the prisoners themselves. Have you any record of these yourself?—I understood Mr. Campbell would give these in his statement. These are therefore given just approximately.

3509. You appear to be for a repressive mode of dealing with habitual offenders?—On the one hand, yes. But on the other I would have means used to remove the causes of crime if possible. I think, however, that the mode ought to be deterrent on the one hand if possible.

3510. You state here that the irreclaimable habitual petty offenders, of whom there are 25 in the chaplain's female list, should be confined for life in poorhouses, with the alternative of imprisonment if they prove refractory. Is not that rather stiff?—Yes, but they are found to be unable to take care of themselves. The State has to support them in any case.

3511. Yes; but the Parochial Authorities have not. A good many of these women are, no doubt, able-bodied!—They get out, become debauched, and come back again. It would be better for themselves to be confined. They just live between the prison and the poorhouse. Twenty-five of that number I know.

3512. The poorhouse authorities do not ask for such great powers over them. They ask for powers of detention?—Well, that might be sufficient.

3513. The poorhouse officials visited you with the view of identifying the women who were frequently in the poorhouse, and you state that 9 out of the 20 identified by them were of this irreclaimable class?—They identified 20 of our prisoners as having been in the poorhouse, and 9 of these belonged to the irreclaimable class, who have been convicted about 50 times and over.

3514. For the habituals whom you do not consider hopeless, you propose a lengthened period of strict discipline, and you think that could be carried out nowhere so efficiently as in prison. Is that your view?—Yes.

3515. That would involve long sentences, and people are averse to that now?—It would involve a sentence of say, six months, or twelve months to begin with.

3516. Whereas at present, perhaps a sentence of one month is given?—I consider that time is required for training those women in habits of industry and self-control.

3517. You go on to say that many of this class have voluntarily undergone a period of detention in asylums and Homes with no result, and that their association in these institutions is sufficient to nullify any good they might otherwise have received; and therefore you propose that a term of, say 12 months' cellular imprisonment, would give them time to acquire, to some extent at least, habits of industry, order, and regularity, whilst it would exercise a much more deterring effect than confinement in a Reformatory. But don't you think it is rather severe?—If they can be cured in any other way; but I don't see how it is to be done.

3518. That would vastly increase your charges?—Yes, it would.

3519. That would fill up the vacant prisons pretty quickly. That is merely evolved out of your own experience?—Just out of my own experience. I should think that wherever they are they must be under discipline and restraint.

3520. If you gave them 12 months' cellular imprisonment for, say being drunk and disorderly, and increased the sentences in proportion for more serious crimes, it would make life too short to work them out?—I would not have the sentences increased for more serious crimes. The long term in the case of petty offenders would be for habituality.

3521. You are for training their intellect by instruction, where they cannot read and write?—I think we must engage their co-operation if they are to be reformed at all. We must interest them in their own reformation.

3522. And would you provide lectures for them?—Yes; I think they are very ignorant.

3523. That is true. You were a schoolmistress?—I was.

3524. And in those days illiteracy was very much more common than now?—There are more now who can read and write, but still they are very ignorant. I think they might have instruction in many matters that would be of importance to them, and that would help them.

3525. Lectures, and direct religious instruction as at present given by clergymen and lady visitors?—Yes.

3526. Then you go on to talk of providing for them on liberation, and you say that to disperse them would be better than to form them into a community by themselves. Do you restore many to friends at present?—A few. There are one or two in my mind just now that might be restored to friends if they had undergone a period of discipline. There is one woman in prison just now, a tradesman's wife who has a respectable home and family, but she has quite lost herself there by getting into bad habits and drinking. Her husband takes her home even now, although I believe he has said he won't receive her again. She has been, I think, about 14 times in prison. Her husband is a master tradesman in a good position, and her family quite respectable. There are a number of girls who have come to situations from the Highlands, &c., who might be dealt with in this way.

3527. It is very obvious that you might send these people back to their friends, but it is done at present by the Prisoners' Aid Organisation?—A great many of them do not wish in the meantime to do well. They are dealt with too well; they are too happy in prison just now.

3528. You are for making prison a rougher place?—I think for that class. I do not mean that they should be treated more roughly, but I think longer sentences desirable.

3529. If they are too happy under a six months' sentence, would they not be twice as much too happy under a 12 months' sentence?—No; it is the five or seven days' sentences which are undeterring.

3530. You would not surely increase these to a year?—I would. They are lost by present treatment.

3531. You have not many prisoners in for long terms?—Just now we have 15, I believe.

3532. Is your experience of these long-term women that they pull round?—If they are in for a first or second sentence they do; but after they are habitual my experience is that they make an effort to do well after they go out, and that they are longer in coming back to prison—although many of them do come back eventually.

3533. You recommend domestic service as a suitable employment for many of these girls on liberation; but is it not a very difficult thing to get places for them as domestic servants?—Servants are very scarce. If they had undergone this training, that, I think, would benefit them and do them good. It might be possible if the interest of the public could be enlisted in their behalf.

3534. Don't you think they would require to be shut up somewhere else than in prison? If a mistress objects to take a girl after a seven days' sentence for a petty offence, would she probably not object a great deal more to take her after she had been 12 months in prison?—The mistress would know that the offence had been the same, and that the girl had undergone training.

3535. Do you find mistresses willing enough to take them back?—Not in the meantime. But there are other employments.

3536. The Prisoners' Aid Society gives them every assistance?—Yes, to those who wish to do well; but there are a great many who are really lost to all good, and that is the class for whom something ought to be done—those who do not wish to do well.

3537. Your experience is that when a prisoner who has a large number of convictions one after another for petty offences happens to get a long sentence for some offence, she generally benefits by it, and often does not appear in prison again for a considerable time?—Yes; that is so.

3538. It is on that experience that you base your recommendation?—Yes.

3539. You have a long table of petty offenders that shows the proportion of petty offences to more serious convictions. You have a long list of convictions—several of 200 and one of 250; 200 appears to be about your limit?—That is just approximate; it is not the exact number of sentences.

3540. Have you many prostitutes in for importuning?—A great many, although they are not always charged with that offence. They do not, as a rule, get into prison unless they are drunk. Then they are charged with being drunk and disorderly.

3541. Do they get a bigger sentence for that charge?—For importuning the sentence is 14 days; and for being drunk and disorderly 5 and sometimes 7 days. But the sentences are unequal.

3542. These women are of a very low class in Edinburgh—the very lowest and poorest of that degraded class?—Not always.

3543. Have you come across the more respectable and richer and better clad members of that class?—No, not many. Respectable girls whose fathers are perhaps small farmers in the north, who have come to Edinburgh for work—there are a great many of that class, but of a class above that there are very few.

3544. I mean what you call the 'flash' prostitute—the one who apes stylish dress?—Not very many of that class. When they come to us they have gone down.

3545. Can you explain why it is that that class appears to be escaping?—Because they are better able to take care of themselves. I don't think they drink in the same way. I think they keep within doors more, and are not so liable to be apprehended.

3546. You have not anything in your experience to show that there is anything in the suggestion thrown out by a witness who was before us, that there is any bribery of the police, or any partiality of the police to act in these cases?—I have heard that said, but I don't know as to the truth of it.

Miss Grant.

22 Nov. 1894.

3547. Have you ever heard any complaints of that by your prisoners?—No, I have not.

3548. You have one girl here who has had 30 days for importuning. Do you often get such long sentences?—Sometimes, but not very often.

3549. Is there any particular magistrate who sentences them in that way?—Bailie Colston.

3550. He is a long sentence magistrate?—He gives longer sentences.

3551. Then you have some of these long sentence women. Do you find better results from them?—We find in prison that they improve in appearance and health, that they take more interest in their work, and that when they go out they do not come just so quickly back, as if they had had a shorter sentence.

3552. That is what I wanted to know about—they do not come back again quickly?—No; I have known of them being liberated on Saturday morning and coming back on Monday.

3553. But in Glasgow they get long sentences?—I think much the same. Longer sentences if anything here. I remember one woman who was in twice in one week. So that some change, anyway, in the present system is urgently required.

3554. (*By Col. M'Hardy.*) You say you thought long sentences of imprisonment gave you better chances of better results in the way of reformation. You know something of the number of female convicts who are convicted. Do you think that your experience of those long sentences of several years is such as would lead you to believe that a long sentence tends better than a short sentence in prison towards reformation?—The results with convicts are very poor indeed. But that is quite different. They are associated. The evils of association come in there. It is imprisonment sentences I mean. They should be kept separate. All of that class have a defect in their character. I do not think they should be associated, and I think that by association they do each other harm if they are kept as they are in prison. But of course there is one difficulty in prison of providing work for them. If th , could be employed in the open air it would be more conducive to their health and welfare. But I think they should be kept separate as far as possible.

3555. Do you think that with prison discipline as we understand it, cellular confinement is well adapted to increase self-control, or otherwise?—Otherwise.

3556. (*By Sheriff Dove Wilson.*) Is it your experience that most of the women who become habitual criminals begin their career early?—Yes.

3557. Do the most of them drink?—Yes; they nearly all drink.

3558. Do you find any sharp line, or any line at all, between those who commit offences involving dishonesty, and those who do not?—Well, that is a question that has puzzled me often. I think they often commit offences of that kind when in drink that they would not do otherwise.

3559. Then you really think that the drink is at the bottom of the most of it?—I do think so. I think there are other causes besides drink. Their birth and surroundings from the very beginning have been at fault. I think that has a great deal to do with it.

3560. Is it the case that most of those unfortunate women who come in are also drunk?—Yes. Those who keep sober do not so readily get into prison.

3561. Are you aware of any instances where people have come to your prison for 14 days for a first offence for importuning?—Yes, I think so; but I am not quite certain. I think we had one or two cases lately, but I would not be positive.

3562. Is it your experience that it does no good to give short sentences?—No good whatever. It does a great deal of harm.

3563. (*By Miss Stevenson.*) You point to the longer period of detention being in the prison, where you certainly would not have the same means of supplying occupations that you could have, say in an establishment that you might call a grown-up Reformatory. Would the same results you point to not be obtained by the prisoner being removed, after solitary confinement in prison, to some other institution, where she would be under compulsory detention, and where she could get training similar to that you propose?—I think she could; if it were under proper supervision.

Miss Gra

22 Nov. 1

3564. You do not lay stress on the detention being within the prison walls. It is the *compulsitur* that you lay stress on?—Yes, but I think if it could be done within the prisons, the expense to the community of that class would not be so great.

3565. You have not got remunerative employment?—That is the great want in prisons; the right kind of employment.

3566. Had you ever any connection with Deanbank Institution?—Yes.

3567. How long were you in connection with that institution?—About three years.

3568. Was it your experience that it did good work in preventing girls from falling into the criminal class?—Yes; I do think so.

3569. And the class of girls you had charge of there came very much from the same class of society who are now under your care in the prison?—I think they were the class who would have been prisoners if they had not been taken charge of in their youth and trained.

3570. Very many of them were children whose parents had been in prison?—Yes.

3571. Very many were girls who had been before the Police Court and not convicted?—During all the time I was in Edinburgh prison I only met one of these girls.

3572. What age of girls had you in the Deanbank Institution?—From about 8 to 15 or 16.

3573. (*By Dr. Sutherland.*) Do you think public opinion would support you in a sentence of 12 months' cellular confinement for petty offenders, considering that the maximum allowed by Parliament so recently as two years ago after long discussion, in the Scotch Burgh Police Bill is 30 days?—Perhaps not.

3574. Is it not just looking for the thing that you are not likely to get?—But the public might be educated to it. It is not just as a punishment of a year's imprisonment that I should propose to give it, but to cure them of a disease.

3575. Is your main object in having a 12 months' detention to keep them off the streets and prevent them doing harm?—Yes; but also to try and reform them if possible.

3576. I quite understand 12 months for a genuine felon. How are you going to cure an habitually drunken woman by the mere fact of detaining her in a cell for 12 months?—Would it not do something to wean her from drink?

3577. Is mere confinement, in a room of 800 cubic feet of space, the only method of curing a drunkard?—I do not say that it is the only one.

3578. Do you think it would be possible to find domestic service for women who come fresh from prison after 12 months' detention?—Young women from these Homes have not much difficulty in finding service.

3579. Yes, from these institutions. Is it possible to make employment either as remunerative or as educative in prison?—Not to the same extent I know.

3580. You know, as a matter of fact, that it is most unremunerative?—Yes.

3581. It is within your knowledge that certain women in Glasgow have been convicted 40 times in one year of drunkenness and prostitution, but that since the magistrates have adopted more repressive measures, by giving them the full 14 and 30 days, the same people have not come to prison quite 40 times, but have been running up scores of 20 in the last two years. Does that indicate reformation?—Thirty days is not long enough for training.

3582. Thirty days is a great improvement upon the former sentences. They come back to prison fewer times, but not the least improved in condition. In seeking to cure a person of habitual drunkenness would you not have some regard to the kind of occupation, and the surroundings in which they are made to work—say in the open air?—Yes.

3583. Would it not be better to have classification

than the long tried system of locking up in a cell for 23 hours out of the 24?—It would be better physically, but they would be associated.

3584. If you classified them the evils of association would not be so great?—I don't think they do each other good.

3585. If your system is to be carried into operation in a prison it would mean the establishment of an *imperium in imperio*—two kinds of discipline?—That would be necessary.

3586. Is that possible in one institution?—I think prisons might be adapted to any change of that kind.

3587. You really think that confinement in a cell for 12 months, having regard to the kind of work in prison, would be the means of reclaiming an habitually drunken woman?—No; but I think it would be more deterring than at present, and it would be more productive of results.

3588. But we are looking for reformation?—A great many of them will not be reformed by any means.

3589. (*By Sir Colin Scott Moncrieff.*) What are the terms of admission to this Deanbank Institution?—Young girls who might otherwise be sent to the Industrial Schools, but who do not come strictly within any one of the clauses of the Industrial Schools Act. There are about 50 girls in it. It is supported by charity, by subscriptions, and by a small grant from the Town Council. It must be preventive work, both then, and later on.

3590. How long do they stop there?—Until about 16. They go out to a situation. They are probably five, six, or seven years there.

3591. I gather from your evidence generally that you think a very short sentence is no kindness?—I certainly think not. I think it is a great evil.

[Witness then withdrew.]

[Adjourned.]

NINTH DAY.

Edinburgh, Friday, 23rd November 1894.

Present:—

Sir Charles Cameron, Bart., M.P. (*Chairman*).
Col. A. B. M'Hardy, R.E.
Dr. Farquharson, M.P.
Dr. J. F. Sutherland.
Miss Flora C. Stevenson.

Ex-Bailie DAVID LEWIS, called in and examined.

3592. (*By the Chairman.*) How long were you a bailie?—About five years.

3593. And you have long taken an interest in all municipal matters?—Yes; for 30 years at any rate.

3594. You don't think that the police returns give a true indication of the state of drunkenness?—Oh, no.

3595. Would you please elaborate that?—Yes. As to the police returns, I have prepared a table on which my observations rest—a table dealing with the returns of three of our leading cities, Glasgow, Edinburgh, and Dundee, and giving first the population of each of these cities.

3596. I think we have got all that already before us—so far as official figures are concerned?—The point I was aiming at was the number of police apprehensions in these three cities.

3597. And how they vary, compared with each other?—Yes, and the number apprehended drunk, and drunk and incapable.

3598. We have got all that. Very good

3599. (*By Dr. Sutherland.*) Can you give the number of those who were drunk when apprehended?—Surely. The number drunk including simple assaults when apprehended in Glasgow in 1893 was 45,779.

3600. That is apprehended for the offence of drunkenness?—No, for simple assaults and drunk when apprehended. The number in Edinburgh was 6,900. In Dundee the returns are made out somewhat differently, but the number there who were drunk and incapable was 1,643.

3601. (*By the Chairman.*) Have you any information that would supplement ours giving the number of persons apprehended for particular offences, who were drunk when apprehended?—I have no analysis of the various charges; merely the numbers.

3602. You consider that a very large number of people who are habitual drunkards do not come under the notice of the police?—Certainly; but it is well to keep in view that an immense number of those who fall into the hands of the police are cumulative cases.

3603. You refer to notes about outstanding cases taken by you when a police magistrate?—Precisely. I refer to two cases especially. I took considerable interest in one of them, and I asked the Governor of the Calton Prison to prepare a return showing the period the man spent in jail. He was a notorious drunkard. He had been apprehended and convicted upwards of 300 times.

3604. His name?—Alexander Merrilees. I had visited him repeatedly in prison, where he spent fully 33 years of his life.

3605. (*By Col. M'Hardy.*) I think this is a case which occurred a considerable number of years ago?—A good many years ago.

3606. How many?—I should say 20 years ago.

3607. But there has been a considerable difference in the treatment of such people since 1873 I believe?—In Edinburgh there has. The circumstances are peculiar. In one of the recent Police Acts a clause was inserted making the penalty cumulative for drunkenness, instead of the usual sentence of a fine of 5s. or 24 hours' imprisonment.

3608. (*By the Chairman.*) That is rather an exception. We have been informed of some rare cases in which a man gets 60 days for habitual drunkenness?—That is very exceptional. In short, the cumulative sentences as they appear to me, have not been so frequent as one might have expected.

3609. They had no power to give long sentences in your day?—No; it was 5s. or 24 hours.

3610. Have you any other case?—There was another case in which I took an interest, but I forget the man's name at this moment. He was a young man comparatively. He was only 30 years of age, and he had been 23 times convicted. He was a drunkard, but at the same time unlike this other man, in that he was very apt to get disorderly, and even lapse into crime. I find he had spent upwards of 5 years in prison, exclusive of the time before trial.

3611. Your meaning is 'the failure of all moral and

Mr. David Lewis.

23 Nov. 1894.

legislative agencies to reclaim confirmed drunkards'?—Yes, upon that I am perfectly clear; and I may tell you I have been in connection with a vast number of agencies of different kinds. We have had meetings again and again in the Council Chambers to consider what was to be done with this class.

3612. That is drunkards?—Yes, and if there is one thing upon which I am clear it is that our agencies are sufficiently numerous, but sadly inadequate.

3613. (*By Dr. Farquharson.*) What? Inadequate?—To meet the social conditions of these people.

3614. (*By the Chairman.*) You say they are sufficiently or insufficiently numerous?—That they are sufficiently numerous but inadequate—I think out of all proportion numerous. I find for example that we have 128 societies in Edinburgh all aiming at the improvement and reclamation of the dissipated and poverty-stricken members of the community.

3615. Poverty-stricken is not a crime, and we have nothing to do with that. We are dealing with a class of people I should be sorry to mix up with those who are poverty-stricken. If you can will you eliminate as far as possible the poverty-stricken?—Yes. The only reason why I would submit this statement is the difficulty of finding out those who are poor by circumstances over which they have not any control, and the immense number who are poor in consequence of their dissipated habits. We have no means of drawing the line of demarcation. We find, however, in regard to those societies that are at work for the amelioration of the conditions of this class of people that the expenditure in Edinburgh is something like £150,000.

3616. In these institutions do you include the Parochial Board?—No. If we included that Board we have a further expenditure of £56,392.

3617. Do you mean to say that these voluntary agencies in Edinburgh expend three times the amount that is expended by the Parochial Board?—Evidently. They expend a sum of £150,000.

3618. (*By Dr. Sutherland.*) Do you include the Royal Infirmary?—Oh yes.

3619. (*By the Chairman.*) Have you a list of the institutions you do include?—No; but I could supply it.

3620. I wish you would?—I will do so.

3621. You mentioned that you have a Royal Infirmary?—Yes.

3622. Have you any other institutions devoted to the medical treatment and care of the sick poor?—Well I don't know. I don't know if I could answer that in the absence of the book issued by the Charities Registration Union.

3623. The Sick Children's Hospital?—I think so; but you will find that the volume deals with all the charities except private charities.

3624. In a number of those charities they make inquiries into the lives of these people?—Oh yes; in every case. There is an immense amount of labour expended, and they are doing an immense amount of good; but still we can scarcely keep abreast of the tide of moral and social degradation.

3625. Do you think that anything would be gained by consolidating the charities that are intended to deal with drunkards and habitual offenders?—I have a decided opinion, that if the object of these organisations is to be somehow attained, the greater the amount of concentration we have the better. That raises the question of overlapping, which we find in Edinburgh to be most mischievous.

3626. You have long taken an interest in temperance matters?—I have.

3627. Do the licensing laws lay down that it is a crime for publicans to supply intoxicated persons with drink?—That is the law.

3628. That is a crime, and a penalty is attached for giving drink to intoxicated persons?—Well, my experience is in regard to that, that where it is the law it is unworkable.

3629. Have you looked into the law in other parts of the country. Do you know whether there is any difference in the English and Scottish Law in this respect?—I am not sure. I cannot speak definitely.

3630. Is there any improvement—any alteration that could be made in the Scottish Law which would make it more workable?—I don't know. Only I know this, that the legislature of this country has done everything that men could do to prevent those who frequent these liquor shops getting drunk, and they have put on heavy penalties. No doubt you have been told that the penalty is £5 or one month's imprisonment for the first offence—that of publicans selling liquor to intoxicated persons.

Mr. D. Lewis.

23 Nov.

3631. As a magistrate what steps have you taken to pull up publicans who supplied liquor to intoxicated persons?—Well, in the first place, there are not many of them brought before the magistrates, and very few of them are convicted when brought into Court.

3632. Had you ever any publican brought before you?—Yes.

3633. And did you get a conviction?—I think about that there is no question.

3634. Do you remember any case in which you found a publican guilty of an offence?—Yes. I have a case before my mind at present.

3635. And did you ever hear of any further charges being brought against that man?—I cannot say.

3636. The Chief Constable of Edinburgh told us that he had been informed there was a distinct difference between the Scottish Law and the English. In England the offence was permitting intoxicated persons to be on the premises. Must you supply drink to intoxicated persons?—Our law is exceedingly drastic, and wherever the defect may be it is not in the legislation.

3637. It is in the administration is it? Or if not—if it is drastic—if it is not in the legislation, then it must be in the administration?—And I think——

3638. Where is it in the administration?—I think also the penalties are so severe that if the law could be administered—it would be put a stop to. But I hold somewhat peculiar views.

3639. That is exactly why I asked you. I thought from the views you hold on the temperance question you were likely to be a witness who would be inclined to do everything that could be done under the existing law. You probably have acquainted yourself with any defects in that law?—I think you may take it from me that there is no defect in the existing law. You have the penalties of £5 or a month for the first offence, for the second offence £10 or two months, and for the third offence £20 or four months.

3640. Do your temperance organisations avail themselves of that legislation?—No.

3641. And the difficulty is in getting evidence?—There is this difficulty here. There has been more than once appointed in Edinburgh, what is called a 'vigilance committee,' but we found that these committees were practically useless for this reason, that, rightly or wrongly, there is a feeling abroad that to become too interfering in matters pertaining to the duty of the police, is repugnant to the minds of many citizens.

3642. On the other hand, so far as the police are concerned, is there not a feeling on the part of the magistrates that they don't like to send policemen on duty loitering about a public-house?—I cannot say that I had ever found that feeling in the minds of the magistrates.

3643. Then have the police ever in plain clothes been instructed to pay special heed to that class of people?—I think so. I think it is right to say that I believe Mr. Henderson has given instructions more than once, but I think he would inform you that with the strictest magistrates he has great difficulty in securing convictions. The difficulty is not in the law. I am not prepared to say it is not in its administration, but there is a great difficulty in drawing the line where an individual passes into a state of intoxication as interpreted by the statute.

3644. Your suggestions are confined exclusively to the habitual drunkard—to persons at all events whose crimes arise from drink, or connected with it?—These observations that I apply are specially to drunkards and drunken persons. I think the police attention is generally directed to that class.

3645. Have you made any personal effort in any particular case to try and reclaim any bad case?—Well, I may say that during the long period of 40 years, a very large proportion of my leisure time has been given to this question; and I have tried many things in my life; but the most difficult thing I have undertaken was to reclaim a confirmed drunkard, more especially if it was a female.

3646. Did you ever succeed in any good case?—Oh yes.

3647. Well, let us have some case—some good chronic case that you have had?—It is a very delicate subject. I could state numbers of cases of confirmed drunkards who have been permanently reclaimed, by the observance of entire abstinence. But I can point to one case, that of a young man of high social standing, who only held on about six months.

3648. We are all impressed with the good work of the total abstinence organisations, but we have rather to deal with the cases of persons who either won't take the pledge, or who, having taken it, won't keep it at all?—Well, I have a word about that, but let me dispose of this case. This man, as I say, held on for six months, and to all appearance was 'square' and getting on. I had a communication from him the other day, and I was waited upon by one of his friends, and the whole thing has gone wrong, and he is to-day where he was 12 months ago. I give that as a simple illustration to prove that the difficulty of reclaiming a confirmed drunkard is such as to be almost insurmountable. It may help you to understand this when I inform you that, while the Edinburgh Total Abstinence Society, which was instituted in 1836, has pledged, numerically speaking, double the adult population of the city, as nearly as possible 75 per cent. of those pledged have fallen away.

3649. That population would be about how many?—About 180,000.

3650. During the whole course of the history of the Society?—Yes.

3651. Then you make some suggestions—that rural industrial reformatories be established for the reformation of confirmed drunkards, and idle able-bodied loafers and vagrants; that for the able-bodied out-door labour be given, such as the reclamation of waste land; that they be remunerated also; that they be charged board, and that the balance, where there was any, go to assist industrial schools or workhouses where their wives and families were being supported?—That is what I would suggest; and I have exhausted all the intellectual powers I possess to see if there is no human remedy for this state of things, and it appears to me that one of two things is imperatively demanded, and it is this, that so incorrigible and hopeless is the class we are now dealing with, they would either require to be removed from the drink, or the temptations to drink would require to be removed from them.

3652. (*By Dr. Farquharson.*) I think you said that the agencies in Edinburgh, although adequate in number, were inadequate as regards results?—Precisely.

3653. Do you think, in other words, that the amount of money contributed in Edinburgh would be sufficient, under good management, to carry out much more important results?—I am satisfied of that.

3654. Have you thought of any scheme for better arrangement of this form of charity? Would you put it under Government or municipal control to prevent overlapping?—That is a most difficult point. We have in Edinburgh tried this again and again.

3655. To try to get these charities amalgamated?—The Charities Registration Union made the last effort; but we find that it is difficult, very difficult; each association having its own surroundings and its own interests.

3656. It has been suggested there should be institutions for the purpose of shutting up the victims of inebriety. Would you be in favour of them being kept up by voluntary contributions or State aid, or by a combination of both?—My impression is that they would require to be kept up by State aid, and by money raised through County Councils or some such agency. I have no doubt that in Edinburgh, a very large sum could be raised by voluntary contributions, if the public were satisfied that the arrangements were efficient; but, at the same time, as I have suggested the establishment of rural Reformatories, I think that to put them on a permanent solid foundation they should be under the control of Government. Whether it should be directly through County Councils—that is a question for the legislature.

3657. You would not wish to lose all these contributions from private sources? You would utilise them?—Yes, to a large extent.

3658. You would have such institutions controlled by Government inspection?—Yes, and supervision. I think if the suggestion was carried out there would be an immense saving to the localities in the way of police supervision. As an ex-magistrate—and I think Mr. Henderson would indorse what I am about to say—I would observe that while we have somewhere about 400 constables in the police force at present, if we could get rid of this incorrigible class that goes from public-house to police, and from police to prison, we could do with one-third less, or perhaps one-half of that number. That is my honest conviction.

3659. (*By Col. M'Hardy.*) About the management of these Reformatories that you suggest—would they be purely Government institutions?—Well I don't know if I could go the length of saying that they should be purely Government institutions the same as prisons.

3660. I suppose that personal interest in each individual case, by a visitor for instance, would be a valuable sort of thing?—I think it would.

3661. What I am hinting at is that probably it might be desirable to have the actual government of the establishments more or less local?—I think so.

3662. And therefore that, even if the Government subscribed a certain amount out of the Imperial taxation, certainly some proportion would be paid by the localities from the rates?—Certainly.

3663. Would you suggest that there should be only one institution of the kind, or that there should be a number of them?—My impression is that if we had them in counties, and where there was a sparse population, there might be amalgamation of two or more counties.

3664. We are told that the accommodation in some poorhouses is vacant—a large amount of it?—That is so. In Edinburgh that is so.

3665. Do you think that it would be a good thing to utilise that accommodation for the class we are referring to?—I don't think so.

3666. Why?—My impression is that if these people are to be reclaimed we should endeavour to get them to work. My experience is that it is not merely drink with a lot of these idle loafers. There is a disposition not to work.

3667. But why should they not work in a poorhouse?—We have never found that we can get much work out of them in the poorhouse.

3668. But how would you propose to get work out of them anywhere else?—You have a rural Reformatory. When they come in I would give them to understand the regulations—that they were to set about to work. Able-bodied men should tear up heather, burn whins, and reclaim land, and I would endeavour to keep out of their minds the punitive idea.

3669. How would you force them?—I would say—here is your name in my register, and here is the charge against you for your board and for your clothing, and here is what you are credited for the work you do. I would pay them for working, giving them a fair wage—one that would be fair and reasonable, and I would get them to do that work.

3670. These people are disinclined to work. How are you to force them?—Well I would give them to understand that every person there must work, and that if they did not work they must pay the penalty.

3671. Which penalty?—Just as they do in the prison at present.

3672. Would you have a system of punishment?—Yes.

Mr. David Lewis.

23 Nov. 1894.

3673. Would you have it conducted in the Reformatory or in the prison?—I would neither bother the prison nor the police with them. I would have them under the administration of this institution, and if they would not work we have pretty good authority for saying that the food must be regulated accordingly.

3674. But you would deal with them inside the institution?—Yes.

3675. How long would you confine such people?—This is a point to which I have directed attention. It is this——

3676. How long would you confine such people?—Well, this would be dictated by circumstances. You would necessarily have a man at the head of this institution who was a competent man of administrative ability, and who knew human nature. I would have a Board meeting once a month, and if he reported that a certain man should be liberated, then by all means let him be liberated.

3677. (*By Col. M'Hardy.*) What would be the maximum power you would give a magistrate in committing?—Well I would say it is rather hard lines just to say that——

3678. It would be necessary to fix a period?—Say within a period of three months; if a man had been there three times for incorrigible drunkenness I would give the magistrate power to send him to this Reformatory.

3679. How long should he be confined in this place?—I cannot say; you must be guided by circumstances.

3680. If anything were done it would have to be by statutory powers?—Yes.

3681. That statute would give the limit of time which a magistrate or other person could impose What is your opinion of what that limit should be?—If convicted three times within three months I would give statutory power to send to this Reformatory.

3682. (*By Miss Stevenson.*) For how long?—This is a point I was anxious to explain. He would require to be sent there without any definite period being fixed; and if the manager recommended at the end of three months to the monthly meeting of the Board that he thought this man might be restored to society, then let him be, but if found he could not so recommend that for a period of six months then let him stay.

Mr. David Lewis.

23 Nov.

3683. (*By Dr. Sutherland.*) In suggesting that funds from philanthropic quarters might be got for supporting inebriate Homes in this city by a system of centralisation, are you aware that the funds of the Royal Infirmary are languishing now?—Well, they may be languishing; we have been always hearing that they could use more money; but I think the citizens of Edinburgh and of the country contribute very handsomely to that institution.

3684. Is it in your mind in proposing centralisation to constitute something—the *bureau de la bienfaisance* in Paris?—I would certainly recommend that, taking care that such public institutions as the Royal Infirmary and the Sick Children's Hospital were not included, as well as others of a kindred nature. But for all those minor charities I think it would be a very excellent thing.

3685. In answer to Col. M'Hardy you said that County Councils and other bodies should assist in maintaining these Homes. In that way would you assimilate these Homes, and have them partly maintained by local rates and partly by State subventions?—Precisely.

3686. Are you aware that habitual drunkards in Edinburgh are the *clientelle* of certain public-houses?—I believe they are.

3687. Do you think further checks might be imposed on the publican and the pawnbroker?—I don't think it is possible to impose severer checks than legislature has as yet done.

3688. In the Colonies the name of the habitual drunkard——

3689. (*By the Chairman.*) Do you know anything about the colonial system?—Not much.

3690. You don't know enough to give any evidence?—That is so. [Witness then withdrew.]

Mr. Andrew Ferrier.

MR. ANDREW FERRIER, Inspector of Poor, St. Cuthberts, MR. GEORGE GREIG, Inspector of Poor, City Parish, and MR. DANIEL F. STORY, Chairman, City Parochial Board, were called in and examined.

Mr. Andrew Ferrier.

3691. (*By the Chairman.*) Mr. Ferrier you are the Inspector of Poor for St. Cuthbert's Combination Board?—Yes.

3692. Would you please give the population of the parish?—The population is 179,679 within the city of Edinburgh, 13,493 within the burgh of Leith, and 2,299 in the landward district—in all 195,471.

3693. What is the rental of the parish?—The rental is £1,348,999.

3694. And the number of paupers?—The number of paupers chargeable to the parish at 14th May last was—on out-door roll, 979; children boarded-out, 193 (exclusive of 61 separated from parents and included as dependants); lunatics, 500; in poorhouse, 399—total 2,071. With 1,368 dependants, the total chargeable is 3,439.

3695. You mentioned that the figure (children boarded-out) 193 is exclusive of 61 separated from parents and included as dependants. What do you mean?—They are included in the 1,368 dependants, and therefore not taken in twice here, but besides the 193 who are boarded-out there are also 61, or 254 boarded out altogether.

3696. You say separated from parents. How are they thus separated?—They have been taken away from their parents on account of the dissolute habits of their parents.

3697. What power have you of separating them?—Only with the consent of the parents.

3698. You have no power whatever of separating a child from its parents except that way?—None whatever.

3699. And you don't do it?—No.

3700. What about your applications for relief?—The number of applications for relief made during the year ending 14th May last was 4,331. Of these there were 1,094 with 72 dependants, who had no home, but were leading a vagrant life.

3701. Give me the number of men and women in these figures?—Of the 1,094 vagrants, 774 were men, and 320 were women.

3702. Just explain a little what you consider a vagrant?—Well I consider a vagrant a person of no settled occupation and no home, but is just moving about the country, either begging or supporting himself or herself by casual labour where it can be got.

3703. Have you any reason to imagine that these vagrants occur in a ratio disproportionate to the number of the general population? Are you troubled with gipsies?—No; not in the least.

3704. You give the ages of these?—Of these 144 were under 30 years of age, 178 under 40, 200 under 50, 240 under 60, and 332 over 60 years of age.

3705. That shows that the number of presumably able-bodied vagrants—those under 30 years of age is very small?—Very small.

3706. As compared with those over 60 years of age?—Yes.

3707. And I suppose in a large number of cases vagrancy is resorted to owing to inability to get work?—Yes; that is my opinion.

3708. Give us their occupations?—The various occupations were principally labourers, hawkers, shoemakers, tailors, painters, charwomen, &c. I don't think out of the whole lot there were a dozen *bona fide* working men amongst them. Although they had followed these occupations presumably in early life, I don't think that at the present time they were following their occupation, but still stuck by the occupation learned in their young days.

3709. They said they were seeking work?—Generally seeking work.

3710. But many of them supporting themselves by begging?—Yes.

3711. Well, about these 332 over 60 years of age, were there many of them you could call fit for work?—No; none of them at all were what you could call able-bodied.

3712. In fact you could not have anything to do with them if they were?—No.

3713. And even these—the whole—were disabled in some way or other?—Some it may be only temporarily, but those over 60 years of age were disabled in some way or other.

3714. How do you generally deal with them?—The usual method of dealing with vagrants is to take them into the poorhouse.

3715. Do you send them for examination medically?—Yes; a certificate being sent along with them to the governor.

3716. That will take some time?—Yes.

3717. You have got 1,094. That would be three or four a day?—Yes; about that on an average.

3718. Then have you a medical officer always ready to attend upon them?—He attends at the chambers from one to two o'clock every day.

3719. If a vagrant wants to get a night's shelter, or a few nights' shelter in the poorhouse here, they are obliged to turn up before one or two o'clock?—We have difficulty with those turning up after that.

3720. I suppose many do turn up after that?—Yes; and we sometimes send them to the House of Refuge. We have an arrangement with the governor of that institution. We give a ticket to be taken in there, where they get supper and breakfast, and come to us in the morning.

3721. If they go there and get bed and breakfast there is nothing to prevent them resuming the tramp next morning?—Nothing whatever.

3722. So that they are better off than the fellows who go direct to the House of Refuge, and may be refused admission?—Well yes, I daresay, because we pay them 4d. a night for those we send there.

3723. Do you think that vagrants know sufficiently about the way that is done?—Oh yes. I have no doubt when they are refused they come to us. The difficulty is being able to get them into the poorhouse without a medical certificate when they apply late at night. If we had some means whereby we could take them into the poorhouse in any circumstances we would have fewer of them; but knowing we have no power to send them without a certificate, I know that many purposely wait till after the doctor leaves.

3724. Would that suggest the desirableness of a casual ward?—We have probationary wards, but even there they cannot be admitted without a medical certificate.

3725. Would you give us your views as to the movements of vagrants?—Vagrants seem to travel principally between the large towns, which are good begging grounds, and where they can make a living in this way for a few days; but, as the law against begging is generally strictly enforced in large towns, as soon as the tramp finds he is 'spotted' he makes off for other places, and thus succeeds in migrating between Glasgow, Edinburgh, and Dundee, &c., backwards and forwards.

3726. We were told yesterday of tramps who were in the habit of going into the poorhouse in winter with their families, and when spring came round going out and resuming the tramp?—Yes.

3727. And we were told that on their way, whenever they wanted rest, they went and sought relief from the Parochial Boards in the different parishes through which they passed, and at the end of the year you would have the bills for their entertainment sent in to you?—That is so.

3728. Do they amount to much?—Oh yes; they do. I cannot tell you the amount, but I touch that question a little further on in my statement. I find that a great many apply more than once. One man, I find, applied 18 times last year, another 9, several 8, and several 7, 6, and 5 times.

3729. Always here?—Yes. And a great many oftener than once. Then another point you mentioned. Besides the frequency with which we have to deal with this class here, we find them turning up all over the country, going direct from one Inspector of Poor to another, and passing over the length and breadth of Scotland during the year. Last year one man had visited ten different places. Stirling, Dunfermline, Dysart (twice), Paisley, Hamilton, Old Monkland, New Monkland (twice), and Blantyre, and the cost of this—the bills from these places will come in at the end of the half year; a considerable amount. In many of these cases the only way of dealing with them is to order them home.

3730. Yes; but they would be out of the parish?—Yes, and as soon as we get them home, and have them a few days in the poorhouse, they start off again.

3731. Take this gentleman who has had this nice tour. You would not get in his bill from Stirling, for instance, until he got his way to Dunfermline, and when the Dunfermline people sent in their bill he would be somewhere else?—Oh yes; but we get notice of them. We get a notice that they have become chargeable, but we don't get the bill till the end of the half year.

3732. When do you get notice?—The moment they become chargeable.

3733. They have to write by first post?—Yes; or else they lose the advance made.

3734. All this must involve an immense amount of correspondence?—There is no doubt of it.

3735. And book-keeping?—Yes, and great trouble.

3736. Can he get out of these other poorhouses after 72 hours' notice?—In most of them I think. There are only two or three where there is the privilege of the 72 hours' notice.

3737. Is that statutory?—No; it is an order of the Board of Supervision.

3738. But in the other cases he can get out within 24 hours?—Yes.

3739. So that if he wishes to come back to Edinburgh by train, all he has to do is to allow you to order him back?—Order him back.

3740. And when you order him back, does he come back alone, or accompanied by any one?—Generally alone, but that very much depends on the state of his health, or on the certificate of the doctor. In many cases we have to remove them under the care of attendants, and although they find their way from here to Perth or Stirling by themselves, in many cases we have to be at the expense of having an attendant with them were ordered back.

3741. These fellows are often very sharp are they not?—Yes.

3742. A man goes on the tramp, and finds himself, say at Inverness, and wants to get to Edinburgh, and does not want to tramp. He knows if he goes to the poorhouse you will order him back?—Yes.

3743. There is a great deal of difficulty about prisoners' railway fares. How do you manage to see that these are right?—The parish sending back either gives him money, or takes out a ticket.

3744. Yes, but we find it was said that prisoners who get tickets, were in the habit of not going by train, and selling their tickets?—I could not say we have had anything of that sort; but I know, in my experience of many paupers who, after having been provided with tickets to the parish of settlement, and having been seen into the train at Waverley Station by attendants, have left the train at Haymarket, and the same day applied perhaps for relief to my friend, Mr. Greig, of the City Parish.

3745. And Mr. Greig was in the same box?—Yes. He would then require to intimate to the parish of settlement that this party who had been ordered home was now chargeable to him.

3746. What would occur then?—The same procedure, and sometimes with the same result.

3747. Where would he go from Haymarket?—He

Mr. Andrew Ferrier.

23 Nov. 1894.

would walk back. But I never heard of any of them selling their tickets. It is possible they may do it.

3748. We will take the case of a man at Inverness. If he were ill, and required an attendant home, you would not feel inclined to force him home?—Certainly not.

3749. You would rather keep him there?—Oh yes.

3750. And as a matter of fact you won't often have to pay the expenses of an officer in attendance?—Not often. We don't grudge it where it is necessary, but what we feel is that sometimes medical officers won't take the responsibility of certifying that a man is fit to be sent home without an attendant, while the man himself tramps there perfectly easily without one.

3751. In the case of a journey from Inverness, we will say, you will have to give him something to enable him to live on the way?—Yes, he generally gets some provisions with him—some bread and cheese, or biscuits; but never money.

3752. Give us a few more of these cases?—I find another one had visited nine different parishes, another eight, another six, and there are many more examples.

3753. You have some figures that show the extent to which this moving about is carried on?—Yes. To show the extent to which it is carried on, I may state that the daily average number of inmates in the poorhouse is 483, yet last year the number of admissions was 1,606, and of those who left 1,618, showing the continual shifting backwards and forwards.

3754. That will give you about three days stay as the average?—Yes. One, I find, was no fewer than 13 times in the poorhouse in the course of the year. Others were 11, 10, 8, 7, and 6 times, and many others more than on two occasions.

3755. What would you suggest as a cure?—To cure this vagrancy and tramping through the country, my only suggestion would be that the law against begging should be as vigorously enforced in the counties as it is in the towns.

3756. Is the law enforced at all in the counties?—I believe it is to a certain extent.

3757. Then you have also a further suggestion about the detention of paupers?—Yes; that power should be given to Parochial Boards to detain paupers who are in the habit of going in and out the poorhouse for a longer period than at present (72 hours). The longest period we can detain a man at present, by the order of the Board of Supervision, is 72 hours, but only if he has been twice in in six months.

3758. And you propose to have power of detention from ten day, or even longer?—Yes, if possible. If we could keep him for ten days it would be a sort of punishment to him.

3759. That suggestion has been made elsewhere, but if a man on the verge of being able-bodied was detained, don't you think you might have some trouble with him?—I think not; because we could put him to work. We have test labour departments in the poorhouse.

3760. Yes, but I see in one poorhouse there is a strike because the men don't get tobacco. Do you have any trouble with your people?—No; none what ever as a rule. Sometimes we have a rebellious inmate.

3761. Well, then, what do you do?—He is separated, and put to work by himself, and that very soon cures him. He generally leaves after being one or two days in a solitary place.

3762. He generally leaves, but these fellows you want to prevent leaving?—Quite so.

3763. And you cannot suggest that it should be made a crime on his part if he behaves in a disorderly manner?—We have no difficulty about that. If he does behave in a criminal way we hand him over to the police.

3764. We are told elsewhere that the taking out a disorderly inmate—ordering him to be put in confinement—is matter that gives rise to——? For a breach of discipline the governors have power to punish by confinement in a cell, or by taking dinner off; but where there is a case of assault or anything criminal they immediately send for the police, handing the offender over to the Civil Authorities. We have no difficulty in that.

Mr. Andrew Ferrier.

23 Nov.

3765. You have further suggestions?—I would also suggest that, in the case of inveterate vagrancy and idleness, they should be sent to a labour settlement, where they would be compelled to work for themselves and families.

3766. That is to say that in the younger class of able-bodied men there is more idleness than anything else?—There are numbers, I think, with whom there is nothing more wrong than idleness.

3767. We have not got any labour settlement. Have you any definite idea about that?—My idea is hazy; but I think there are settlements of the kind in Germany.

3768. That is so; but you cannot give any evidence about that?—No; I cannot give any information.

3769. We will assume we have had certain information on the subject. You then would require to enforce labour?—Yes.

3770. And that would bring about the necessity for punishment?—Oh yes, it would.

3771. Would you again send the fellows back to prison?—Well no; I think that in a settlement provision could be made for punishment.

3772. In dealing with your inmates do you get much work out of them?—A great deal.

3773. Have you any figures as to the value of the work?—I don't know that I have. Our firewood manufactory has been increasing very much of late. Our firewood account for last year shows that for wood purchased we paid £355, 3s. 10d., and the sales for the year were £759, 1s. 10d.

3774. That represents a good deal of work—it represents £200 towards expenses?—Yes. Of course, it may represent more, because there might be stock in hand. It represents £300.

3775. You would not feed your inmates on that?—It always helps.

3776. But what I mean to say is how far we should consider the labour of that class as contributing to the support of such a settlement?—Oh yes. Well, of course, I don't say that the settlement might be strictly self-supporting, but I think the labour to be got from these men would in a great measure help to support them.

3777. Then have you any system of awards?—No.

3778. You don't give tobacco?—We do give tobacco, but only to those above a certain age.

3779. You never give them any award?—Sometimes the governor has it in his power to give an extra bit of tobacco. Those who are hard-worked get beef, but in the stick-factory we have introduced a circular saw, so now there is no hard work. The cross-cut saw was considered hard work, and the men working it got beef.

3780. What other industries have you there?—That is the principal. There is hair-teasing, and stone-breaking to some extent.

3781. I suppose these are rather as tests?—Yes; and they are not profitable. Neither is oakum, which we have almost given up, it being so unremunerative.

3782. Do you find much difficulty in keeping them at work?—No, we have no labour tests.

3783. You let them amuse themselves?—Yes; I have seen them doing little else than that. In fact I have seen them falling asleep over their work.

3784. Now let us go on to your inebriates?—Yes. Of the 4,331 applications made for relief last year I would attribute 486 of these as being caused by drink.

3785. That is very small?—About 11 per cent.

3786. Is that an exceptionally high, or low, or an average year?—I think it is an average year. Outdoor relief in St. Cuthbert's Combination is the rule, only those being sent to the poorhouse who have no home, and no one to take care of them, or those whose characters are known to be drunken and dissolute.

3787. And that would mean that you have to deal

with a better class of poor than in parishes where there is very little relief given?—There is a better class of poor in Edinburgh than what you find in Glasgow, or Dundee, or other manufacturing towns.

3788. Proceed with your statement?—When paupers are placed on the out-door roll they are visited and reported on at least four times a year, and in many cases where there is suspicion, oftener. Owing to the searching inquiries made before a pauper is placed on the roll, it is rare to find cases where lapses to drunkenness occur, but there are cases every year, although not many. Last year there were 5,158 cases chargeable on the out-door roll, and of these 23 were struck off on account of drink.

3789. Did they go into the poorhouse?—Some of them did. Some did not.

3790. About your indoor cases; you could not tell us what percentage of these were due to drunkenness?—Oh, I should think about the same. We have a great many respectable people in the poorhouse who go there through old age and disability.

3791. You have told us about those boarded-out children separated from their parents?—Yes.

3792. And it is with the consent of their parents. Do the parents ever give you any trouble?—They do very often. When they have been under our care for a time the parents turn up and bother us about their children. We invariably resist them as far as we can, but in many cases we have had to give them up.

3793. Do you suggest that any right should be given to you?—Yes. I think that where the parents are proved to be drunken and dissolute, we should have the power of taking and keeping the children by force until they are sufficiently able to work for themselves.

3794. That is to say you will take the trouble of going to the expense of bringing up the child when there is hope of its turning out useful. Would you like to be able to claim the custody?—Yes.

3795. Could you not get that custody under 'The 'Cruelty to Children Act'? I think there is some provision there?—Well, I am not very well acquainted with the Act.

3796. Who is your law-agent?—Mr. Addison Smith, S.S.C.

3797. You would get your law-agent to write our secretary a letter on that point?—Yes, I might do it myself, after looking at the Act.

3798. What I want to know is whether, under the Act in question, desertion of children, necessitating their removal to the poorhouse, might not be considered as justification for the custody of the children being transferred to the Parochial Board?—I will look at the Act and let the secretary know.

3799. And you would never think of claiming their custody except subject to the decree, if necessary, of the sheriff, or some other authority?—Quite so.

3800. Do your children turn out well?—Remarkably well. We had some who have taken respectable positions in society.

3801. Do many turn out to be paupers, or go to prison?—Very few; there have been cases.

3802. You have something to say about methylated spirits?—Yes; I have a statement that we find this drinking of methylated spirits is a cause of the great increase in drunkenness among the poor. Bottles of this stuff are taken from the applicants themselves. It seems to make them ill altogether.

3803. Is it 'finish'?—No; what I refer to is methylated spirits.

3804. In Glasgow they buy what is called 'finish'?—Yes; but it is not so bad as that.

3805. It has a mixture of shellac?—I think there is a mixture of that in methylated spirits too.

3806. It gives it a body?—Yes.

3807. Is that form of drinking more common among women or among men?—I think there are more women drink methylated spirits than men.

3808. Where do they buy it?—Either at the druggist or drysalter.

3809. Have you any suggestion to make as to how the sale could be regulated?—I really could not say. It is used for trade purposes to such an extent that really there is difficulty in suggesting what should be done.

3810. We have great complaints from Glasgow about men and women who, having gone into the poorhouse, leave in a day or two, get drunk, are taken to the Police Office, sent to prison for a few days, come out, and if they don't get drunk enough again return to the poorhouse?—We have many of these cases.

3811. Would your remarks about compulsory detention apply to them?—Yes, certainly; that is the class I have in view.

3812. You said in connection with vagrants?—But the class of people I mention now are not vagrants.

3813. Oh yes; living between poorhouse and jail. Have you many of them?—We have several of them.

3814. How many will you have?—I should fancy about a dozen or so. Perhaps more.

3815. Are they men or women?—They are pretty equally divided. We have both men and women.

3816. Are they very troublesome?—They are. They are of that class who generally know the working of the parochial law, and generally turn up after office hours at night.

3817. In Glasgow we were informed of the case of one notorious character—whom one of the officers had to devote a large amount of his time in looking after her?—I have one of my worst cases in my mind. It occurred some years ago. It was that of Arthur Boswell and his wife, a couple who were continually 'out and in,' or living between poorhouse and jail. We entreated them to give up their children—a family of three or four, but they would not. On one occasion, however, when both father and mother were in prison, we sent the children—the parents being Roman Catholics—to an institution in Lanark, where we detained them.

3818. How did you do that?—We had several applications from the father and mother after they came out of prison for the restoration of their children, but I referred them to the sisters at Lanark. That put them off for the time; or perhaps I would ask them—generally they were drunk—to send me a written application for their children and I would lay it before the Board; this application never came. The children are now in Lanark, and are doing remarkably well. Father and mother are still going on as before. At present the wife is in jail, and only yesterday I heard that Boswell had turned up at Dalkeith poorhouse and kicked up a row there. He deals in methylated spirits, and the stomach pump had to be applied.

3819. Did you thank the doctor?—The case does not belong to me now. I have no interest in him.

3820. As a matter of fact, can you tell me, could not you be held personally responsible for these children if the man chose to raise an action?—No. I think it would be time enough to give up the children when the Court ordered it.

3821. We were told in Glasgow that with a number of habitual paupers there was very little difficulty. They might refuse to take them in, but then, if they applied to the sheriff the Board had to provide an agent to conduct their application, and pay for its own defence, and the process of refusing assistance was so costly that it was almost impossible to pay it?—That is so. The order of interim relief costs 3s. 6d. to begin with, and after that the lodging of defences necessitates a legal process, and it is never done; because we have not only our own expenses to meet, but the expenses of the pauper's agent as well, whether we are successful or not.

3822. You have got a very varied sort of parish—Edinburgh, Leith, and the country?—Yes.

3823. Have you any remarks to make as to any differences you find in these different parts?—No. Our landward district is entirely agricultural or suburban, and there is no pauperism in it whatever.

3824. Leith?—Leith is much the same as Edinburgh.

3825. Have you much begging in the landward portion?—Sometimes; by parties coming into town.

3826. Except in the country districts the law is enforced against begging?—It should be as stringently enforced in the country as it is in the town. It might prevent vagrancy to a large extent.

MR. GEORGE GREIG examined.

Mr. George Greig. — 23 Nov. 1

3827. (*By the Chairman.*) Mr. Greig you are Inspector of Poor of Edinburgh City Parish?—Yes.

3828. And you have been an inspector for 40 years?—Yes.

3829. Firstly in St. Cuthbert's and lastly for 35 years in the City Parish?—That is so.

3830. Would you please explain why Edinburgh parish is such a hunting-ground for vagrants?—Well, we have almost the whole of the common lodging-houses in the city parish. Besides, we have the Night Asylum, which may be called a vagrants' hotel; because it is kept up by gentlemen for the purpose of supplying these vagrant travellers with a night's lodgings, and supper and breakfast, I believe.

3831. And the way you speak of it you think it does more harm than good?—Well it enables these people to continue their mode of living.

3832. It attracts them to your parish?—It certainly brings them to our parish.

3833. You mention also as among the causes of vagrancy that the parish has in its centre the police office and prison?—Yes.

3834. Have you many prisoners gravitating to you?—We have a number. They get railway tickets from the jail authorities to go home to the parish from which they came, but they frequently dispose of these tickets and try Edinburgh as a good begging ground.

3835. Have you any suggestions to offer on that point?—I have not.

3836. How many discharged prisoners have you just now?—We have not more than two or three of them at a time.

3837. And I suppose that unless they have got a settlement in your parish you have to send them home?—We have to claim on the parish of settlement, if we can prove it.

3838. You say that the vagrants have generally a good knowledge of the poor law?—They have.

3839. And they make a statement that they suffer from rheumatism or lumbago, and so cannot work, and you say that that is easily admitted without a medical certificate?—Yes; and the doctor in that case generally accepts their statement.

3840. Have you many people whom you suspect to be able-bodied foisted off on you in that way?—A good many.

3841. Can you give us any idea of the number?—No. They come only occasionally; but I may say this, that since they adopted in England the plan of putting paupers by themselves in the casual wards, some 10 or 12 years ago, we have had a good number of English beggars, and they appear to be thoroughly conversant in these questions, and in the mode of overcoming the doctor.

3842. But in England there is no necessity for doing that. They have a right to get into the casual wards?—Yes, but after that rule was adopted they thought they would try Scotland for a begging ground, and a large number came here. That first year I had as many as 20 English vagrants at one time.

3843. Have you any now?—We have a few still; but not so many. Before that I had no English vagrants.

3844. I should have thought that the provision made in England for their reception would rather have tended to induce Scottish vagrants to go to England?—Well the rule, I believe, was considered unsatisfactory by the vagrant class at first.

3845. What rule?—That for putting them into a private place by themselves, and making them earn their breakfast or dinner as the case might be.

3846. The work itself?—Yes.

3847. (*By Miss Stevenson.*) Within the last 15 years?—I think so.

3848. (*By the Chairman.*) When was the labour equivalent so introduced?—I cannot give you the exact date.

3849. You have made up a list of the number of the class included under vagrants, beggars, and inebriates?—I have made up a list of the general class, and I find we have 131 of that class with whom we have been dealing. Of these 27 were above 65 years of age, 73 between 65 and 45 years of age, and 31 under 45 years of age. These people have been chargeable to the parish for periods ranging from 150 times downwards.

3850. You have stated 150. Give us a few above 100?—We have Mary Glen, 64 years of age, a woman who has been perhaps 200 or 300 times chargeable to the parish, and who has had four illegitimate children. She was chargeable to the parish before I came to it, and she is still going out and in; a strong, sturdy woman. She has been a very serious burden to the parish. She just tramps the country when not in the poorhouse or in the jail.

3851. Does she take the children with her?—No. We took them from her. They are, however, all dead but one. We brought it up. She got a hold of it when about 14 years of age, and she dragged her down to her own level. That is to say she got her married to a man of her own stamp, a drunken blackguard, a very great trouble to the parish, and who ill-used her that she left him, and is supporting herself in the country somewhere.

3852. Give us another specimen?—Then we have two sisters—very notorious. Helen Dolan or Davies, and Ann Dolan or Hall, who migrate between the poorhouse and the jail, and who have both been chargeable to the parish upwards of 100 times; while I believe one of them has been at all events 200 times before the magistrate. One of them is 39 years of age, and the other 41. They are strong, healthy-like women, but they always go and get drunk, and the doctor certifies 'inability.' Sometimes he calls it 'alcoholism' that is the matter with them.

3853. And is that a qualification for getting in?—Yes. They are 'unable to work' he says, and we take them into the poorhouse then. After they get tired they go out, get drunk, and the police have them in the jail for a while. When the sentence is over they come back to the poorhouse.

3854. I suppose you have got a number of these cases where you have had them in the poorhouse hundreds of times?—I have 131 here, and they are of that class I have mentioned. You asked Mr. Ferrier of any instance of a man going to Inverness. I give you the case of the husband of one of the Glens—Charles Martin. He went to Inverness this last year. I got a claim for him. He told the inspector I knew him very well, which was quite true. I said that was so, but I could not find a settlement in Edinburgh; and therefore I refused to have anything to do with him—that if he was born in Edinburgh, I had no evidence, and Inverness could not get a settlement against me. He left Inverness. He tramped further. I got another claim. I gave the same refusal, and he had to tramp all the way home, applying to five or six parishes on the journey.

3855. Has he come to you now?—He came back, and is in the poorhouse again.

3856. Has he got a settlement in Edinburgh?—He has not; because we have no proof of it.

3857. You are not bound to keep him?—When he comes to me I am bound, but if he goes to any other parish in Scotland, I am not.

3858. I thought you had not to support him unless he had a settlement?—We are bound to supply relief to every person within the parish who is not able-bodied, whether there is a settlement or not.

3859. Then what is the use of settlement at all?—Oh, the settlement; of course it is a question rather between parishes. If a man goes to another parish, and has a settlement in Edinburgh, that parish has a claim on me.

3860. And if there was settlement question?—He could go to any parish he pleased then.

3861. Why would he get in?—Oh, well, he 'has 'rheumatism, and so on.' Or 'he has been in India,' and I daresay, as many others do, suffers more or less in consequence. He is a very useful man in the house.

3862. You have heard what Mr. Ferrier has said about tramps going about. Have you any recommendation to make, or do you approve of his recommendation?—I wish to say that I quite concur in all Mr. Ferrier has said, except with regard to admission to the poorhouse. We are rather better placed than he is, in that we have a resident medical officer, so that I can send in at any time. I have the sanction of the Board of Supervision to send in, provided I call attention to the fact that the party sent is not certified, but may consult the medical man at the house. I don't require to apply to the House of Refuge or any other place.

3863. Do you approve of the suggestion for compulsory detention?—I am afraid that compulsory detention would not do much good. As to punishment, the more you punish these people permanently, the worse you make them. The most desirable thing would be if we could take some reformatory measure.

3864. You don't ask for powers of detention?—I don't know that that would do any good, unless it were for a very extended detention. It would require to be for a year or two years as the case might be, in the hope of getting these people to work for their own support. I agree with Mr. Ferrier's suggestion that some reformatory arrangement might be adopted by which these people might be sent to an institution and detained there, similar to the Industrial or Reformatory Schools.

3865. But so far as you are concerned from a Parochial Board point of view you don't want powers of detention?—No.

3866. Mr. Ferrier wanted powers of detention, and he wanted powers of detention in the case of children of the tramps as against their parents when they turned up?—Certainly. We desire to have that too. We just now are acting on the Custody of Children Act, and we refuse to give children up to parents on the strength of it.

3867. Could you give me a reference to that Act? What is the Act?—The Act of 1871, I think.

3868. (*By Miss Stevenson.*) No; is it not 1892?—I am not sure at present.

3869. (*By the Chairman.*) What power does it give?—It applies to England and Scotland both, and it empowers the Parochial Board or the Board of Guardians to keep children whose parents do not manage them properly, or who desert them for a certain period—a year I think it is—unless the parents repay the advances.

3870. Could you give us a reference to that—the section of the Act which gives you these powers?—I could, but not at present, not having the Act before me.

3871. Will you then please fill in this when you get a copy of your evidence?—I will.

3872. You think that these are ample powers?—I don't say they are ample. Others wish to get an amendment.

3873. Mr. Ferrier has told us, and we have had other people making the suggestion, showing that they were ignorant of any satisfactory legislation on the subject. How does it happen that Parochial Boards and inspectors who are always having conferences and so on don't work on the same lines?—I cannot say, but the Act was made not applicable to Scotland at the time, and I got Lord Advocate Robertson to put in Parochial Boards in one of the operative clauses. It certainly gives good powers, but perhaps not powers to take the children in the initiative. It wants initiative powers.

3874. We may understand that your recommendations so far as they prove you to be concerned, do not agree with those of Mr. Ferrier. You don't want powers of detention?—That is so.

3875. Or you don't care, or ask for them?—What I say is this, that I doubt very much that any punitive action would not improve these people. If we are to have an improvement of them then it would require to be some reformatory arrangement.

3876. You agree with him in his reformatory arrangement?—Yes, I do.

3877. And it would not be any particular advantage for you to get powers to detain these people oscillating between prison and poorhouse?—I am afraid not.

3878. Do you find any trouble with them?—We have plenty of trouble with them.

3879. Would it not ease your trouble?—It would lessen our labour.

3880. And would it not lessen the public scandal?—Certainly; if we had the power of detaining and locking them up in the poorhouse. It would, and so far as it goes we have sufficient power to stem over a considerable period; but if it is only to be a few weeks more—we have 72 hours already—I don't think that would improve the people.

3881. Your proposals of improving the people are identical with Mr. Ferrier's, but you want to take them to some Reformatory?—Yes.

3882. From the Parochial Board point of view, are we to understand that you would or would not like powers in the case of these habitual frequenters to detain them in the way Mr. Ferrier has suggested, or for a longer period?—Yes; I should certainly say if we are to detain them it should be for as long a period as you could give. A few days makes nothing to these people. It must be for a considerable time if any good is to be done.

3883. We understand from both of you that there is no power of detention in the country poorhouse?—That is a privilege given to certain large poorhouses. We applied to the Board of Supervision for it.

3884. About methylated spirits; have you anything to say?—I don't think that has been so bad with us as it was. It was very bad at one time, and we applied to Government to make some amendment on the law, and I think there was some amendment made then as to not selling it on Sunday—some clause of that sort. With us it has very much disappeared. There are, perhaps, two or three of the very worst characters taking it still; but I do not find so much of it taken as formerly.

3885. What are your regulations about letting paupers out on Sunday?—They don't get out at all. A man must ask 24 hours before Sunday if he means to go out—either on the Saturday night or the Monday. I wish to say with regard to that class, that what we feel is this. They are the great drag to our machinery. We make all our arrangements at the poorhouse to meet that class. Mr. Ferrier has spoken about the stick factory, the breaking of stones, and all these arrangements, and therefore the great expense of the Parochial Board is incurred on their account; and if there was some arrangement by which they could be put into some reformatory, then the parochial machine would be much more simple and inexpensive.

3886. Do you think the Parochial Boards would be willing, in consideration of that, to consent to make a contribution out of the parish funds to such Reformatories as are spoken of?—I am quite sure the Parochial Boards would do that.

3887. And you, Mr. Ferrier?—(*Mr. Ferrier.*) I think so.

3888. Do you think they should have power to do so?—(*Mr. Ferrier.*) I think so

3889. (*By Dr. Sutherland.*) Is there any reason why one of the seven poorhouses within a radius of 12 miles of Edinburgh should not be utilised as a Reformatory?—No reason that I know of.

3890. Then you think that one of these institutions might be set aside as a Reformatory?—I think so.

3891. That would lead to little or no cost, as the institution already exists?—Yes.

3892. In that case, supposing one of the Parochial Boards were willing to give up one of the places for the detention of these people, would it be an easy matter for that Board to make arrangements with some of the

Mr. George Greig.

23 Nov. 1894.

other Boards to send the respectable inmates to one institution, whilst they handed over their own building to be devoted solely for the purpose of vagrants and inebriates?—(*Mr. Ferrier.*) I think such an arrangement as that might be come to.

3893. Is there not some talk of amalgamation of the parishes in Leith and Edinburgh?—(*Mr. Ferrier.*) There is some talk of amalgamation, but I don't think any one would hold the poor of both towns.

3894. In introducing the circular-saw do you think it is a desirable thing to reduce manual labour? Don't you deprive the men of available work?—(*Mr. Ferrier.*) We still keep them occupied, but it deprives them of work by which they earned extra rations. We found that when they earned these they were willing to remain, rather than go outside. We find it is a greater test; wood-chopping by the hand entitled them to extra beef.

3895. If you had the power of detention you seek, would you think of associating dissolute people with the respectable poor?—(*Mr. Ferrier.*) No. Certainly not. They are not at this present moment associated. They are classed.

3896. I would like to ask Mr. Greig about the powers of detention—ranging from twenty-four hours to three days, what object had you in getting those powers?—(*Mr. Greig.*) Just to prevent these people running out and in.

3897. Would not that apply still more in asking further powers?—(*Mr. Greig.*) Certainly; so far as officials are concerned it would lessen labour; but what I am afraid of is that so far as the poor people are concerned it would do them really no good.

3898. What harm could possibly come to them confined for 12 months, say working in an open yard or in a field?—(*Mr. Greig.*) If you say 12 months in an open yard. I am quite agreed if you had such a period of detention. I thought you meant to confine them for 20 or 30 days.—(*Mr. Ferrier.*) The class particularly aimed at, in asking 72 hours, is one that would dismiss themselves to-day and be in to-morrow.

3899. The dissolute, worthless people?—(*Mr. Ferrier.*) And when they had to remain for three days they were more cautious.

3900. Do you know anything of the German system of dealing with vagrants and tramps?—(*Mr. Ferrier.*) I have heard of it and read of it, and it is from it I have taken the idea of a labour settlement.

3901. In Germany they utilise the poorhouse as wayside relief, a day's march between each station. Each tramp has to present himself there, and gets lodging, and then goes on to the next station, and after he has gone the round he is dealt with penally. Would you approve of that?—(*Mr. Ferrier.*) I would. I would hardly go the length of establishing stations; but if we found a man going round the circuit more than once, and becoming chargeable more than a certain number of times, he should be dealt with penally.

3902. Have you not got poorhouses near all the highways of Scotland at a distance of from 12 to 20 miles apart?—(*Mr. Ferrier.*) Well there may be at greater distances than that.

3903. (*By Miss Stevenson.*) I understand, Mr. Greig, that your Board was one of the first that adopted the system of boarding-out children?—(*Mr. Greig.*) Yes.

3904. And you have found it very satisfactory in cases where you have been able to retain the children long enough so that they could acquire good habits?—Quite.

3905. Is it your experience that, when they become of age to be of use as wage-earning boys and girls, the parents can reclaim them?—Yes; but we have refused to give them up; and since the passing of the Act I mentioned we have never been challenged by any action.

3906. You have never had a parent demanding the custody of his children from you through the Sheriff Court?—Not since then.

3907. And for more than 20 years you have found in the City of Edinburgh Parish that you have had sufficient power to retain the custody of these children?—We have done so at all events. Our action has not been challenged.

3908. Then I understand in your parish, and in yours Mr. Ferrier, you have rather discouraged the sending of children of that class to the Industrial Schools?—(*Mr. Ferrier.*) We have.

3909. But under the Industrial Schools Act you could have had power to separate children from their immoral and dissolute parents?—(*Mr. Greig.*) We have that power certainly.

3910. But you prefer the boarding-out system?—(*Mr. Ferrier.*) We find it far more successful. The children turn out far better as a rule.

3911. Of course the evidence you would have is more negative than positive as to the subsequent career of these children; but I understand very few of them have ever again become chargeable to the parish?—(*Mr. Greig.*) Very rare cases.

3912. Except when they have been recovered by the parents?—Yes.

3913. Then with regard to another class, the case of unfortunate women. Do you have them going out and in very often?—(*Mr. Greig.*) Yes, very often.

3914. Do they come from prison?—Yes, generally.

3915. You have a separate ward for them, I understand?—(*Mr. Ferrier.*) Yes.—(*Mr. Greig.*) Yes.

3916. In the case of children boarded-out are a large number illegitimate?—(*Mr. Ferrier.*) There are a number of them.

3917. Have you a large number?—(*Mr. Greig.*) About a third.

3918. And in the case of these children do you require as a condition that the child should be boarded-out that the mother shall remain in the poorhouse?—(*Mr. Ferrier.*) Oh no.—(*Mr. Greig.*) We often board-out the child and dismiss the mother.

3919. But the mother must have become chargeable and been in the poorhouse?—(*Mr. Ferrier.*) Yes.

3920. You referred to the Cruelty to Children Act. You are aware that the police authorities are trying to carry out a scheme whereby neglected children shall be cared for in the way of clothing and so on, so that the drunken parents may be brought within the reach of the law. Is it in your experience that they have in any case ever punished parents for cruelty to their children?—(*Mr. Ferrier.*) Oh yes, we have had cases in which the police have punished parents; but not through this scheme.—(*Mr. Greig.*) I have no knowledge of that.

3921. Your opinion is, Mr. Greig, that these two institutions, the House of Refuge and the Night Asylum, are attractions to come to Edinburgh?—(*Mr. Greig.*) Certainly.

3922. And in St. Cuthbert's you use the House of Refuge?—(*Mr. Ferrier.*) Yes; and they know when coming to Edinburgh they have a place they can put up at.

3923. (*By Col. M'Hardy.*) Is there any objection to utilise the spare accommodation that you now possess for the reformatory system, which you indicated, if you are allowed power for the confinement of these habitual offenders for long periods?—(*Mr. Greig.*) I see no objection to that, unless this, that it would be far better to separate them from the poorhouse—not to give them the poorhouse idea.

3924. But I am supposing you would classify the people, and have part of the establishment devoted to this particular class, and the other to the deserving poor?—Perfectly; but the detention in a poorhouse would have an injurious moral effect.

3925. On the people?—On the people. Rather put them in an institution which would not have attached to it the same stigma.

3926. Do you think going to a Reformatory would sound better?—Well, I would not like to call it a Reformatory, give it some better name.

3927. What name would you suggest?—Well, 'Home.'—(*Mr. Ferrier.*) Industrial Settlement. I am distinctly of opinion that they should not be dealt with in a poorhouse at all, but in a separate institution.

George ov. 1894.

3928. (*By Dr. Farquharson.*) As to the able-bodied tramps; do you think there is any chance of reclaiming these people?—(*Mr. Ferrier.*) I think so, if put to work.

3929. They are not incurable?—I think not.

3930. Do you think so by some forcible detention and keeping them at work for a while?—I have no doubt they would pick up and become useful citizens.

Mr. George Greig. 23 Nov. 1894.

3931. Then idleness is not an incurable disease?—I think not. It could be made curable.

Daniel F.

Mr. DANIEL F. STORY examined.

Mr. Daniel F. Story.

3932. (*By the Chairman.*) You are Chairman of the City Parochial Board?—Yes.

3933. And you wish to add that it is your view in regard to vagrants that the only cure possible is compulsory detention?—Yes.

3934. What is your experience in the country life of vagrants?—We have them coming continually to our farm steadings, and we find fires taking place, and we can get no other explanation of these fires than that they are occasioned by the presence of tramps. The policemen just now can convict if they are found sleeping in an out-house, but not for begging, and unless they are found in these places nothing can be done.

3935. Have you any suggestions?—I think that the power we have in burghs as to begging should be extended to counties.

3936. Have you experienced anything in the way of masterful begging?—Only the other day I was asking the policeman, near our place in Peeblesshire, and he told me they are more than masterful. If tramps call in lonely districts when the men are absent the women are terrorised. These women even went the length of giving up their children's playthings when demanded.

3937. Did they ever take any of your sheep?—No.

3938. They are not sheep stealers or anything of that sort?—I have not heard that.

3939. (*By Dr. Farquharson.*) Are these fires, do you think, accidental?—I believe they are generally accidental; but it is through the carelessness often of tramps who smoke.

3940. Are they ever out of revenge?—That may be, the farmers and the cottars will not give evidence against these tramps for fear that they set fire to the place, and it is very difficult to get a conviction. There was a fire very near our place last year, and there were none of their own people near it, but there were tramps.

3941. (*By the Chairman.*) You have no evidence—no knowledge of wilful fire-raising in revenge for refusal of assistance having been done?—Only suspicion.

3942. (*By Dr. Sutherland.*) Do you think the Parochial Boards in Edinburgh would have any difficulty in negotiating for the purpose of setting aside one poorhouse? Could that be harmoniously arranged?—I should expect so.—(*Mr. Greig.*) We would require leave or sanction.

3943. Would it not be desirable that the Boards should negotiate as to the setting aside of one of these empty institutions?—I am certain you would have the concurrence of the Parochial Boards if one could be dispensed with.

3944. (*By Dr. Farquharson.*) Would not your proposal for extending the burgh powers to the counties be productive of great expense? Would it not seriously increase the police force?—I believe the example of even a few tramps being convicted would have a good effect on the others. [The three witnesses then withdrew.]

[Adjourned.]

TENTH DAY.

Edinburgh, Tuesday, 27th November 1894.

Present:—

Sir Charles Cameron, Bart., M.P. (*Chairman.*)	Sheriff Dove Wilson.
Col. A. B. M'Hardy, R.E.	Dr. J. F. Sutherland.
Dr. Farquharson, M.P.	Miss Flora C. Stevenson.

t.-Col. A. rwick. ov. 1894.

Lieut.-Col. A. BORTHWICK, called in and examined.

Lieut.-Col. A. Borthwick. 27 Nov. 1894

3945. (*By the Chairman.*) Please state to the Committee what your duties are?—I am Chief Constable of the Lothians and Peeblesshire.

3946. How long have you held that office? About ten years?—I have been Chief Constable of Mid and West Lothian for ten years, and Peeblesshire about two years, and East Lothian one year.

3947. Have you had any experience of burgh administration?—There are small burghs. I have Portobello, Musselburgh, Dalkeith, &c.

3948. These burghs are under the Police Act?—Yes.

3949. Under what Acts are the petty offences, with which we have to deal, dealt with in the counties? Is there any Act applying to the different counties—any Act dealing with petty offences—or are they under the common law?—Under the common law.

3950. Well now, do you find any difficulties in the common law which might be remedied by the adoption of any of the provisions of the Burgh Police Act?—Yes; I should say it would be a great advantage if the Burgh Police Act, as regards vagrants and habitual drunkards, were added in the counties.

3951. What is the condition of vagrancy and drunkenness under the present administration?—Here is the Act.

3952. Will you just give us the reference. I think it runs up to 14 days' imprisonment in the case of habitual offenders?—It does. I have put it down here in pencil. (Reading.) 'Burgh Police 'Act, 1892, section 381, sub-section 24—every 'person who, in any street, and in all public places 'within the burgh commits any of the following 'offences, shall be liable to a penalty not exceeding 40s. 'for each offence, or a month's imprisonment.

3953. Or a month's imprisonment?—Yes.

Lieut.-Col. A. Borthwick.

27 Nov. 1894.

3954. Among the offences specified are?—Shall I finish it? (Reading.) 'Habitual drunkenness.'

3955–56. (*By the Chairman.*) You are going to another section. Don't specify the whole number of offences. We only want to deal with drunkards and vagrants?—(*The Witness.*) 'Section 381 (24)—drunk and incapable, and not under the care of a proper person.'

3957. (*By the Chairman.*) That they shall be liable to a penalty of 40s., or a month's imprisonment, and among the offences is 'drunk and incapable.' Well, is vagrancy under that?—No. section 408, 409, 410, 'supression of vagrancy.'

3957A. Yes; but instead of referring to the section, give us the specific penalty enacted with regard to the specific offence. The question is, whether there are any provisions in the Burgh Police Act which you would like to see incorporated in the law relating to counties? You have had experience of both?—I am reading it to you. It is what I have read—'section 381, sub-section '24—every person who, in any street, and in all public 'places within the burgh, commits any of the following 'offences shall be liable to a penalty not exceeding 40s. 'for each offence, or a month's imprisonment.'

3958. That includes drunkenness?—Yes.

3959. Yes; but does it include vagrancy?—No. We pass on from that.

3960. (*The Witness.*) Shall I read to you the habitual drunkard's section, 382. (Reading.) 'Section 382—'habitual drunkards. It may be charged as an aggrava-'tion of the offence of being drunk and incapable that 'the accused person has, within the 12 months pre-'ceding, been three times previously convicted of such 'offence, and if the accused person is convicted he may 'be fined in addition 40s., or a month's imprisonment; 'or without the option of a fine, 14 days' imprisonment.'

3961. Would you like to see both those incorporated in the county?—Yes.

3962. You and the Chief Constable of Berwickshire and Roxburghshire have had a consultation on the various offences that have been referred to?—Yes.

3963. During the six years past there has been a census taken of the number and variety of tramps in your counties?—Yes. All over Scotland.

3964. And have they increased during that time?—No; the number is stationary.

3965. Do you say it has been repeatedly attempted to identify individuals, families, and groups, but that all such attempts have proved futile?—Yes.

3966. And what attempts have been made? How have they been made?—We tried to identify them, but could not manage.

3967. You say only a few prominent facts can be laid hold of—of the number of males, females, and children; but that there is a tendency to group themselves in the towns in winter, and the country in summer. So many English, Scottish, and Irish, but that you cannot go beyond that, except that the children are wholly illiterate. That is your experience and Mr. Porter's?—Yes, sir.

3968. How have you had the opportunity of testing the children?—We could only ask them if they had been educated at all.

3969. Is that a question in the census?—No. Not in the bi-annual census, but I had a special census taken lately.

3970. Would you give us the results of that census?—It was a census of vagrants taken last week, on Friday, 23rd November 1894, between the hours of six a.m. and nine p.m., of vagrants, beggars, and migratory poor in the Lothians and Peebles.

3971. What are your results?—It is a long return.

3972. Give us the totals?—Local tramps or beggars in Midlothian—37 males; 13 females; 2 male children; 3 female children; total, 55. In West Lothian—10 males; 6 females; 3 female children; total, 19. East Lothian—4 males; 2 females; no children; total, 6. Peeblesshire—4 males; 1 female; total, 5.

3973. These are the local tramps?—Yes.

3974. Who keep within the county and don't go beyond it?—Yes.

3975. You have not got the total?—It is 85 local tramps or beggars.

3976. Do you think that is a great number in the four counties?—No. I do not.

Lieut.-Col. Borthwick.

27 Nov.

3977. Then there are a number of others?—Yes. Stranger tramps. In Midlothian—98 males; 19 females; 2 male children; 1 female; that is 120. West Lothian—77 males; 23 females; 1 male; and 3 female children; total, 104. East Lothian—23 males; 5 females; total, 28. Peebles—11 males; 7 females; total, 18. Total altogether 270.

3978. And 85 odd local tramps?—That is so. Then persons on tramp, *bona fide* in search of work.

3979. That is another class?—Yes. I call the second class stranger tramps. Those on tramp in search of work are 117, and no children, in Midlothian; in West Lothian, 132, and no children either; East Lothian, 30; no children; and Peeblesshire, 7; total, 286.

3980. Is that number of tramps in search of work due to the recent trade disturbances, or is it your average?—It is about the normal. There is always about the same.

3981. Well now; first we will take your local tramps. Have you any information to give the Committee about them?—I think about Edinburgh, of course, a great many of them live in Edinburgh. They just go out for the day, and come back again at night. The census of those that have gone out of Edinburgh between the hours of six a.m. and nine p.m. on Friday, 24th November, was 140 of all sorts.

3982. Are they included in your other classes?—Yes. Then the ones at night came only to 46 who were challenged.

3983. Ones that went out of Edinburgh, or what?—Yes, went into the district. The first were the day ones. These are the night ones.

3984. You are now at the night census?—Yes This is a different census. But the roads census round Edinburgh gave 140.

3985. Who came out during the day?—Yes; and then there were 46 during the night.

3986. Well, to take up the day classes. Have you anything to say to the Committee about local tramps.

3987. (*The Witness.*) You have not got the night census.

3988. (*By the Chairman.*) Well, would you go on with the night census as you have given the day?—From 9 p.m. on Thursday 22nd, till 2 a.m. of Friday 23rd November. Night census of the Lothians and Peebles. Midlothian, 240; West Lothian, 332; East Lothian, 126; Peeblesshire, 32.

3989. Making in all?—730.

3990. That will give you a great many more tramps at night than in the day-time. That would be accounted for by the fact that a number passed unchallenged in the day-time?—Yes; 641 during the day, and 730 at night.

3991. Well, then, how do you account for that increase of tramps at night?—Well, they are picked up. You find them in different places lying about.

3992. Yes, but it is simply that they have escaped you during the day?—Yes.

3993. How did you manage your census in the county at night?—We found them in different places—prison cells, houses of refuge, hospitals, poorhouses, in lodging-houses, and other houses, public parks, gardens, and outhouses.

3994. That is the point. That is what we wanted to know, because a gentleman of that profession that we have interviewed told us that they sleep about kilns, and all sorts of out of the way places where they probably escape observation.

3995. (*The Witness.*) But I order the police to go everywhere where we are likely to find them. We find them about brickworks and such places.

3996. Then do you think that is a very large allowance of tramps for these four counties?—It is about the same. If you refer to the annual census you will find it is about the same.

3997. Then what do you ascribe this number of tramps to? Do you think you have insufficient power for dealing with them?—I do not think we have a large number in comparison with other places.

Lieut.-Col. A. Borthwick. 27 Nov. 1894.

3998. Have you had complaints about tramps in your county?—No; I cannot say we have.

3999. You have no complaints of masterful begging?—A certain amount, but nothing to speak of.

4000. Do you desire any greater power for dealing with them?—I think it would be a great benefit if the provision of the Burgh Police Act as far as vagrancy and drunkenness——

4001. You have given us the provisions of the Act as to drunkenness, but you have not yet given us the provisions as to vagrancy. Perhaps you would give us them now?—(Reading.) 'Section 408—Every person 'found begging, or exposing wounds or deformities, or 'who shall cause or permit the exposure of children of 'tender age to the inclemency of the weather; or 'causing children to sing in any street or court, or 'common stair, or otherwise acting so as to induce, or 'for the purpose of inducing the giving of alms; and 'every person conducting himself as a vagrant, having 'no fixed place of residence and no lawful means of 'getting his livelihood, shall be liable for the first 'offence to a fine not exceeding 20s., or to be imprisoned 'for any period not exceeding 30 days; or to imprison-'ment for such period, without the option of a fine; and 'for the second, or any subsequent offence, to be 'imprisoned for a period not exceeding 60 days.'

4002. Anything about fines?—Fine not exceeding 20s.

4003. You mention in this paper (vagrant census) 'classes one and two.' That is local vagrants and strange vagrants—'subsist chiefly by hawking cheap 'articles, mending umbrellas, street singing and 'begging'?—That is so.

4004. All over the four counties?—Yes.

4005. Do they require a hawker's license?—Yes. If they hawk they ought to have them. Of course a good many don't have them.

4006. Are many taken up for hawking without a license?—Yes; whenever they are caught.

4007. Have you any idea if that is a large number?—No; it is not.

4008. Class No. 3, that is of men in search of work, 'subsist chiefly begging as they travel along the roads, 'and occasional employment at public and other 'works.' Do they do much in the way of begging?—Yes; a good deal.

4009. On what authority do you class them as in search of work? Is it not a common practice of tramps of all sorts to say they are in search of work?—Yes. certainly, you just judge of their appearance, and if you look at their hands you see then if they are workmen.

4010. You mention in this analysis that the proportion of those who have got into trouble, that is of tramps of all classes, was in Midlothian, 30 per cent.; in West Lothian, 50 per cent; East Lothian, 15 per cent.; apparently none in Peeblesshire?—Well, a very small proportion indeed.

4011. How is it? Can you account in any way for the great disproportion that exists between these four counties—in West Lothian 50 per cent.; and East Lothian 15 per cent.; and Peeblesshire none?—Well, the one is a mining population, and the other is agricultural.

4012. Yes; but then the population is exclusive of the tramps?—Well a great many of them stay about mining districts.

4013. But these would be local tramps, and there are only 85 of them altogether?—Well, that is the number of local tramps, but all classes are found in mining districts.

4014. You have your analysis of tramps who get into trouble? How do you get your information about them?—Are you referring to the lot you have got here in the census?

4015. (*By the Chairman.*) The whole number?

4016. (*The Witness.*) Yes; the percentage is of the whole number.

4017. How do you get your information as to whether they get into trouble or not?—Well, we give an idea of what we think about them. It is simply an estimate.

4018. And it does not refer to these tramps, but is simply an estimate?—Yes, it refers to these tramps.

4019. Yes, but you here single out 730 tramps, who are in these counties on that night, and you say the proportion of them who get into trouble is so-and-so. If you refer to this lot you bring a very serious accusation against them, unless you have some record by means of which you can substantiate it. We had in West Lothian 332 tramps on this night, and of these 50 per cent. or 166 got into trouble. Were they asked that?—No. It is just what I put down myself. What I mean is that 50 per cent. have been in trouble some time or other.

4020. You say here that 'local tramps and beggars 'travel through Lanarkshire, Stirlingshire, Mid and 'West Lothian, Haddingtonshire, Berwickshire, and 'occasionally into the English counties.' This is, I suppose, from your own experience? Have you many genuine workmen? From your experience of 50 per cent. of the lot who get into trouble, they must be a bad lot taken as a whole. Do you think there are many genuine workmen in search of work among them?—There is a certain proportion, certainly. What do I state there?

4021. You mention here a large number—I think 186 workmen in search of work?—Yes.

4022. Nearly a half or a third of the whole. That is a large class. Have you any provision for their reception anywhere?—You will see it there. (Reading.) 'There is a night shelter house for a limited number 'of tramps at Stow, Fushiebridge, Musselburgh, Ratho, 'and Mid-Calder, where persons without means, and un-'able to proceed further, are sheltered at the expense of 'the Parochial Authorities. Common lodging-houses at 'Portobello, Dalkeith, and Penicuik, where persons with-'out means, and unable to proceed further, are also 'sheltered at the expense of the Parochial Authorities.'

4023. That will have to be done under all the formalities of the Scottish Poor Law? They have to apply to the Inspector of Poor?—Yes.

4024. And show that they are not able-bodied?—Yes, and probably go before a doctor. (Reading.) 'In 'West Lothian some of the Inspectors of the Poor 'provide females and children, or aged and infirm men, 'with tickets that entitle them to a bed at certain 'lodging-houses, the keepers of which have an agreement 'made with the Inspector. In East Lothian there are 'no shelter houses in the county, but Inspectors of 'Poor in the towns pay for lodgings for tramps who 'may break down on the way, and are not able to go 'further.' In Peeblesshire there is no provision in the county at all, except that the Poor Officers act in the same way. If tramps break down they put them into lodgings.

4025. Yes, but we have had even here, even in the case of large Edinburgh parishes, that the medical officer of the parish is only to be seen during certain hours, this certificate is necessary to enable a person to get relief from the Parochial Authorities, and there is no machinery for dealing with them — no vagrant machinery, under the Scottish law, if they apply after the time. Have you ever heard any complaints on that score?—No. I cannot say I have.

4026. Among those vagrants that were found sleeping out, about brick kilns, and hay stacks on this night, were there any women? This return does not distinguish between those who are in lodgings and those who are out?—I should not think so.

4027. If they had not money they would have to sleep out?—Yes.

4028. Have any cases been brought under your notice of children sleeping out in the same way?—No sir.

4029. If they were would you deal with them in any manner?—I think the Inspector of Poor——

4030. But the Inspector of Poor does not go about hunting up people in hay ricks?—I mean if the police find any of that sort, they would be handed over to the Inspector of Poor.

4031. But would they not deal with the parents for exposing their children?—Well, probably they would.

Lieut.-Col. A. Borthwick.

27 Nov. 1894.

If the Inspector of Poor would not deal with them, I should say it would be the proper thing provided there is sufficient evidence of cruelty.

4032. How are vagrants dealt with. For what offences in your counties? Is it for begging simply or for vagrancy?—We have no power to stop them from begging.

4033. No power to stop them from sleeping out?—Well, of course, if they are found sleeping in out-houses, and places like that, they are trespassing.

4034. Yes; but under the Scottish law of trespass how do you deal with them?—They are brought up under the Trespass Act.

4035. (*Sheriff Dove Wilson.*) A comparatively recent Act.

4036. (*By the Chairman.*) You don't deal with them at all in fact, except for trespass?—Just so. There were bye-laws passed by the sheriff and a committee some time ago, but there was a decision in the Court by which they were put aside.

4037. Bye-laws? Under what Act?—The 1889 Act.

4038. What 1889 Act?—The Local Government Act.

4039. Yes, but the Police Act does not apply to counties—the Burgh Police Act?—The Local Government Act of 1889 empowers County Councils to pass bye-laws for the suppression of vagrancy. There were bye-laws drawn up by the sheriff of this county, and a committee. They were sanctioned by the Secretary for Scotland; but owing to a decision of the High Court they were set aside.

4040. Can you give us a copy of the bye-laws, and decision which set them aside?—Yes. [Numbers and handed in.]

4041. The only two bye-laws that relate to vagrants are numbers four and five. (Reading proclamation No.) 'Any street musician, or other person, who continues to sound or play any musical instrument, or 'sing in the neighbourhood of any inhabited house, 'after having been required by any inmate of such 'house, or by any officer of police to depart, and (5) 'every person found begging, or placing themselves, or 'otherwise acting so as to induce, or for the purpose of 'inducing the giving of alms, and all persons conducting 'themselves as vagrants, having no fixed place of residence, and no lawful means of gaining their livelihood 'within the county shall be guilty of an offence under 'the Local Government (Scotland) Act, 1889, section '57, and shall be liable, on summary conviction to a 'penalty not exceeding 40s. in each case.' These are the bye laws you refer to?—Yes.

4042. Have you got the Act there?—They are just on the lines of the Burgh Police Act.

4043. Yes; but I want to know what the power was.

4044. (*Sheriff Dove Wilson.*) I will bring it out when it comes to my turn.

4045. (*By the Chairman.*) What are the grounds on which these bye-laws were set aside?—This is the case. It is rather long. [No. .]

4046. Would you tell us briefly?—This was a case of a man who pasted up bills on a place where he had not permission to do so. The bye-law provided that 'every person who writes upon, soils, defaces, or marks 'any wall, fence, hoarding, or building with chalk, or in 'any other way, or who without authority fixes, or causes 'to be affixed . . . . . without the consent of the 'owner or occupier.' On 3rd May 1891.

4047. This is a long thing. I think if you would glance you eye over it.

4048. (*By the Chairman.*) I see the argument was that the bye-laws enacted that which was *ultra vires* of the County Council; that the bills did not fall under the head of nuisance. A nuisance was something offensive, and there was no proof that these bills were offensive. For the respondent it was argued that this bye-law was not in excess of the powers of the County Council under the statute. The powers given there were very wide. The bye-law in question was taken from the Burgh Police Act, 1862, sections 251–257 and 331, and Lord Young apparently upheld the contention of the appellant, that is on the bye-law referring to bill-sticking; but that has no bearing on the vagrancy?—Yes. They were upset together. If you go on you will see it.

4049. Yes, well, it does refer to it, but it does not seem to touch this at all. Lord Young says—'a 'notice put up on a fence by the roadside that a charity 'sermon is to be preached in the parish church for behoof of the destitute sick would be a bill put up in the 'County of Midlothian, and probably the owner and 'occupier of the lands enclosed within the fence might 'not have been convened to give their consent to the 'putting up of the notice, so that that would be an 'offance under this section. I may notice that the announcement of such a sermon would be of itself an 'offence under another of these bye-laws, namely the '5th, "that every person found begging," it is not said 'where except within the County of Midlothian, "or 'placing themselves, or otherwise acting so as to in 'duce, or for the purpose of inducing the giving of 'alms," is to be liable to summary conviction, and a 'penalty of 40s.' I think that is merely one of Lord Young's jokes?—I do not know. We took it seriously.

4050. 'The purpose of a charity sermon is to induce 'the giving of alms, and the notice might make the 'person who put it up liable for the penalty. Now, I 'think the provisions of the 5th section are just as clearly 'beyond the powers of the County Council as those of 'the first, although it is not necessary for the Court to 'decide that point.' That is merely an *obiter dictum*. Has that point been tested?—I had instructions not to act on them at all, after that decision.

4051. (*Sheriff Dove Wilson.*) Practically that opinion is enough to stop them.

4052. (*By the Chairman.*) Do you know if any other counties have made bye-laws under this Act?—Yes. Most of the counties in Scotland, but then they are drawn up very much on the same lines as ours, and I fancy they don't act upon them on account of that decision.

4053. Well there was no decision in this case, because he expressly says 'although it is not necessary 'for the Court to decide that point.' Lord Trayner, who sits with him, simply declares that in his opinion this bye-law was beyond the power of the County Council, and the Lord Justice Clerk concurred. But you have not had any copy of bye-laws on the subject of vagrancy drawn up under this Local Government Act which are acted on?—No, I have not; I think on account of that decision no bye-law in any county is acted on. If we only had bye-laws it would do a great deal of good in the way of vagrancy, because we could get at begging in the county.

4054. What you want is this bye-law legalised?—Well, something of the sort. It was proposed to bring it in in the Local Government (Scotland) Act, 1894.

4055. I see here it provides for a penalty not exceeding 40s. in each case. There is nothing said about imprisonment?—No.

4056. There would be a regular period of imprisonment considered equivalant to 40s. is there not?—Yes.

4057. I forget exactly the terms of the Burgh Police Act, but I think this is very much milder than the Burgh Police Act. The Burgh Police Act was 30 days, and on repetition 60 days. But can you tell the penalty in the way of imprisonment that is considered by the Summary Jurisdiction Act equivalent to a fine of 40s.? You don't happen to remember?—Well, I suppose a month's imprisonment.

4058. (*Dr. Sutherland.*) There is a regular tabulated scale under the Summary Jurisdiction Act.

4059. (*By the Chairman.*) That is true, but what I want to know is whether the county purpose such a heavy penalty as is proposed in that Act, or whether they propose something much lighter. I will put the question, and you can consider your answer. My point is—your county proposed a bye-law dealing with begging, and enacting that every offence should be liable on

summary conviction to a penalty not exceeding 40s. in each case. Beggars as a rule don't have 40s. to pay their penalty. We want to know absolutely and accurately what penalty in the way of imprisonment you would consider equivalent to a fine of 40s.?—That is the usual thing—40s. or a month's imprisonment.

4060. You mentioned shelter-houses as being in a number of places. I see you and Mr. Porter recommend a State endowed Industrial School for the children of these vagrants?—Yes.

4061. Do you wish a new form of school?—Under the present system, somehow or other, we do not get at the children. They are buffeted backward and forward between the Procurator Fiscal and the Parochial Boards. No one will take them in hand.

4062. If the children are arrested for vagrancy and brought before a magistrate he can commit them?—They are generally sent back to the Inspector of Poor, who can place them in the poorhouse where he cannot keep them against their will.

4063. Is not the machinery of the law such that if you made vagrancy an offence, they could then be committed under the machinery of State aided schools?—Well there is a difficulty about it. The schools must be written to and asked if they will take them. They can refuse them if they are Reformatories.

4064. (*Miss Stevenson.*) They must be criminals before you can deal with them.

4065. (*By the Chairman.*) You propose to deal with the whole lot?—I should not propose to deal with the children as criminals, certainly.

4066. You say the number of children in the Inspector's Report, for the year ending 15th March 1894, was 1,402 (summer census)?—Yes; that is for all Scotland.

4067. You do not approve of shelter-houses?—No.

4068. You think they only tend to draw a larger proportion of tramps to the district where they are situated?—Yes. I can give you an instance. In East Lothian, when tramp houses existed there, if you take the year 1884, there were 2,721 tramps put up at shelter-houses, and their names taken down. If you come to 1888, there were 2,584. The houses were given up then. We thought we would not go on with them, and the figures were reduced immensely. In 1892 there were only 349 tramps challenged in East Lothian, and in 1893 only 411. You would like to hear what the system was? Up till May 1891, shelter-houses for tramps were provided at Dunbar, Haddington, and Tranent, under the management of th police. The names and descriptions of each one getting shelter were taken and accounted for in the annual returns. Under the system, the Burghs and Parochial Boards contributed from £1 to £5 annually to the expenses for the upkeep of the houses, but in course of time some of the Boards dropped payment, and after the County Council came in the system was abandoned altogether. Hence the recent drop in the number of vagrants in the annual return. The figures for 1892 and 1893 show the number challenged. The other years show the number that got shelter for the year—that is the total number for the year.

4069. Yes, but the total number for the year getting shelter would be much greater than the total number challenged?—Yes.

4070. Yes, but the police don't challenge every tramp they come across?—They do. Each tramp is challenged by a great many police officers. The only way is to divide your number by three, or something of that sort, so that it is not at all very accurate.

4071. Do you know the sort of treatment they got?—They got very fair shelter, fire, a blanket, and something to eat in the morning before they went.

4072. They were not luxuriously treated?—No, but it was a great inducement.

4073. Did crime increase coincidently with the admission of tramps?—Certainly. It was most objectionable. There were a good many of these places, and the system was that in the morning the police officers marched them out of the place and in the direction they wanted to go, and often handed them on to another constable.

4074. Yes, but what business had the police to do so?—The tramps found out that the police had no right to do this, and they all agreed that they would go to south, east, and west, and there were not enough of policemen to go with them, and they spread about, and begged and stole, and did a great deal of harm.

4075. Have you any statistics of crime on the abolition of the shelter-houses in the districts where the shelter-houses were situated?—I have not got that here, but I could get it.

4076. What counties were these shelters in?—East Lothian was the only county they were in.

4077. As a matter of fact in Haddington in 1865, when you had these shelters, and when you had these tramps—was not that the time when the tramps were at their highest?—Yes.

4077a. (*The Chairman.*) You had only 407 cases of apprehension for breach of the peace, petty assault, drunkenness, drunk and incapable, disorderly conduct, vagrancy and begging, prostitution and petty theft whereas in 1893, the number was 678.

4078. (*The Witness.*) Take 1886, there were 2,422 tramps challenged. That was the highest.

4079. (*The Chairman.*) Well in 1885 there were 851 apprehensions.

4080. (*The Witness.*) What were they in 1893?

4081. (*The Chairman.*) 678. When was the system done away with?—May 1891.

4082. It was done away with in 1891, and you then considered that this decrease from 851 apprehensions in 1885, to 678 in 1893, is due to the suppression of these houses of shelter in 1891?—Well, I think so.

4083. Your attention has never been called to that point?—I cannot say that it has.

4084. Well, were there any in any of your other counties?—There was one at Stow, on Gala Water, Midlothian, but they found it such a nuisance there that they gave it up. Now the thing exists, but it is under the doctor.

4085. Do you know when it was stopped? Four or five years ago. It was a small affair and could not influence the county?—Yes, quite, but it was found to be a nuisance. A great many people came there, and when they went out they would beg.

4086. Well, of course, all these places must be a nuisance to people?—And it brought people there. That was the chief reason.

4087. But you have also to consider there must also be a number of poor people, who are obliged, in seeking employment, to move about the country; who cannot afford trains and other conveyances, and whose case, in seeking agricultural employment, trains would not suit. Do you not think some sort of provision for them is desirable?—It has been found that wherever they are, tramps have increased enormously. For instance, there is a charity by a man who died recently at Musselburgh, and the number of tramps there is very great—so much do the Musselburgh folks object to them that they applied to the Court here to get rid of it, and the decision was that they could not, and the tramps swarm into Musselburgh, and the number gets larger every day.

4088 (*The Chairman.*) Charity covers a multitude of sins.

4089. (*The Witness.*) Would you like to get the particulars, they are interesting.

4090. (*The Chairman.*) Yes, certainly.

4091. (*The Witness.*) Mr. James M'Kelvie left £700 in trust to the Town Council, the interest of which was to be applied to persons passing through Musselburgh in search of work, who had no money. This money was invested, and the arrangement came into operation in 1892. The Inspector of Police looks after it, and gives tickets to persons who may apply for food and lodging. The interest received is £22 per annum. For this allowance the number of persons who applied from 1st February, 1892, till 31st December, 1892, was 505 males, 137 females, 173 children; in all, 715. In 1893 the total was 956; and to the end of October,

Lieut.-Col. A. Borthwick.

27 Nov. 1894.

1894, 842 males, 152 females, and 130 children; total, 1,124; so that when it becomes known, it shortly goes up from 715 to 1,124. All these get a free ticket for a lodging-house for one night, and some get food also. Besides these, a good many were refused, chiefly because they had been relieved a short time previously—they came back, a good many of these people—and also on account of the money being done before the next instalment was due. About two-thirds of the people who apply for relief are common tramps, who go about the country pretending to be in search of work. They live principally by begging, and perhaps go into the poorhouse for a few months in winter. Tramps have greatly increased in Musselburgh since this arrangement came into operation. More want relief than can be supplied from this fund. The consequence is that they hang about the town, and either beg or steal. Numerous complaints are made to the police about beggars, but people as a rule decline to give evidence against them. This arrangement is not considered a good one.

4092. Musselburgh is under this Burgh Police Act?—Yes. I am of opinion that the tramps should not be relieved, without having a task to perform, and being under proper discipline. That is the English system, as you know, I daresay. I may state that owing to the numbers of tramps about town, the Town Council in 1892 took the opinion of counsel, with the view to get rid of this arrangement; but the opinion given was that the money could not be applied to any other purpose.

4093. You said 'I am of opinion.' That is your own opinion?—Yes.

4094. Do you then recommend the English system of casual wards?—Well, no. That opens a much larger question.

4095. You mentioned something about that?—Yes, I did; but I think the great thing for these habitual drunkards is if they could be put into some place of reformation, get a good long sentence, and be made to work.

4096. We are talking now about the vagrants. Vagrants get drunk when they can?—Yes. I think in that little report which Mr. Porter and I made, we touch on that. Under the English system they have these places at certain distances. The police give the tramp a ticket and pass him on. But what is the good? Thousands of tramps and no result.

4097. You do not approve of the English system?—No. They have not the same system in all the counties. Some treat the tramps better, and they all go there. The counties where they are not treated so well they leave.

4098. But it takes some time to make up their minds on that point. What I was going to ask was this. In Edinburgh they give a heavy sentence for begging—60 days. A man can with impunity beg in your counties. Do you find the heavy sentences in Edinburgh have driven out any beggars into your district?—It must have.

4099. But your attention has not been called to it?—I cannot say it has. I do not think a lot of the Edinburgh beggars would go out into the county.

4100. They scorn what they get there?—They take their chance of going on begging. I think the only way to do any good is to get at the children.

4101. You propose to deal with them under this Industrial School you proposed to us?—Yes.

4102. It is always a drawback to the nature of a proposition to have to start a fresh institution, and State aided. Do you see any way of getting at the children with what institutions you have?—Well, you see, it is optional for these schools whether they take them or not.

4103. Well, you have the Parochial Board?—Yes. But the worst of it is parishes do not work all the same way. It makes one think it would be better for the county to have one head Inspector of Poor, and have subordinates under him for each parish. Then there would be one system all through.

4104. Could not that be arranged by the present machinery, which gives the various steps from the Parish Council, to the District Council, and the County Council?—I dare say it will come, and it will make an immense improvement.

Lieut.-Col. Borthwick.

27 Nov. 1

4105. There is no legal impediment to it?—Yes, there is at present, a great many cases of these children fall between the law and the Inspector of Poor. If a child is brought up, sometimes he is sent back to the Inspector of Poor for the parish. He won't do anything. The parish won't spend any money on the child.

4106. You say—*re* habitual offenders, vagrants, and the tramp variety, the men and women whose object is to live off the public by begging, cheating and purloining, and whose usual habit is to get drunk, and create disturbances in each village. You say that the way they are dealt with has no deterrent effect?—I don't think so.

4107. 'They generally plead guilty, and in nine cases 'out of ten the sentence does not exceed seven days.' Where are they sent to put in their time?—They are either sent to the head prison——

4108. What is your head prison?—Edinburgh. Or they have legalised cells for a certain number of them.

4109. Have you legalised cells in any of your districts?—Haddington.

4110. Are they much used?—Yes. At Haddington the number of cells is 18; and 14 days untried, and five days convicted. That is what we can do at Haddington.

4111. Are they much used?—Yes.

4112. Do you approve of the system of cells—of sending short sentences and petty offenders to these cells, as contrasted with sending them to prison?—Well, it answers in some places.

4113. But you have no distinct opinion on the point?—No.

4114. I have asked the question with regard to juvenile criminals?—I think the discipline is better at the chief prison at Edinburgh.

4115. In dealing with cases where there is assurance that the person has been previously convicted, there is a remand for eight days to give time to produce lists of previous convictions, and the magistrate might, under the Prevention of Crimes Act, sentence a man to three months' imprisonment, and you ask why not give a similar sentence to an habitual offender? That is your opinion and Mr. Porter's?—Yes. That would give them time to do some work in prison towards their maintenance.

4116. Do you propose to get over the difficulty in the way of women and children and dependents by sending them to State endowed Industrial Schools; and with regard to such schools you think they should be established and maintained by Government under the Prison Commissioners?—We only say Prison Commissioners because they are so efficient.

4117. (*The Chairman.*) They may be efficient, but I do not think they would be inclined to take on that special department.

4118. (*By Sheriff Dove Wilson.*) You were asked what penalty is attachable in the shape of imprisonment, where the money penalty does not exceed 40s. Is this the passage in the Act? (Reading.) '10s. but does not 'exceed £1, 14 days; exceeds £1, but does not 'exceed £5, one month.'—Yes.

4119. (*By Dr. Farquharson.*) I think you said you have not heard many complaints from the rural districts of the great invasion of tramps that go through the country, or of their bullying people?—I cannot say I have. I heard the other day of some complaints from Humbie in the Lammermuirs.

4120. These complaints are not increasing?—Certainly not.

4121. We had evidence the other day from another witness about fires supposed to be caused by tramps. Have you had any experience of that?—Yes.

4122. Either by accident or by design. Do you think they are always accidental?—I should say so. What you are pointing at is, that if tramps do not get shelter at a farm yard, they might set fire to it.

4123. What I am pointing to is that if a farmer

refuses shelter they might set fire to the farm yard out of revenge?—I have not heard of any such fires lately

4124. That is a popular opinion. I am only giving it here?—I may mention that I was at Cockburnspath lately. There is a sort of shelter there. There is a lodging-house in the top part, and most of the tramps who come there can pay. A few occasionally come who have nothing, but there is a sort of room down below where they put straw and wooden beds for them to lie on; and the farmer near there, Mr. Wyllie, says it relieves his farm of a great many people who used to go and put up there for the night.

4125. If your police had the power of arresting these tramps under the Vagrancy Act, for begging, would your present staff be equal to the necessities of the case? Would you not require a very greatly increased staff?—No. I do not think so.

4126. I mean you do not think the country would necessarily be put to increased expense on account of this change?—No.

4127. (*By Col. M'Hardy.*) You said you do not get very many complaints about tramps from the counties?—No. We do not.

4128. But apparently, at the same time, there are over 700 non-resident people marching about?—Yes.

4129. And of course they have food—must have food?—Well, yes.

4130. What proportion of these, would you say roughly—of these 780—earn their food and bed?—It is difficult to say.

4131. I am asking how many of these 780 who are continually moving—the nomads—how many of these would you say, at a guess, work for their food by honest merchandise, by selling things to earn their bread and bed?—Probably 20 per cent.

4132. That is 140. Then we have 640 persons moving about who do not earn their bread, but get it somewhere or another, else they would die?—Yes.

4133. What would be the charge for one person for his daily food and bed—what do you think a fair charge?—In the lodging-houses 4d. a night.

4134. For bed, and then for a day's food; three meals I suppose?—I do not know exactly. Fourpence or sixpence.

4135. A meal?—Altogether, about 6d. I should say.

4136. Sixpence or eightpence. If it were eightpence that would be a shilling a day for the keep of this population?—Yes.

4137. So that this migratory population is apparently drawing 640s., or £32 *per diem* from the population of the counties?—I should think not.

4138. And the people have come to submit to this because it is a custom without complaint—this tax of £32 *per diem*. Is that so?—I suppose so.

4139. About £10,000 a year?—That cannot be the case.

4140. It looks like it. Why is it not the case?—It seems such a large sum.

4141. But you see no other explanation but that £10,000 must be subscribed by the agricultural population of the four counties for the maintenance of these vagrants?—Well, they beg.

4142. Yes. That comes to be the means by which they raise the money. There is no other way for they do not work. We have struck off those who work; so that by a simple process of begging they raise this £10,000 a year, and the people submit without objection to pay this sum?—Well, I don't know. I should not say there was £10,000 got out of the Lothians and Peebles by tramps. I don't think so. But how they live I do not know. I do not know—if it does require a shilling a day to live for a man who does not work—or that he gets it out of the inhabitants of the Lothians and Peebles at all.

4143. How do you suggest he otherwise would get it. Why does he go tramping in the Lothians and Peebles?—There are a great many tramps who go through the counties, who never beg, and never do any harm. I do not know how they live.

4144. Do they come with funds in their pockets?—They like the life.

4145. Do you mean to say that partially moneyed men go out on tramp?—There is a certain few who do.

4146. You mean that they have money in their pockets when they go into your counties?—I do not know. I suppose they have. They manage to get along.

4147. How long would they remain in the county?

4148. (*The Chairman.*) I believe there is a way in which they get money. Some of these men belong to Trades Societies.

4149. (*The Witness.*) People who are in search of work.

4150. (*The Chairman.*) And they would get an allowance from the Trade Society as they went along.

4151. (*The Witness.*) I suppose they do.

4152. (*By Col. M'Hardy.*) Is it a frequent thing to come across a tramp who has a few shillings in his pocket?—I know this, that somehow or other they are always able to pay for their night's lodging.

4153. But I suppose you suspect that money is received by begging?—It very often is, certainly.

4154. There is a certain number of these tramps who are men honestly searching for work?—That is so.

4155-56. Do they come up from the south-east marching towards Edinburgh?—Yes, they generally come up, going out by the west and returning by the east; or going out by the east, and returning by the west.

4157. Well, I suppose, the main line of crossing these counties would be by the south-east to Edinburgh?—Yes.

4158. Could there be any difference made by the police, supposing they had power—could there be arrangements made by which they could relieve such as would appear to them after inquiry to deserve such relieve?—No, I do not think so. It would be abused.

4159. What would you do in the case of a man—a workman at one place falling out of work, and unable to reach another. How would you have him got to the other?—If he becomes sick, or unable to get along, or do anything for himself, the Inspector of Poor is the only person.

4160. Supposing he remains, at any rate for sometime, able-bodied. The man has lost his work in one locality. He wants to get to another. How is he to reach the other?—He must get some one to help him.

4161. Would you allow him to march?—If he is able.

4162. How would he subsist as he is marching along?—He would have to provide for himself somehow or other.

4163. But you would not approve of him begging?—No, I do not approve of him begging, certainly. Still, all the same, as I point out to you, these shelter-houses are so much abused. It is the least of two evils.

4164. That is the very expression I want to take up. The shelter-house is abused; but by the use of that expression, you would grant that it had a proper use?—No. I do not approve of them at all.

4165. You would not even approve of them for an honest working man moving along the road penniless?—It is so difficult to find the truth of an honest working man. You cannot. It is impossible.

4166. (*By Sheriff Dove Wilson.*) I would like to clear up one or two points about these penalties. Would you please look at section 381, sub-section 24, of the Burgh Police Act. Am I right in saying that the penalty for being drunk and incapable under that is a fine of 40s.?—Yes, for each offence; or a month's imprisonment.

4167. A month's imprisonment is section 501?—Yes.

4168. Now then, would you look a little more closly at section 382. You notice that, in the case of three offences, there is to be an additional penalty for the aggravation of 40s.?—Yes.

4169. Is the meaning of that, that a person brought up under it, is liable to the first penalty of 40s. under section 381, and then to a further penalty of 40s. under section 382?—(Reading.) 'Section 382—'Habitual 'Drunkards—It may be charged as an aggravation of

Lieut.-Col. A. Borthwick.

27 Nov. 1894.

'the offence of being drunk and incapable, that the 'accused person has, within the 12 months preceding, 'been three times previously convicted of such offence, 'and if the accused person is convicted he may be fined 'in addition.'

4170. That is right. The penalty there is really 80s.?—Or a month's imprisonment.

4171. Would you kindly look at section 501, and see what the alternative of a penalty of 80s. is?—If it exceeds £1, but does not exceed £5, one month. He may be fined in addition 40s., or a month's imprisonment; or without the option of a fine, 14 days' imprisonment.

4172. Now, in the case of persons brought up for these offences, is it the case that as a rule they are very poor?—Yes.

4173. Is it the case that they are seldom or never able to pay the fine?—Yes, I may say so.

4174. The meaning of this is that a man, for the first offence of being drunk and incapable, may, if the magistrate thinks right, be sent to prison for 30 days?—Yes.

4175. Does it not strike you that that is much too severe a sentence for the first offence?—It does seem so, certainly.

4176. Do you think it would be right to trust every Justice of the Peace over the country, with a power like that?—Well, I think if these people could be sent to some sort of place, where they would be made self-supporting, made to work, and kept there for some time, it would do a great deal of good; but the mere fact of being imprisoned, it does not do much, but they recover their health.

4177. But 30 days' imprisonment, does it do anything to take away the craving for drink?—I do not think so.

4178. Now would you look at section 408. I think I am right in saying that that authorises, for the first offence for begging, 30 days without the option of a fine, and for the second offence, 60 days without the option of a fine?—Not exceeding 20s., or imprisonment for any period not exceeding 30 days; or to imprisonment for such period without the option of a fine; and for the second or any subsequent offence, to be imprisoned for a period not exceeding 60 days.

4179. My question is—is it not the case that that section authorises for the first offence of begging, imprisonment, without the option of a fine, for 30 days; and for the second offence imprisonment for 60 days?—Yes.

4180. Does that not again strike you as being an extremely severe penalty?—Well, the full sentence is rarely—never given.

4181. Is there any use in giving magistrates power to impose such sentences?—I suppose it was well thought over before the Act was drawn up.

4182. I think you said people do not inform for begging?—Well, they are not inclined to, certainly.

4183. Does it not occur to you that the possibility of a person receiving far too severe a sentence, has something to do with the reluctance of people to inform?—No, I do not think so. There are a great many people charitably inclined, and they will give whether you want or not—a great many ladies.

4184. Am I right in saying that the same penalties apply for the first and second offence of being a vagrant?—No. The first is not exceeding 20s., or to be imprisoned for any period not exceeding 30 days, or to imprisonment for such period without the option of a fine; and for the second or any subsequent offence to be imprisoned for a period not exceeding 60 days.

4185. Does not that come to this, that, if the magistrate chooses, he may give 30 days for the first time, without the option of a fine, and 60 days for the second?—Yes.

4186. Well, is not that exceptionally severe?—It is a legal question.

4187. I am not asking about law, but for your opinion as a man who is accustomed to see vagrants every day of his life?—It is severe; but I repeat again that such sentences are not given.

4188. Is it not the case that some of the unpaid magistracy take very extreme views of what their duty is?—As a rule, they are very fair and lenient in their sentences.

4189. Have you never known such a thing as 30 days' imprisonment given for an offence of that kind?—No; never.

4190. If you were to suppress begging and vagrancy with such stringent laws as that, do you not propose to make any provision in the way of shelter for people who have to wander over the country in search of work?—I can only repeat what I have said, that, by experience, wherever there have been shelters the increase of tramps has been enormous.

4191. Have you ever had shelters where a person was obliged to give work in exchange for the shelter and food that he got?—No; never in Scotland. I have not heard of anything of the sort.

4192. Have you heard that such things exist in other countries?—Yes; in England on this system they are taken in for 48 hours.

4193. (*The Chairman.*) Are you sure of the 48 hours?—Yes.

4194. (*Sheriff Dove Wilson.*) You may take it from me that in certain parts of Germany there are shelters provided, where a man gets shelter and food for the night, but is compelled in return to work for it. Would you think it a good thing to have such shelters here?—No; I do not think so. If I may show you what is done in England—it is pretty much that system.

4195. Have you thought of any system of registering tramps?—Do you mean taking their names down.

4196. Yes?—I am afraid you would not get a truthful register at all.

4197. Has it ever been suggested that it would do good, if the police were to take down the names of all tramps as they entered the villages, and left?—That was done in East Lothian when they had these tramp houses.

4198. Did that do any good?—No.

4199. I am asking the question because we were told the other day that it had been found to do some good?—Have you heard of the system of that Mendicity Society in Ayrshire where they give tickets for lodgings and bed, and there are certain places where they can put up—they go to the police, and they are given to them—but it does not work.

4200. Do they work in exchange for these tickets?—No.

4201. But the point I want particularly to address your attention to is, whether if you are to put down begging and vagrancy, you must not find some way for people who are obliged to wander the country, to obtain shelter and food in exchange for work?—Then it comes back to the English system where they have these unions ten miles apart.

4202. Do you find that these tramps have always some place where they live more than at others—a sort of head-quarters?—They always go where they can get some place where they can put up.

4203. Do they wander all over Scotland?—I think so. They generally go up one side, and down another. Up west, and down east, or *vice versâ*.

4204. Are they not accustomed to make their summer quarters in one particular district?—I can only say they are out in the country more in the summer, and in the towns in winter.

4205. Do you ever find vagrants here whose head-quarters are in the north of Scotland?—Yes. They come round this way.

4206. Now about the children of the vagrants; what kind of education do they get?—Very little. They are hardly educated at all.

4207. Can you tell me why so little use is made of the wandering cause of the Industrial Schools Act of 1886?—Yes, we have that, but some how or other we do not get at the children, between the Inspector of Poor, and the law; and as I said, if some Government school——

4208. Would you be surprised if I told you that in

my experience I had used that clause very extensively, and had found no difficulty in doing so?—How did you work it. I should like to know.

4209. I shall be glad to tell you afterwards. Can you give me any reason why they do not work that here?—You cannot get at tramps' children in that way.

4210. That is a matter of construction. You say they are children of persons who are wandering?—I wish I had brought it over—I could show it to you—a case of a boy who was found wandering. He was sent by the Procurator Fiscal to the Inspecter of Poor. He would have nothing to do with him.

4211. You were asked a while ago about the penalties for persons trespassing in Scotland. I show you the Act, 28th and 29th Vic., Chap 56, and you see under that——, would you just read what the penalty is under that?—'Every person who commits any offence 'against the provision of this Act, may, if found in the 'act of committing the same by any officer of police, or 'constable, be apprehended by such officer, or constable, 'and detained in prison, police station, lock-up, or other 'places of safe custody; and not later than in the course 'of the next lawful day after he shall have been so taken 'into custody, shall be brought before a magistrate; and 'every person charged with the commission of any such 'offence, may, if not so taken into custody, or if he 'shall have been liberated on bail, or pledge, be sum-'moned to appear before a magistrate, and on being con-'victed of such offence on his own confession, or on the 'evidence of one or more credible witnesses, shall for the 'first offence, be liable to a penalty not exceeding 20s., 'or to imprisonment for any period not exceeding 14 'days; and for a second, or other subsequent offence, 'shall be liable to a penalty not exceeding 40s., or to 'imprisonment for any period not exceeding 21 days.'

4212. Would you just read now from section 3 what the offences are that are liable to that punishment?—'Every person who lodges in any premises, or occupies, 'or encamps on any land, being private property, without 'the consent, or permission of the owner, or legal occupier 'of such premises or land; and every person who 'encamps, or lights a fire on or near any private road, or 'enclosed or cultivated land, or in or near any plantation, 'or on or near any turnpike road, statute labour road, or 'other highway, shall be guilty of an offence, punishable 'as herein after provided.'

4213. (*By Miss Stevenson.*) Is it not a fact, Col. Borthwick, that children who are proposed to be committed to an Industrial School under section 16 of the Act, which describes them as wandering—in the case of these children, the Parochial Authorities decline to send them into the Industrial Schools; because, in the first place, if they are chargeable to the parish the parish has to pay for them there; and further, that the Industrial Schools being at a distance, they object to the expense of sending them; and also that the managers of the Industrial Schools can refuse; because under the 16th section the Treasury allowance is only 2s. as against 4s. sent under the 14th?—Yes. There is a difficulty certainly about it.

4214. (*By Dr. Sutherland.*) You do not believe in these way side shelters?—No.

4215. You do not think it possible to discriminate between the honest tramp and the worthless idler?—No. It is most difficult.

4216. But you suggest no remedy as to what provision is to be made for the honest tramp whose existence in considerable numbers you admit?—I have thought about it, but I think the less done the better.

4217. In the County of Gloucester these wayside shelters are said to work remarkably well, and have reduced the cost of charity very considerably. Are you aware of that fact?—Yes; but they have gone to another county. I forget how it was done.

4218. Yes, but if all counties did the same and protected themselves, and if you made it a rule that if a tramp appeared on circuit at six or seven different shelters, and had not found work, he was not to receive any further existence, would not that check vagrancy and the evils to which you refer?—I doubt.

4219. Would not that be likely to check it—say that an inquiry was made into his character, antecedents, &c., and he was found undeserving of relief, would not that stop vagrancy?—It would certainly tend to it.

4220. Are you aware that 494 apprehensions have been made by the police during the past year?—Of course a great many are taken up for drunkenness. The sentences are either 5s. or one day. The sentences never alter the same as in other cases.

4221. It is within your knowledge that this proportion is very much higher than is the case among the ordinary population—something like four times?—Yes. They are the needy class. They must live somehow or other.

4222. You have said you have no power to apprehend them for begging, so that it is not for begging they are arrested, but for trespass, and drunkenness?—That is so.

4223. (*By the Chairman.*) I find here that the ground on which Lord Young overthrew these reasons about bye-laws was that they were expressed in such terms as not to be limited to vagrancy, but as to the case of the Convener of the County asking for something for the support of some worthy object. But there has been no further attempt to redraft them?—No.

[The witness then withdrew.]

Sir JOHN COWAN, Bart., of Beeslack, called in and examined.

4224. (*By the Chairman.*) I understand, Sir John, that you have taken an interest in a number of institutions devoted to the reclamation of vagrants and other people with whom we are dealing here. Would you please to mention some of them?—Throughout my life I have taken a deep and large interest in the treatment of children, and in the rescue of the young who have gone astray in the general sense, and especially in the case of those who have fallen early into crime, or fallen into drunken and dissipated habits. I studied the subject very much, both at home and abroad; and latterly, for the last 30 years I have given great attention to the Reformatory Schools, being chairman of the Wellington Reformatory; and I look upon that, though it came through very great difficulty that often seemed to overwhelm us and crush us altogether, as having attained a measure of success, which is I think quite unparalleled in the history of Reformatories.

4225. How many inmates have you there?—About 110 at present. I think we are licensed for 120.

4226. Boys or girls?—All boys, and all protestant boys. I consider now, from my past experience of the Reformatory, that it is a perfect success; and I look upon it without exaggeration as turning out a number of boys every year quite equal to those who are turned out of the ordinary schools of the country. I think they are quite to be compared with, or better than the ordinary schools of the country.

4227. Up to what age do they come in?—We do not keep them after they are 20, and we do not accept them under five years, and therefore we would not take them after they are 14 years of age.

4228. Do you keep your eye on them after they leave?—Oh yes. The Home Office requires that at our hand.

4229. For how long?—Three years, I think it is.

4230. Have you any statistics of the number of them you find gravitating into jails?—Yes. Sometimes we have only one or two in the year's report who have gone back to crime. At other times they have been as many as eight or nine.

4231. Do you happen to have by you any statistics on that subject?—I can easily supply them. I have not them with me. The great feature in our institution is the work. We employ them chiefly in boot-making. The boys attain such a love of work that the greatest punishment we can inflict on them is to turn them for a day or half a day from their bench,

Sir John Cowan.

27 Nov. 1894.

and the consequence is that we have no trouble. When we discharge our boys, in getting situations for them, they readily find admittance into the shoe shops of the country; and although they are not taken on as journeymen, they are taken on at a wage which quite well supports them.

4232. You find no outcry from the union shoemakers?—No; we do not supply the public.

4233. How do you utilise your work?—We utilise it through large dealers; and some of the hospitals we have supplied.

4234. Do the shoemakers never complain of your underselling them, or competing with them?—No; never.

4235. Have you any opinion as to the amount which the inmates contribute towards their keep—as to the profitable nature of their work or the contrary?—Oh yes. Our report shows that. Unfortunately I have not got it with me.

4236. Have you any amendments or improvements to suggest in connection with the treatment of juvenile offenders?—Well, till lately we had a very strong objection to that ten days' detention in prison before they were committed to our charge. That has been abolished, and we have no further complaint to make. We thought at that time that it stamped a boy a criminal to have been committed to prison before being sent to us.

4237. You spoke of it as abolished. But sending to you immediately is not abolished. It is only optional?—Optional.

4238. But in practice it is always followed?—Yes.

4239. In Edinburgh?—In Edinburgh, the sheriffs when they can send us boys; but the burgh magistrates, very often from that very cause would not commit a boy to the Reformatory.

4240. But they send him to an Industrial School?—I do not know. I think they often birch them, or fine them.

4241. Have you any experience in Industrial Schools?—No.

4242. You mentioned birching; what is your idea regarding birching as a punishment for juveniles?—I think it is sometimes necessary, but not ordinarily. When we have had any great outbreak at the Wellington, I have once or twice had to get half-a-dozen boys and birch them most severely. Once, on an occasion when they attempted to burn the whole establishment down.

4243. That was rather a strong step to take?—I was summoned in the evening to go up to the Reformatory, and found there had been detected under the floor of the workshop a quantity of rags and tow, and other inflammable matter steeped in oil, and a candle burning. In a very short time it would probably have burned down the whole establishment; and after a night's work of bringing one after another out of their beds, I found out that the guilty intention was known to the whole school. There were certain boys who took an active part, but no one seemed to me more guilty than another.

4244. What was the motive?—There had been dissatisfaction with one of the teachers—some trivial thing.

4245. You simply had them birched?—I summoned one or two of the directors, and publicly birched them. A very painful matter it was, and I was hooted, and cried down by the other boys, upon which I stated that I would remain there and birch every boy in the school if there was not perfect order, and so on, and I got complete mastery over them.

4246. Were there any of the boys prosecuted criminally for attempted fire-raising?—We sent three or four of them in to the sheriff, and they were imprisoned for a short time, and then sent back to us.

4247. Can you tell us what is done with boys in bad health? We saw a boy in prison the other day, who stated that he had been in an Industrial School and in the Reformatory, and that he had been dismissed from both in consequence of some malady from which he suffered?—We require a boy to be of healthy condition before we admit him, but I am not aware that we have ever dismissed one for ill-health.

Sir John Cowan.

27 Nov.

4248. You mention that you have taken a great interest in the reclamation of drunken and dissipated persons?—Yes; I have taken that into my own hand very much from an early period of my life, and I have put people in asylums on voluntary application, and put them into Retreats and all sorts of places. But it is most desirable and necessary, I think, that there should be some legal power to commit these people to confinement. I remember Sir Andrew Clarke speaking to me several times on that subject, and he said it was a very great loss that in our christian country there were no institutions to which such parties could be sent.

4249. You say you sent them as voluntary patients to asylums. Do you find they stay long there?—Yes.

4250. With what results?—Sometimes with good results, and at other times with disappointment.

4251. I think that at present you have got an old woman at Queensberry House?—A woman that I put in—yes. That was a terrible failure. I put her into the christian institution in Peeblesshire carried on by Edinburgh ladies. I had great difficulty in inducing her to go. It is her own family who provide for her. But she at last went off, and she stayed there nine months. She never was a hopeful case. There was never any real desire for reform on her part.

4252. Did she go out and relapse?—She came out immediately after a very earnest letter I wrote her, urging her to remain. I found out these christian women were willing to keep her still, notwithstanding her carelessness and indifference to work, and whenever she got my letter, the matron told me afterwards she just walked off to Peebles.

4253. How did you get her into Queensberry House?—She came into Edinburgh, and some christian women here provided her with a room and sewing material. I found her there perfectly sober, and cleanly, and respectable. I told her I had no confidence in her. She said she was very much obliged to me for what I had done for her, and assured me she was thoroughly reformed now. But in a day or two she took to drink, went out, and pawned some pieces of cloth. I put the question to her on that occasion—'Have you any craving for drink now?' 'None, I never have it till I taste it.' But I had no confidence in her. And eventually she was dead drunk, and was put into a cab and with the help of a policeman they got her down to Queensberry House.

4254. How long has she been there now?—She has been there only about two months, I think.

4255. How is she induced to stay there?—She is quiet and orderly, but they don't feel they could trust her outside.

4256. Yes; but how is she induced to stay there when she would not stay in Peebles?—Oh! she feels herself in restraint under Major M'Cartney.

4257. He has a good deal of personal character?—Yes.

4258. Have you any other case of that sort on hand just now?—There is one case that went into the asylum—a respectable tradesman. He seemed a very hopeless case, and after staying a month or six weeks in the asylum, he has come out apparently quite cured, and is now at his ordinary work. I put the doctor of our village into the asylum a good many years ago. That was the most hopeless case I ever knew of. I just went to his house; I was afraid he would burn it down—he had the whole practice in Penicuik—I drove him out to the asylum before day-break, and drove back to my own house before any one knew what I had done.

4259. Did he go voluntarily?—He went under my orders. I appealed to him to sign an application for admission, and I paid for his board for three months. Eventually he died in the asylum a few months ago.

4260. He did not stay there?—He got out for a time, and eventually the parish put him in, and he became a pauper inmate.

4261. He took to drink?—He never ceased to drink. It was the most extraordinary case of drink I ever

saw. The doctor at the asylum, because he was a doctor, took a great interest in him, and employed him in his laboratory. He drank the spirits out of the bottles in which the specimens were kept.

4262. He never got a fair trial of treatment?—He was quite hopeless from the beginning.

4263. Have you any more hopeful cases you can tell to the Committee?—No, I don't think so; but I think if one had the power to commit these people, and there was a place authorised to receive them, it would be a very great benefit. I think we ought not to abstain from doing it because of the difficulty of accomplishing it.

4264. Have you ever taken any interest in the management of Queensberry House?—Not in the management, but I have often admired its system, and I have been all through it frequently, and in that other house of a higher class—I forget what they call it.

4265. Queensberry Lodge. You mention you have taken an interest in the case of the young who have gone astray—I presume in the reclamation of fallen women?—No. Weak-minded children. I take a very great interest in that Larbert Institution.

4266. You spoke of their going astray?—That was more with reference to the Reformatory, and also privately.

4267. You think you could give us a record of the relapses in the Reformatory cases?—Yes.

4268. You don't consider them more than three years?—Five years.

4269. No, but you don't keep them in the institution?—It is the Government that gives account of relapses. The Inspector of Reformatories gives it every year in his report. You see it there, and you can compare one Reformatory with another.

4270. Have you ever had any other outbreak in your Reformatory?—Oh yes, once we had a terrible outbreak of the whole school running away, every one of them. Sheriff Cleghorn was then our chairman—who originated our Reformatory. I got notice of it in the morning. I went out with a policeman. I saw they had gone off in a body, 80 or a 100 of them, away in the direction of Howgate. I drove across there, and we could hear nothing of them. Nobody had seen them. But when we got to the Moorfoot Hills, about five miles off, we saw certain specks on the hill. I said to my coachman—'are these sheep on the hills.' He said—'I think so, sir'; but I thought they looked odd, and as we got near them, these were our boys all scattered, at a great height; and when we got to the farm house, I found a dozen of them had come down all foot-sore and bleeding, of the younger boys. I waited there till they all came down, and marched them home.

4271. What was the cause of that break-out?—Dissatisfaction with a teacher also.

4272. Was there any punishment inflicted in connection with that?—Yes, but the great difficulty was to restore order. They were very very miserable when they got home. They had no food all day. I got two hay carts for the younger boys, and marched the others, and my difficulty was to keep them from stealing the turnips, or something of that kind, because they had a long march home. I got them completely under order.

4273. I should ask you how you would punish the ring-leaders there?—It was by selecting half-a-dozen, and sending them in to the sheriff; but I do not remember what the punishment was.

4274. You did not try the birch on that occasion?—No.

4275. Were there any other outbreaks?—No. These were the only two serious outbreaks.

4276. There is just one point I should like your opinion on, as to whether young boys sent to the Reformatory do not suffer from the contamination of older and more hardened offenders?—Oh no.

4277. Do you classify them?—No; but we are very watchful of them. They are always under sight. There is a warder for each of the dormitories, who can see from the window.

4278. How are they paid for? Government pays how much?—Four shillings, I think. *Sir John Cowan.*

4279. And where do you get the rest?—It is 6s., I think, and after they have been a certain time with us—after two years and a half, Government reduces it to four shillings, as an inducement to us to cure them, and send them out before that time. 27 Nov. 1894.

4280. Do you often do so?—We often send them out.

4281. Are they not committed for a certain period?—Yes; but with the consent of the Home Office we can always send them out at an earlier period.

4282. As a matter of administration, do you find any inconvenience from being connected with the Home Office, instead of the Scottish department?—Quite the contrary. We find everything we can desire from the Home Office. We are rather favoured by the Home Office. We are looked upon as one of the pattern institutions.

4283. Can you tell how many Reformatories there are in Scotland?—I cannot tell.

4284. (*By Col. M'Hardy.*) You do not think any advantage would come by having the Reformatory, like everything else in Scotland now, under the administration of the Secretary for Scotland?—No. I do not think so. Our relations with the Home Office are of so agreeable a nature, we find them very ready always to keep us up.

4285. But as the prisons in Scotland are under the Secretary for Scotland now, does it not seem strange that the Reformatories should be kept out?—Yes; I should think all Scottish things should be under the same hand.

4286. If the Home Office deal with you in an agreeable way, there is no reason to suppose that Dover House would not do the same?—No.

4287. And it might be more convenient as coming under the general administration of Scotland?—I quite agree with you there.

4288. There is an arrangement now, under a recent Act, whereby a boy may be sent direct to the Reformatory. That is optional; but sometimes it requires time before the arrangements can be made, between the pronouncing of the sentence, and the selection of the Reformatory to which the boy is sent?—Yes.

4289. I do not know if that is felt much in Edinburgh?—I do not think so; but we have always that certain delay. They are submitted to us to get our approval.

4290. In some parts of the country that delay, I think, occupies two or three days?—Yes; I should think generally.

4291. Where are the boys that you are keeping now—where are they kept during these three days?—I do not know.

4292. Is it the custom of some magistrates to commit to prison, simply on the ground that if the boy is committed to prison, that is a certain place where he can be detained with security, and also no expense falls on any local body during the three days?—I am sorry to say I am not aware of these matters.

4293. Do you think the reformatory principle and organisation, which has been so successfully applied in the case of boys, could be utilised in the case of older people—those we have to consider on this Committee as habitual offenders?—That is a matter which has engaged my thoughts very seriously—I mean the reclamation of adults, but I did not understand that came under your Committee.

4294. That is the matter we have to deal with. The people we have to deal with are what we call habitual offenders—people who are taken up for drunkenness, breaches of the peace, prostitution, begging, and such like. Can you use this engine which has been discovered, this Reformatory for such people as these?—I have a strong belief that we could. I do not know what was the result of that interesting procedure in Ireland, where they were employed on the moors, and reclaiming land. Did they fall through afterwards.

4295. Do you refer to the intermediate system of Lusk?—Sir Arthur Crofton's.

Sir John Cowan.

27 Nov. 1894.

4296. How long would you deal with an habitual offender in such an institution as your Reformatory at Wellington?—I could not answer that. I think it would depend entirely on the offender himself. One might do with one period, and another with twice as long. I remember being very much impressed with the views of Captain May, whom I admired very much. When I visited Perth Prison he was exceedingly anxious to get liberty to take his criminals out to one of the islands in the Tay, and employ them there in agricultural labour, and bring them back to the prison at night; but he understood it was quite against the view of the Commissioners.

4297. I suppose you know that no very strong approval has been expressed of the intermediate system in Ireland, and that now indeed it has almost entirely, if not wholly ceased. But we are thinking of dealing, not with what you call the criminal so-called, but with the offender, the troublesome man of the disorderly class. How would you deal with him?—I think it is of very great moment to treat them as we are treating our boys. Keep them at diligent work; teach them to love work; and keep them sober and upright.

4298. In order to learn to love work you must give them work they love to do, you cannot give them work to which they have an instinctive objection, such as teasing oakum?—Yes.

4299. It would have to be work which would lead them to a desire to work?—Yes.

4300. The result of work in Reformatories is very promising. I think it is up to 75 and as high as 90 per cent.?—We boast of over 90 per cent.

4301. (*By Sheriff Dove Wilson.*) Do you have many children who are admitted under the age of 14?—Yes.

4302. What proportion of your inmates may be admitted under 14?—I should say probably a third.

4303. And what proportion is licensed out.

4304. I should have mentioned that before; that we send the boys out when we come down to the lower grade of payment from the Home Office, and it is our object to send them out. We send them out on license, and there are generally of our 110 boys about 10 or 15 out on license.

4305. (*By Miss Stevenson.*) Can you tell how many cases are sent on from Industrial Schools, for offences committed in the Industrial Schools, under the Industrial Schools Act?—There are now very few. At first we got a very large number, and it gave us the feeling that in the Industrial Schools they were not doing good.

4306. That is what I want to get at. But you have not so many now?—No; we have very few now.

4307. (*By the Chairman.*) You spoke about sending your boys out on license when they are in the Reformatory. You have statutory power to detain them?—Yes.

Sir John Cowan.

27 Nov. 1894.

4308. What power has the license?—We have only power with the licensed boys to visit them, and see they are conducting themselves well, and report that to the Home Office.

4309. What I want to know is as to a licensed boy sent out to a shoemaker, we will say at Portobello—has the shoemaker any power to prevent him from walking off?—He can only report him to us.

4310. After he has run off?—Oh no. He has no control over him. We would not license a boy till we had confidence in him.

4311. But you could then recall the license and bring back the boy?—Bring back the boy.

4312. You mentioned you had experience of work done abroad?—Yes.

4313. Do you wish to say anything on that point to the Committee?—No. It is only that I think our system a better one. I visited the Rautre Hous of Hamburg and also the celebrated Reformatory of Mettray in France, and saw the extraordinary military discipline and order there. It is very showy, but when I was last there they were instituting a large distillery, and it frightened me when I saw that the boys were to work this distillery. I don't know how it turned out.

4314. Have you anything to do with the Mars?—I visited it, and I think it is admirably conducted.

4315. How are the boys selected?—They come chiefly sentenced from Dundee, and a good many from Edinburgh too. The Mars is the same as an Industrial School.

4316. (*By Dr. Sutherland.*) Is it not the case that no boy can be sent to the Mars from a prison?—I was not aware of it.

4317. The magistrate has no choice. Do you send any boys to Canada?—Yes.

4318. What results have you got?—We have got good results, splendid results. We have boys in the States and Canada at the head of shoemaking establishments, with incomes of many hundreds a year. We send very few to the navy, or to the army, but some we send to the band. We have a good band, and a good many go into the bands of the Highland Regiments.

4319. When you inflict corporal punishment, is it recorded?—It is recorded, but it is very rare,—perhaps once in a year.

4320. (*By the Chairman.*) I will ask you to read the provision of the Reformatory Act?—'The managers 'of a certified Reformatory School, may at any time 'after the expiration of 18 months of the period of 'detention allotted to a youthful offender, by license 'under their hand, permit him to live with any trust-'worthy and respectable person named in the license, 'willing to receive and take charge of him.' [The witness then withdrew]

Mr. Alexander Blair.

MR. ALEXANDER BLAIR, Advocate, Sheriff of the Lothians and Peebles, called in and examined.

Mr. Alexander Blair.

4321. (*By the Chairman.*) You are the Sheriff of Midlothian?—Of the Lothians and Peebles.

4322. How long have you been in that position?—Since 1891. I was previously, for about 18 months, Sheriff of Stirling, Dumbarton and Clackmannan; and I was previously for a considerable time Advocate Depute.

4323. Have you anything to do with the work which we understand is performed by your substitutes here, in connection with the Police Courts?—I do not take Police Courts connected with the city, but I do occasionally take the Summary Court, in the Sheriff Court. But the Police Court work proper does not come before me.

4324. And then do you regulate the attendance of your substitutes at any Court?—Well, I do to a certain extent, considering their convenience, and arranging the work that should be as far as possible done by the substitute who is more acquainted with it, and is specially detailed for that work.

4325. In connection with that do you consult, or do they consult the magistrates of the city?—With regard to the Police Court, the City Police Court, which is taken on alternate months by a magistrate, and a sheriff substitute, the sheriff substitutes who take it are Mr. Rutherfurd and Mr. Orphoot.

4326. The sheriff has nothing to do at all with the Burgh Court?—There is a separate Court called the Burgh Court, but the sheriff has nothing to do with that at all. That is something different. It is distinct from the Police Court.

4327. You were good enough to send in some suggestions?—I sent in two memoranda. [Appendix .]

4328. In the first place with regard to habitual offenders, do you come in contact with them at all here?—I do not come much in contact with these offenders, until they have been convicted several times, and then they are probably remitted to me to try in what we call the Sheriff and Jury Court.

4329. There you have apparently a different law?—It is not police.

4330. We shall take first of all the petty offender. We are told that it is the practice in Edinburgh that previous convictions are stated in the charge in the

Mr. Alexander Blair. 27 Nov. 1894.

Police Court. I suppose you are advised of previous convictions too by the fact of the cases being remitted to the Sheriff Court?—When an indictment is prepared for trial by sheriff and jury, the indictment shows on the face of it that there have been previous convictions. If there are any, that is the form, but the indictment is not laid before the jury, so that the jury when they dispose of the case from the evidence, know nothing of these previous convictions at all. I see that they are there.

4331. As you have nothing to do with guilt or finding guilty, that does not make any matter; but in a case where there is no jury?—In a case where there is no jury, if the case is sent to be tried by sheriff and jury, then I dispose of it. Then I have the previous convictions before me in determining the amount of punishment. There also, when the case is disposed of under section 31 the Act of 1889, which enables the offender who is resolved to do so, to plead guilty.

4332. That is Lord Kingsburgh's Act. But take an ordinary case tried by you as sheriff without a jury?—The charge shows that there are previous convictions.

4333. And the judge knows beforehand the fact of previous convictions?—Yes; but they are not proved till the evidence in the charge is led.

4334. Would you state what are your suggestions with regard to petty offenders?—My first suggestion is that, after three convictions, the amount of punishment which may be awarded by imprisonment should be increased so that it should not exceed four months. After a fifth conviction, in addition to imprisonment, the person convicted should be subjected to police supervision for a period not exceeding two years. Persons convicted on summary complaint, while subject to police supervision, should be liable to imprisonment for a period not exceeding six months.

4335. Do you refer to the same class of offences as we have to deal with here—for instance, drunk and incapable, petty assault often combined with drunkenness, breach of the peace, solicitation?—I refer to aggravated cases of this kind, where the offender has been convicted again and again. Where I say the third conviction, I merely noted it as a possible limit which might be taken; but then in my second suggestion I provide that where the person has not been convicted for two years at all, that previous convictions should not be brought up against him, or heard of in the course of punishment. If the person were not convicted for two years, he would, as it were, fall out of the class of petty offenders.

4336. But in the matter of being drunk and incapable, we were told by magistrates, and police chief constables, that there were many men who got drunk every big pay day, and who were respectable and hard working men?—I admit that in preparing this, I considered cases of assault and theft.

4337. But you don't mean petty assault, such as a man getting drunk and kicking the police?—Any slight assault; but I put this as these maximum periods.

4338. Do you include solicitation?—Not cases of that kind, unless the person was convicted again and again.

4339. Don't you see there is some difficulty in defining your habitual offender by the number of convictions in this way?—I don't propose to define the habitual offender by the number of his convictions. What I propose is with regard to the habitual petty offender, having in view these classes mentioned in the memorandum, that the magistrate should have power to impose a higher penalty.

4340. But we have had suggestions made to us on the same point, and the suggestions have generally taken this form, that after a certain number of convictions, the magistrates or the police authorities should have power to remit the case to the sheriff, who would decide whether a man was an habitual offender at all, and decide according to the weight of evidence?—That would come to the same thing, keeping, however, this in view, that if the offender is tried summarily before the sheriff, he cannot award a greater penalty than 60 days' imprisonment. If a penalty exceeding 60 day's imprisonment is to be imposed, as the law now stands the person accused must be tried on indictment by what we call sheriff and jury.

4341. But in any proposal of special treatment of these habitual offenders—I do not know if you had that in your mind at all—legislation would be necessary, and it would be easy to empower the sheriff?—Certainly. My proposal would give the power to the police magistrate.

4342. But don't you think the police magistrate has generally power enough—take an untried man who is elected bailie yesterday, and who sits and exercises these powers?—I quite see that it might be desirable, if the power of imprisonment is increased, that it probably should be exercised by a judge who has had more experience and training.

4343. Well now, you have some further suggestions—No. 3?—"When a person subject to police supervision is proved, to the satisfaction of the sheriff, to have no visible means of support, and to be unable from age or state of health to earn a living, the sheriff shall have power to ordain such persons to live while subject to police supervision, with any suitable person willing to receive such person, or if no such suitable person can be found, or if the person subject to police supervision, fails or refuses to live with such suitable person, then in the poorhouse liable to receive such person, if a pauper; and until such poorhouse shall be ascertained, in a poorhouse to be named by the sheriff." The object I have in view is that where a person is convicted again and again as an habitual offender, and been sentenced and is subject to a period of police supervision, if he is in bad health, or old and unable to work, he should be obliged to reside with some responsible person. If that is not done there are two courses open. Such persons cannot earn a living. They must either beg, or they must steal

4344. Would you give that responsible person any powers of detention there?—No. I think if the person who is subject to police supervision refuses, or absconds, then he must be brought back by the police. I think, in the case of the poor law authorities, you might give them the power, but I think it would be difficult in the case of a private person.

4345. That is just what I was going to ask. In the case of the poorhouse, unless you give such power, the person subject to police supervision can bolt whenever he likes.

4346. Yes, but it only applies to the case of a person in bad health, or old, who is not likely to go very far.

4347. We have seen a number of persons who are not able-bodied, but who preferred every now and then a little outing, a round of beggary, and probably imprisonment at the end, to the monotony of living in a poorhouse?—I am aware of these cases, and it is seeing one or two of this kind that made me suggest this remedy.

4348. We have many suggestions from persons connected with parochial administration, that Parochial Boards should be given power of detention, in certain cases of persons who oscillate between the poorhouse and the prison. Do you approve of that?—Yes. But if a person who is subject to police supervision had friends—sons or daughters—willing to receive them, and who are fit persons to have charge of him or her, I should be disposed to allow these persons to undertake this duty if they pleased.

4349. About police supervision—that is a novelty except in the case of convicts?—It is. I beg pardon, the Supreme Court have power to sentence to penal servitude, or to imprisonment and police supervision. A person might be sentenced to five years' penal servitude, and five years' police supervision. At the end of four years he would be liberated from penal servitude, and then he would be under police supervision until the term of his sentence and the period of police supervision had expired.

4350. You speak of the case of persons who are subject to a period of imprisonment, for a shorter period, and afterwards to police supervision?—There are certain cases in which that is my proposal.

Mr. Alexander Blair.

27 Nov. 1894.

4351. At all events this keeping of these petty offenders under police supervision would add to the supervising power of the police, would it not?—If it were carried out in the way in which police supervision is at present carried out. But I propose that the Secretary for Scotland should have power to make such rules and regulations as he would consider advisable to give effect to proposals of that kind embodied in an Act, because there is no doubt that the dangerous period for a person who has been in prison is immediately or soon after he is liberated.

4352. Is it not said that police supervision rather increases the difficulty of getting anything to do?—It does. There is that difficulty in the way of police supervision.

4353. Would you please pursue your recommendations?—I think it might be of consequence that persons who are liberated, if they are not subject to police supervision, if nothing further were done, that they should be required to reside with some suitable person, in some particular place. I know in connection with the society for giving relief to discharged prisoners, that it has been found of service sometimes to find a respectable lodging for a prisoner, and that that has enabled him to obtain work, when he probably would not otherwise have done so. I am chairman of a society of that kind, but the practical working of that kind is done by a committee of which I am not a member.

4354. We will go to number four of your suggestions?—'Persons sentenced to a term of imprisonment, 'whether on indictment, or summary complaint, but 'who are certified by two medical men to be named by 'the Secretary for Scotland, on account of age, or state 'of health, not to be fit subjects for prison discipline, 'shall be subject to a like provision with regard to 'residence, till the term of their imprisonment shall 'have expired.' There is a small but very deplorable class of criminals who are brought before one again and again, old persons, or persons in bad health, who seem to be quite unable to earn a living, but who are strong enough to commit frauds or thefts. I have one or two cases specially in view. I am told such persons will not enter a poorhouse. I have myself begged them to enter. They promise, but when they are liberated they commit another offence and go back. I know, after I have committed them to a long period of imprisonment, they get into better health. They spend their time in the infirmary, and they prefer that, because they get more comforts in the prison infirmary than in the poorhouse.

4355. What sort of people are these?—I have in view an old man who has been brought up again and again for frauds, what one calls long-firm-swindling. He is imprisoned. He gets out of prison, and just begins again.

4356. What sort of sentences has he got?—He has had some very long sentences of imprisonment. I am not quite certain whether he has not had a sentence of penal servitude. But he is an old man—upwards of 70.

4357. I suppose there is not much chance of reforming him?—I am afraid there is very little chance. There is another case of a woman brought before me. She has been several times sentenced. I have asked her through her agent whether she would go to the poorhouse. I have sentenced her to short terms in the hope that when she got out she would go there.

4358. What is her crime?—Theft. Now persons of that kind under this regulation would not spend their time in prison, but under a proposal of this kind would be detained in the poorhouse. I ought to point out that these cases I have spoken of latterly scarcely belong to the class of petty offenders. They are all cases tried before me under an indictment.

4359. I suppose, as a matter of fact, it is only very serious, or serious cases that come before you. Magistrates in petty cases can give very big sentences?—Putting aside certain cases that come under the Prevention of Crimes Act—assaults on the police, and so on, a magistrate cannot pronounce a sentence on a summary complaint over 60 days' imprisonment. Cases by sheriff and jury are either serious in themselves, or serious because the person accused has been convicted several times before. For instance, yesterday, I had a man before me, and sentenced him to three months' imprisonment. He had been already convicted three times this year, and twice in 1892. He had stolen a quantity of lead.

4360. You have paid attention evidently to the question of the treatment of habitual drunkards?—My attention has been drawn to that in connection with Queensberry House, of which I am one of the governors, or directors *ex officio;* and I have frequently applications made to me as sheriff, by persons resident there who desire to leave the institution.

4361. Why should they make any application to you if they desire to leave?—Because the governor, I understand, does not generally allow them to leave without communicating with their friends, or getting the authority of the directors, and if they have any complaint to make they come to the sheriff.

4362. As a matter of fact that is illegal?—They cannot be detained there.

4363. And there is no hindrance to persons leaving when they wish?—There is no power of detention. Only in many cases persons are placed in that institution by their friends, and it is, of course, desirable, if possible, that their friends should be communicated with before they leave. For instance, take the case of a wife or husband.

4364. I am not talking of the desirability, but simply of the legal power?—There is no legal power.

4365. We had the governor, Major M'Cartney, before us, and he told us he did not care for more power than he had. That is to say, he appeared to find he had all the power that is necessary. Has he ever asked the Board, or laid before the Board anything to suggest the necessity of such powers?—I am not aware that he has. At least I cannot recall any application. He could not obtain any greater powers from the Board. We could not give him them.

4366. No. But he might have suggested that you might take an action to try and obtain greater power. However, you bring forward this not as the suggestion of the Board?—Simply as my own. These are my suggestions, that occurred to myself, and more with regard to the form in which things should be done; because I thought the regulation of a place of that kind is rather for medical than for legal advice.

4367. In the first place, do you think that institutions of that kind should be inspected?—I certainly think that if a magistrate or sheriff is to have power to ordain a person to reside in any place—what I would call a Retreat—that place ought to be inspected by some responsible person, selected and appointed by the Government.

4368. What I was going to ask your opinion on is this—do you think that any place to which rich people can be sent at the instance of their friends, or others, and where there may be a reasonable suspicion that they may be detained, with respect to their liberation, do you think that ought to be under inspection, or not?—I think any institution or person who receives inebriates, without an order which compels them to remain, ought not, or need not be subject to inspection; but I think a person or a place to which a sheriff or a magistrate can commit a person, or ordain a person to reside, ought to be subject to such inspection. I draw a distinction between a place where a person can reside voluntarily, and a place where residence is compulsory.

4369. Would you let us have your suggestions here. You accept the definition of habitual drunkard as given in the Act. You have no suggestion as to its amendment?—No. Institutions or places authorised to receive habitual drunkards by the Secretary for Scotland should be licensed.

4370. You propose that they should be licensed by the Local Authority?—I do so because it is they, in many cases, who would have the control. 'Third, such 'institutions and private houses—hereinafter called

'Retreats—to be subject to inspection, and to be conducted subject to such regulations as may from time to time be made by the Secretary for Scotland, under provisions of Act of Parliament.' Then 'upon an application by a relative of the person regarding whom the application is made, or the Procurator Fiscal, or by an Inspector of the Poor, or by such person himself, setting forth that such person is an habitual drunkard, and upon production of a certificate by two medical men, setting forth that such person is an habitual drunkard, and that detention in a Retreat will be for the benefit of such person, and after giving due notice to the person mentioned that such application has been made, and certificate produced, and after giving such person an opportunity of being heard, and after such further inquiry, if any, as the sheriff may consider necessary, it shall be lawful for the sheriff to find that such person is an habitual drunkard, and to ordain such person to be detained in a Retreat for a period not exceeding one year. If such person, after discharge, is again proceeded against, and found to be an habitual drunkard, the detention to be for a period not exceeding three years. The Secretary for Scotland to have power, at any time, to direct a person to be detained in a Retreat, and that either unconditionally or under conditions. Lord Advocate to have power to direct Procurator Fiscal to appear in any application. Application to be heard in chambers, unless sheriff shall otherwise direct.'

4371. That is founded on the procedure under the Lunacy Act?—To a certain extent it follows the proceedings in lunacy. In that case it may be made by the Inspector of the Poor.

4372. You leave the sheriff power to judge as to whether a person is an habitual drunkard or not?—Yes, subject to this, that the sheriff must have a medical certificate, stating, first, that he is an habitual drunkard, and secondly, that detention in a Retreat is advisable.

4373. Would you not have other evidence besides that?—Certainly; unless he was going in voluntarily.

4374. If he was going in voluntarily, you would not require to strengthen the provisions of the English Act?—A voluntary patient may, if he pleases, go into a voluntary institution, but if he needs to be detained under an order by the sheriff or magistrate it is advisable.

4375. At present a patient going voluntarily is ordered by two Justices of the Peace to go for 12 months, and the complaint is that the fact of requiring two Justices to act in that case makes this voluntary submission rather too difficult?—I propose it should be done by the sheriff, or sheriff-substitute—by one.

4376. And in that case you would have the form throughout, and require the sheriff and not the Justices of the Peace?—I should be disposed to recommend that for the same reason as in the case of habitual criminals, and that the case of such persons should be disposed of by the sheriff and not by the Justice of the Peace.

4377. Only in one case, the case of persons applying on their own account, the law makes certain provisions, and you would go the length of altering those provisions for the sake of uniformity?—I would make it uniform; but I do not hold to that.

4378. You make two medical certificates the statutory *sine qua non*?—Yes. I follow the Lunacy Act, that the certificate be signed by two medical men.

4379. But you do not follow the Inebriates Act which does not require any medical certification at all?—My reason for thinking that a medical certificate is necessary, or advisable, is this, that I have seen cases in which I had reason to think that drunkenness had been the effect and not the cause of insanity—cases in which insanity has appeared, and there are a great many cases in which I think it would be desirable that a medical man should be called.

4380. What I wish to get your views on particularly is this, that we have generally found that the gentlemen connected with the legal profession wish to throw the whole responsibility off themselves, on to medical experts, as far as possible, and the medical experts have thought that the sheriffs or the judge is the person to take the responsibility?—I should rather combine the two, and if necessary that further evidence should be obtained; but I should say the sheriff or magistrate should be the judge.

4381. Then you propose one year for the first, and three for the second?—That is rather a medical question, but I propose that one year should be the first limit—'not exceeding'—please observe that. (Reading.) 'Fifth—if person detained in Retreat has private means, or his friends are able to provide for him, expenses to be borne by him or them, otherwise expenses to be defrayed out of rates or Government grants. When the person detained, or his friends, pay the expenses of detention in Retreat, he or they to be allowed to select Retreat, subject to approval of sheriff. In other cases sheriff to determine Retreat.'

4382. Here we come to a knotty point,—'expenses to be defrayed out of rates or Government grant.' I should like to pursue that a little closer. There are many towns that would like to have a Retreat if the expenses were defrayed out of Government grant, and many a Government would be glad to have them if they were defrayed out of rates?—I do not express the opinion whether the expenses should be borne by the rates or by Government grant. My own view is that where there are friends they should be called on to pay.

4383. Friends is an elastic term. You could not come down on them except in the case where they could be come down on for alimentary allowance?—I mean it in that sense. (Reading.) 'Sixth—The rules and regulations of the Retreat to be framed so as to give as much liberty to persons detained as may be consistent with the proper discipline of the Retreat, and the reformation of the persons detained. Seventh—Persons absconding from a Retreat, or wilfully and persistently violating the rules thereof, to be subject to imprisonment. Persons knowingly and wilfully aiding persons detained in Retreat to abscond therefrom to be liable to fine or imprisonment, and further to pay all expenses incurred in discovering and bringing back to Retreat persons who may have absconded. Eight—Sheriff to have power at any time to enter and inspect Retreat.'

4384. There again you require more machinery? You have inspection provided, and I am not aware of sheriffs acting in that way?—They are acting as inspectors of prisons and lunatic asylums. I am only putting that in, in order that the Secretary for Scotland might have an officer who could go and see what was going on. I merely adopt that from the Lunacy and Prison Acts, but I have no wish that the sheriff should be employed.

4385. Persons absconding from Retreat should be subject to imprisonment. In the case of persons whose friends were paying for them, how would that work? Supposing you take a case in this report given by a departmental committee appointed by the Home Office. In the licensed Retreats in England, where they have compulsory powers of detention, they always take payments before hand; but a patient wishes to get out, and a case is given here where he was obstreperous, broke a lot of windows, and kicked up a row. You would require some supplementary provisions to prevent the owner of the Retreat from letting him out?—If the owner of the Retreat let him out, or acted in such a way as to drive him out, he would be acting in such a way as to deprive himself of his license.

4386. Such institutions as private houses, you propose to license. What is your analogy for that? Lunacy?—At present I know that there are resident in different parts of the country persons who do receive and treat inebriates. I think, in many cases, such treatment may be attended with good effect. I believe it has been found to be attended with good effect. I would give a license to such persons, if they could show that their houses were in a proper situation, and their arrangements satisfactory.

4387. Have you any special knowledge of the provisions of the Lunacy Acts for license?—I have not.

Mr. Alexander Blair.

27 Nov. 1894.

4388. (*By Dr. Sutherland.*) But do you think the sheriff should on trustworthy information take the initiative in cases of habitual drunkenness, ultimately terminating in grave assault or murder?—They have not hitherto come into the hands of the police, but their habits are notorious, and well known. In such cases the persons who must take the initiative are the police. I presume they will be acquainted with the character of the person in question, and I think the necessary steps might be taken by the Procurator Fiscal.

4389. In regard to a private Home, such as Queensberry Lodge, where the persons enter voluntarily, you do not think Government inspection is a necessity at all. At least I understood you to say so?—I think that where the institution is intended to receive persons who are sentenced or ordained to remain there, they ought to be under Government inspection. But I do not think that Government inspection is necessary where the house or institution is one to which persons may go voluntarily, and from which they may voluntarily depart.

4390. Take the case of a weak-minded person who may be taken to a Home. In such a Home may not the manager be pecuniarily interested in detaining such a person? Don't you think it would be advisable to have inspection likewise, so as to make illegal detention an impossibility?—I certainly would be pleased to see inspection in such a case, but I put it as a necessity in the case of an institution in which persons may be confined; but I do not think it is absolutely necessary in the case of an institution or a house where a person may be living for treatment voluntarily.

4391. The cases are hardly on all fours; but in the interests of all concerned, do you not think the periodical inspection of all Retreats by an independant authority is desirable?—It is very difficult to draw the line between houses which must be, and need not be inspected, unless you take such a line as I propose.

4392. Regarding the people who now voluntarily sign away their liberty for months before two Justices of the Peace. I understood you to say that you thought inspection of Retreats such as these was desirable?—I think so; wherever they must reside, their residence there is compulsory.

4393. Whenever they sign away their liberty. Now with regard to that class of inebriates whose friends are unable to pay for them, and who are not themselves able to pay. They are neither paupers nor police drunkards. On whom should the burden fall of their maintenance?—It must be borne either by the rates or by Government grant; but I am not prepared to say whether it would be more justly borne by the one or by the other.

4394. If you had Government inspection would not that imply proportional expenditure on the part of the Exchequer?—The inspector might be paid by the Exchequer, and the remainder of the expenditure be borne by the rates; or it might all be borne by the rates.

4395. Would not that raise a fresh crop of litigation as to the settlement of inebriates if the cost was to be entirely borne by local rates?—Yes. You might have questions similar to questions regarding settlement under the Poor Law.

4396. (*By Miss Stevenson.*) I understand you to say that in cases where inebriates would be sent by order of the Court, you consider it would be desirable that such cases should be under inspection?—I do.

4397. Do you not think that in institutions where people are practically detained against their will, by relatives withholding their means of living, it is desirable that these should be under inspection?—I think it might be desirable.

4398. In the case of Queensberry House, the people are so far voluntary prisoners there, as they usually, I understand, sign a paper expressing willingness to remain in the institution for a month or two months, as the case may be; but practically they are detained there, legally or illegally, because they have no means of getting away, because their friends withhold all money from them?—They are entitled to go away, and do go away when they please. They cannot be detained there.

4399. Practically they are detained from the fact of their having no means of getting away?—You may say they are detained in this way, that their board and lodgings are paid for there, and it would not be paid for unless they stayed there.

4400. I understand the gate is locked, and no one can go through there without a pass from the governor. The gate-keeper has instructions that no one can go through there without a pass from the governor?—There are certain rules like that.

4401. And with regard to such institutions, is it not desirable they should be under inspection?—I am not at all opposed to inspection. My view is, that where a person is sentenced to remain in an institution, such institution ought to be inspected.

4402. Do you think it desirable that a person so detained should be detained under a legal form?—If they are to be detained in a prescribed retreat for a certain time; but if they go to an institution voluntarily I do not think that in these cases a legal form should be compulsory, or that, in all cases, inspection may be necessary; but I have no objection to it. Only that if the sheriff or magistrate is to have power to order a person to be detained in a certain institution, such institution should be under inspection.

4403. (*By Col. M'Hardy.*) I understand your proposal comes more or less to this—you would have different systems of treating habitual offenders—boarding-out in private institutions, poorhouses, or wards in poorhouses, and ultimately, at the back of all that, prison for the refractory?—I would send habitual offenders to prison, except in those cases where from age or ill-health they are not fit subjects for prison discipline; and in those cases, instead of allowing them to go free, I would send them to the poorhouse, unless there was some suitable person willing to undertake their care.

4404. How would you deal with the ordinary habitual offender who is in virtually good health?—I would sentence him to imprisonment and to police supervision. You cannot provide for him after he is free from prison.

4405. (*By Sheriff Dove Wilson.*) Are you keeping in view that we are dealing here with habitual petty offenders?—I have rather, perhaps, in view cases of theft and assault. These are cases which the chairman mentioned.

4406. Habitual serious offenders?—Yes, but offenders whose offences become more serious on account of the number of previous convictions.

4407. (*By Col. M'Hardy.*) There are offenders who have 100 convictions against them for breach of the peace, and so on, and some 500 previous convictions. How would you deal with these men, if they were men who were able-bodied?—I think if an able-bodied man has been so often convicted it shows that a short term of imprisonment has no effect upon him, in such a case I would award a longer term of imprisonment, and couple that in certain cases with police supervision for a term.

4408. Do you think persons given to offences of disorder, through drunken habits, would be improved by the punishment being lengthened?—Assuming that the person to whom you refer would belong to the class of habitual drunkards, then I think he ought to be treated in that way as an habitual drunkard.

4409. In all these institutions, I suppose the administration that you contemplate would be more or less local?—The administration would be local, but the inspection, I think, should be under an inspector appointed by the Government.

4410. Therefore it would be natural that the maintenance of these places would be to a certain extent from the local funds—the rates?—I say at once that I have not considered at all whether they should be laid on the local rates, or the Imperial funds.

4411. Would you consider it desirable that the numbers in these institutions should be large, or that it would be desirable to keep them as small as possible?

—I think, in many cases, it would be desirable that the number should be small. But I quite see that if you multiply the number of these institutions it would add so much to the cost, that it would create difficulty and objection.

4412. We are inquiring, among other classes, into the class of the vagrants. I suppose you have something to do with that class?—I have very little to do with that class; they are not brought before me.

4413. But looking to the general order of the county, the fact of their existence must be considered?—It must be.

4414. You are familiar with their existence, and conditions of life, I daresay. Do you consider that any system of houses of shelter would be desirable, or otherwise, for these people wandering over the county?—There are in large towns institutions somewhat of the kind you mention, such as the House of Refuge here. There are similar institutions in Glasgow and Dundee. I think, with regard to the country generally, a well organised system of inspection in lodging-houses would do more than anything else.

4415. We are told that in one of the Lothians, at one time, there was a number of houses of shelter for vagrants; but after experience of them, the County Council found it undesirable to keep them up, as they thought that they increased the number of vagrants?—I cannot speak to that.

4416. Is there any reason why the law stands as it does at present in regard to begging, that it should be an offence in the town, and not an offence in the county?—On principle there can be no reason why the law should be different in one place from the other.

4417. One can scarcely think it would have accidentally happened. There is no reason you know?—I suppose the reason is that begging is more frequent in towns than in country places.

4418. (*By Dr. Farquharson.*) What is your object in wishing these increased powers for the treatment of habitual offenders?—Because I think experience shows in the case of these offenders that the present law has no effect.

4419. Do you think the increased sentence would be deterrent or reformatory?—Both.

4420. Or is it only to get them out of the way?—No; it is to get them away from their surroundings and temptations for a longer period than can be done at present.

4421. Do you think if they knew they had to undergo a cumulative sentence it would deter them from committing crime?—I think it would in many cases.

4422. Do you think a longer period of detention would be reformatory?—I think it would, coupled with the supervision. There may be a difficulty in working out police supervision, because, on the one hand, I know that the supervision of the police does hinder persons sometimes from getting employment. On the other hand too much may be done.

4423. You would let them out on a ticket-of-leave?—Not that; because a ticket-of-leave is a remission of the sentence of imprisonment. I would rather place them under the control of the police, to a certain extent, after the term of imprisonment has expired.

4424. Could you recall them to prison?—If they committed an offence I would make them liable to sentence for a longer period.

4425. It would practically be a ticket-of-leave?—To a great extent.

4426. As regards your No. 3 class—those persons who are old and infirm—you mean they should be put under a compulsory charge; they are not to be allowed to escape?—What I propose is that these persons should be placed, either in charge of a suitable private person, or in the poorhouse. If they refuse to reside with, or abscond from such suitable private person, then I would make them reside in the poorhouse, and give the authorities of the poorhouse certain compulsory power.

4427. In both cases there is compulsion?—But in the case of the private person I do not give him that compulsion; the person placed with him knows that if he or she does not live there, he or she will be placed in the poorhouse, and compelled to reside there.

4428. Then the expense of residence with the private person would be borne by the Poor Law?—I have in view there the case in which there might be relatives or friends who would be able to provide for them. If the payment is to be made out of the rates, then I should think the poorhouse would be the proper place, unless the Poor Law Authorities think it a case in which the person might be properly boarded-out. That is done in the case of children, and there might be cases in which, for some sufficient reason, the Local Authority might think that a case of the kind I refer to might be properly placed under the care of some private person.

4429. You told us you had been occasionally appealed to by inmates of Queensberry House—judicially appealed to. Might I ask you what action you took?—I have always made some inquiry as to the person. I have directed a communication to be made to their friends if they have been placed there by friends, and also brought to their own notice that they have been placed there for their own welfare, and that if they did go away they might lose the advantage which their friends were endeavouring to secure for them by residing there. In many cases their friends have provided for them, and brought under their notice that it was possible that the provision made for them might be lost. But I have no power to compel them to remain. In short, they are entitled to go if they please.

4430–50. Do you consider that one of the proofs of habitual drunkenness must be a certain number of convictions before a magistrate?—Not necessarily. I think habitual drunkenness might be proved without such convictions, of course there are cases where there might be no convictions, where persons are habitual drunkards who are to a certain extent watched over by their friends, and prevented from showing themselves.

4451. Domestic cases?—Yes.

4452. In that case you would accept the evidence of friends and relations?—What I propose is that there should be a certificate by two medical men, and such further inquiry as the sheriff may consider necessary. I don't call for convictions in any case.

4453. May there not be some cases in which the proofs are in no respect medical? Purely social cases.—Would not medical men have still to report in those cases, where there was no representation that it affected a man's health?—I think in almost all cases in which a person is what I may call an habitual drunkard, there would have been opportunities for medical men seeing him in that state.

4454. Supposing medical men were to refuse to undertake this responsibility? You know that medical men decline to give certificates in cases of lunacy on account of the great dangers to which they are subjected?—I do not anticipate that medical men would refuse to give a certificate.

4455. You know in cases of lunacy many decline to do so?—I am aware that in some cases of lunacy medical men who have not made that particular form of disease a special study, are unwilling to grant certificates.

4456. Then is it not the case that the first thing the habitual drunkard would do when he came out, would be to bring an action against the medical men?—I do not think he would, because he is detained by order of the sheriff.

4457. The medical men would get behind the sheriff?—The sheriff pronounces the order, and he pronounces it on evidence led. That evidence is partly to be medical, and if I had to deal with any such cases, I would attach great importance to that evidence.

4458. If the medical men refuse?—Then these medical men would not be witnesses.

4459. In that case you think the sheriff would be the sole judge?—No, pardon me, I require a certificate of two medical men, or if it be too many, one medical man; but in the case where there would be medical, as well as legal considerations, the sheriff or magistrate

Mr. Alexander Blair.

27 Nov. 1894.

who deals with the case ought to have information from medical experts, not only that the man is a drunkard, but that detention would be an advantage.

4460. (*By the Chairman.*) You live in Edinburgh?—I do.

4461. You have nothing to do with the administration of the Police Law?—As sheriff; but the work is done by my substitutes.

4462. Theoretically you are engaged in the work, but in practice it is done by the substitutes?—It is not the department I deal with.

4463. I should like your opinion as to the state of the Edinburgh streets with regard to decency, and absence of disorderly conduct of all sorts. Do you think it can compare with other towns in Scotland?—I can say, from my own recollection, that it is much better now than it used to be. I cannot say much about other large towns, such as Glasgow and Dundee.

4464. My reason for asking you is that there is a very great difference in certain cases. Take the crime, or the offence of prostitution. There are three and a half times as many persons per 1,000 of the inhabitants arrested in Glasgow as there are here, and the sentences pronounced here are very small, compared with the sentences pronounced in Glasgow; and I wish to have the opinion of an impartial person in an official position, as to whether the result of such an administration of the law was what would be desired, or whether the system leads to any offensive scenes on the streets?—So far as Edinburgh is concerned, as far as my recollection goes, and I have lived here all my life, I think the streets are much better now as regards that matter than they used to be. I speak particularly with regard to the New Town. I am not so familiar with the High Street, and that part of the town at night, but I think they have improved also.

Mr. Alexander Blair.

27 Nov.

4465. As to 'drunks.' We understand that 'drunk and incapables' are very leniently dealt with under the Edinburgh Police Act; that no man can be drunk and incapable who has a friend who can look after him. Is that state of the law compatible with a decent state of the Edinburgh streets, as compared with other Scottish towns, or do you see much drunkenness?—I do not know much about other large towns.

4466. Does drunkenness obtrude itself if you are going along the street?—It does not. Perhaps at certain times—at New Year time it does, if you are going along the street, for a day or two; but going along the town generally I do not think drunkenness does obtrude itself very much to one.

4467. And you think prostitution does not exceptionally obtrude itself?—I think not, and much less than formerly. To put down that, you would require if possible to go to the houses.

4468. (*By Dr. Sutherland.*) You don't propose a long term of imprisonment for habitual drunkards and prostitutes. Your replies had more reference to grave assaults?—Yes. [The witness then withdrew.]

Mr. Donald Miller.

Mr. DONALD MILLER, Chief Attendance Officer, Edinburgh School Board, called in and examined.

Mr. Donald Miller.

4469. (*By the Chairman.*) You are compulsory officer of the Edinburgh School Board?—Yes.

4470. How long have you occupied that position?—For 21 years.

4471. (*By Miss Stevenson.*) Can you tell us how many parents have appeared before the School Board since 1872?—I have taken 12 years, from 8th April 1882, to 15th February 1894. There appeared 4,307 parents.

4472. How many have appeared more than three times?—169.

4473. Can you tell us anything about the number of children represented, and what was done with them?—5873. Of that number 557 were sent to Industrial Schools.

4474. How many of these parents brought before the Board were subsequently prosecuted before the sheriff, and how were they punished?—Between the same dates there were 1,161 parents brought before the sheriff, of that number 351 were fined or imprisoned, and there were attendance orders issued in the case of 793; and 17 cases were otherwise disposed of, or departed from.

4475. How many were imprisoned?—I cannot say exactly, the number is not more than one third. In the last two years I made up a statement. During two years ending October 1894, the number of defaulting parents before the Board was 1,072, of that number the percentage of intemperate parents was 52·7—fathers 30 per cent.; mothers 35 per cent.; and both parents 33 per cent.

4476. In reference to these parents, were they what you would call habitual drunkards?—They were parents that took drink possibly every day, less or more, but they were not altogether away from work.

4477. In reference to the children of the Industrial Schools, will you tell the Committee what the procedure was in the case of these children?—I will go over the number sent to Industrial Schools in connection with our work. During the first five years of the Board's existence there were 199 boys and 42 girls, in all 241, sent to Industrial Schools. During the second five years 287 boys, and 65 girls; total 352. During the third five years, 361 boys, and 117 girls; total 478; and the fourth five years, 512 boys, and 107 girls; total, 619; the total of the whole being 1,359 boys, and 331 girls; boys and girls 1,690 in 20 years.

4478. Will you tell what was the procedure with reference to these children?—They were principally brought under the 14th section of the Industrial Schools Act, not having proper guardianship. There were different circumstances in connection with each of them. Some were illegitimate children left with parties who had nothing to do with them, whose parents paid for them for a little, and then deserted them. Others were children of intemperate parents, who neglected them, and allowed them to run about the streets, night and day, for weeks at a time. These children were those under the 14th section of the Industrial Schools Act. The section is:—'Any person may bring before 'two justices, or a magistrate, any child, apparently 'under the age of 14 years, that comes within any of the 'following descriptions; namely, that is found begging 'or receiving alms, whether actually, or under the pretext 'of offering for sale anything, or being in any street or 'public place for the purpose of so taking or receiving 'alms; that is found wandering, not having any home 'or settled place of abode, or proper guardianship, or 'possible means of subsistence; that is found destitute, 'being an orphan, or having a surviving parent who is 'undergoing penal servitude, or imprisonment; that 'frequents the company of reputed thieves.' That section was interpreted in a pretty wide sense by the magistrates for a number of years, and was very much amalgamated with the 16th section of the Act, which deals with children beyond control; but in 1892 there was an order came out, and the sections were defined by the Government in such a way that children could not be dealt with in that way. The sections were put in this way. The part of the section under which the child was being sent had to be defined. The child must be found begging as one of the reasons why he should be sent under the 14th section; and then, secondly, the child must be found wandering—not only that he was without proper guardianship, but he must be found wandering, before he was eligible under the 14th section. That was since 1892; and then he was to be found destitute. That is the circular from the Crown Office. [Appendix No. .] I have a warrant here that was sent to London very lately, a child not having a house or proper guardianship; and because that child was not found wandering, he was refused by the Treasury. The position of the child was this. He was illegitimate, brought up by an old woman who died a year ago, and left the child with a daughter who is a very questionable person. She did not want

to keep the boy; she had no control over him. It was thought this child was without proper guardianship, but because he was not found wandering, the Treasury refused to accept the warrant.

4479. In consequence of this you have found great difficulty in disposing of these children under the provisions of the Education Act?—The greatest difficulty.

4480. As a matter of fact, it is the case that a number of these children, who might have been sent—if they could have been sent—to Industrial Schools under this section, have subsequently got into the hands of the Police?—That is so.

4481. And in consequence the number of juvenile offenders has increased—the number of children sent from the police as convicted of petty offences has increased in the past years?—That is so; very largely. I have made a statement to show that. Of the 113 children sent during 1893, there were 70 of them sent from the Police Bar. During the previous five years, there were 84, or 13·68 sent from the Police Bar. The others were sent before they fell into crime. They were taken earlier, and sent to Industrial Schools.

4482. Will you tell the Committee what is your procedure in dealing with the case of a neglected child, whose parent incorrigibly neglects his education, to get the child sent into an Industrial School?—The first thing is to cite the parent, after he has been visited several times, before the Board. I hand in forms of citation.

4483. If he fails to satisfy the Board that he has a reasonable excuse, he is warned. If he is summoned a second time, he is ordered to be provisionally prosecuted. If within a month, the child does not attend school regularly, he is sent before the sheriff?—That is so.

4484. You produce evidence in reference to the neglect, and if you prove that the child comes under one or other of the sections of the Industrial Schools Act, you then get the case remanded, and bring it before the Burgh Court?—That is so. The sheriff, after hearing evidence in the case, where the child seems to him neglected, delays the case with the view of having it disposed of in that way. I hand in the form of complaint before the Burgh Court.

4485. You bring the case before the magistrate in the Burgh Court, and he orders the child to be detained in a certified Industrial School, unless it is a case that may be sent to the Mars Training Ship?—That is so; until he attains the age of 16.

4486. From what you have said it appears that the effect of the new interpretation of the Clause of the Act of 1866 by the Home Office is, that a large number of children, formerly sent to the Industrial School through the action of the School Board, now fall into crime, and are sent from the Police Bar?—That is so, and I have given the percentage.

4487. Do you think there is an improvement in the general condition of the class in the community among whom you work since the Education Act came into force?—I think the improvement is very marked.

4488. You prepared a statement some years ago for one of the masters of the Mars Training Ship. Comparing your report then with your report now, I think you stated there is a marked improvement in the condition of the class among whom you work?—That is so. There were some 56 cases got up in 1874, and they were all very well known to me. Here is an example—'The house of this family is in a very 'miserable state, and when visited, the mother was lying 'sick among some rags on the floor. There is no 'furniture. There are four children . . .' and so on. Most of them were in a most destitute state. The houses are certainly very much improved in the last 20 years.

4489. You know Campbell's Close?—Very well: every house in it.

4490. The Committee walked through Campbell's Close in going to the House of Refuge. You can confirm the statement I made that it is one of the worst closes in the Canongate?—I should say *the* worst.

4491. (*By the Chairman.*) What I wish to ask you is—would you not find in that close just as bad as you spoke of?—The very same sort of case. But they are scarcely so bad as they were 20 years ago. It was rather a danger to go up some stairs in that close 17 years ago.

4492. For the compulsory officer?—Yes, for the compulsory officer. Although they never interfered with myself personally, still it was somewhat dangerous.

4493. From your experience, can you give us any results, in the case of girls, of their employment in selling newspapers in the streets?—I think the employment of girls in selling newspapers has had a very bad result.

4494. You have known cases where it has led to their being lost?—Several cases where they have been entirely lost, and that was the commencement of their downfall.

4495. Have you many cases of children, who have come under your notice, who have been sent to Reformatories rather than Industrial Schools?—There are, but not many; a very small percentage of the cases we have had to deal with. They were generally sent to Industrial Schools. They must be twice before the Court before they can be sent to a Reformatory School. They cannot be sent for the first offence.

4496. It is within your knowledge, I believe, that nearly all those cases of boys brought before the Police Court, for any offence whatever, have sometime or other been brought under your notice; and in nearly every case their parents have been brought before the School Board for neglecting the education of their children?—That is the case, almost all over. I have seen cases of boys before the Court for playing football and getting into places where there were trees, but these were good attenders, and they were merely admonished.

4497. (*By Sheriff Dove Wilson.*) Do you find that the introduction of Free Education made much difference in the number of parents brought up?—Not very much.

4498. Do the children of vagrants come under your cognisance?—Yes.

4499. Are there many children of vagrants?—A good many go through Edinburgh. Generally in winter a good many come into town.

4500. Do they give you much difficulty?—Very often. We only can see them once or twice when they leave the town. Some of them do remain if they find something to do. If we can manage it, we get them into school, but it is only a short time when they are away again.

4501. What do you do in that case?—For a number of years I sent a large number of these children to Industrial Schools, when they were going about without a father or a mother—not both parents, but a man or a widow going about. They were sent under the 14th section into Industrial Schools.

4502. Do you know that this section was so interpreted that if you found a child wandering, but having parents with it, but the guardianship of these parents not being proper, you could nevertheless not send such a child to an Industrial School?—We did formerly, but it is very difficult to find a child wandering without any home. If it has a parent we cannot exactly say it is found wandering. But we reach it under the part of the section which says, 'without any proper guardianship, or visible means of subsistence.'

4503. Do I understand you that the child is not held to be wandering if the parents are wandering also?—I am afraid that is the interpretation.

4504. That is how the Treasury interpret it?—Yes.

4505. Is there some difficulty in Parochial Boards sending children to an Industrial School?—It is very difficult for them to send children to Industrial Schools. In fact they are the parents of the children themselves, and the children chargeable to the parish never want parents or guardians, because the parish becomes their guardians, and the magistrate would refuse to send them to an Industrial School; although there have been cases where children were boarded-out by the

Mr. Donald Miller.

27 Nov. 1894.

parish. They ran away to friends in Edinburgh; and with the consent of the Parochial Board I took them out as wandering, and having no one to look after them.

4506. Did you find any difficulty in dealing with the Parochial Board?—Never. The Parochial Board was willing to do anything to help children in that state.

4507. If the children would not stay in the poor-house, they were quite willing that you should get them put into an Industrial School?—Yes.

4508. (*By Dr. Farquharson.*) What would be a definition of the term wandering?—No fixed abode, or no home whatever.

4509. Of course these tramps may remain in one place for weeks?—They live in the lodging-houses.

4510. Or they may camp on the ground for a month?—They are really wandering, but the child is not wandering alone when it is wandering with its parents. It is under the guardianship of its parents.

4511. (*By Dr. Sutherland.*) Do you assure the Committee that you have had as many prosecutions of defaulting parents since Free Education was introduced as before?—We have not more. I think we have less, if anything.

4512. The reason of that being that before Free Education—one of the greatest boons of the century—became a fact, parents were not able to furnish their children with decent clothing and food?—That is so.

4513. Therefore you would expect that there would be fewer defaulting parents?—That is so.

4514. What sentence as a rule does the sheriff pass on a defaulting parent?—It depends very much on the amount of neglect—from 5s. up to £2.

4515. Do you find it does any good?—It does very little good to the parent that is punished, but it does a great deal of good to others as a warning that they may be punished.

4516. Do you institute a second prosecution of the parents?—Certainly. He gets more if he comes up a second time. But that is only in a case where the parent is really to blame, and where a man is perfectly able to attend to his family, if he only had the desire to do so.

4517. What class of people generally are defaulters?—They are out of a number of classes—labouring people, some in a good way.

4518. Do you find many in a good or comfortable way of living?—Not many.

4519. Do you mean people whose work is uncertain?—That is the most numerous class.

4520. From your experience, what is the bodily appearance, or *physique* of the persons who are up before the magistrate?—Very neglected themselves.

4521. Poor, miserable, half-starved looking creatures?—Very many.

4522. What is generally the cause of neglecting to educate their children?—Intemperance in the most of cases.

4523. Is the intemperance more frequent in the male than in the female parent?—In the cases I went over the female predominates.

4524. And it becomes a difficult matter for the father to educate his children with such a wife?—That is so. There is not much danger where there is a respectable, sober, industrious mother.

4525. Do you ever come across defaulting male parents who are separate from their wives, and live in lodging-houses?—Very many.

4526. What is your idea about a man who lives in a lodging-house? Do you think he is better there than going back and living with his family?—I have come across some cases where the man was obliged to leave his family, but in most cases there was blame on both sides.

4527. You would not think of restoring family relations?—In some cases it would not be good to do so. They would be better apart; but the woman alone with her children suffers.

4528. Where the parents are incorrigible, what becomes of the children ultimately?—If they are not taken from the parents, they ultimately go wrong.

4529. Are they taken?—A number are taken.

4530. Where are they sent?—Sent to Industrial Schools.

4531. Have you any opinion on the subject of children who are allowed to go to pantomimes?—I have opinions on that. It is only four years since the Edinburgh School Board took the matter in hand. I have seen nothing myself of bad result from the licensing of children. They were very carefully looked after. I went once or twice myself to see that the children were properly treated; also the homes of the parents. I reported to the Board as to the state of the parents, and the children, their education, and also the physical fitness of the children.

4532. What is the minimum age that you would allow for a girl?—Not below eight.

4533. And the maximum?—We have not fixed a maximum.

4534. Is the danger not greater the older the girl is?—It is. We have no power to fix a maximum.

4535. (*By the Chairman.*) Under what circumstances are children sent to Reformatories in contradistinction from the Industrial School?—The child has to be convicted on a previous occasion. It may be a conviction of stripes, or a short term of imprisonment. If that is so and he comes back a second time, and is under 12 years of age, it is a question for the magistrate whether he should not be sent to a Reformatory School. You cannot send a convicted child to an Industrial School. A child to be sent to a Reformatory requires to commit some offence punishable by penal servitude or imprisonment.

4536. In many places they imprison for kicking a football in the wrong place?—There is the option of a fine there.

4537. Have you any experience of children coming back to you from Reformatories or Industrial Schools?—I have seen a large number of them, and followed them very carefully for a large number of years, and my impression is that 80 per cent. of them turn out well.

4538. You state a close percentage. Is it formed on your own idea. Is it taken from facts collected, or from the reports?—It is from the facts collected by the Industrial Schools, and my own knowledge corroborates these reports.

4539. You mention you brought these children up under the Industrial Schools Act. You brought them before the sheriff in the first place, with a complaint that they should be sent to prison—that they should be found liable to a penalty not exceeding 20s., or imprisonment not exceeding 14 days. He remanded them to the Burgh Court?—What the sheriff did in the case where it was proved to him that the fault was very much the childs, or the child was so situated that it would be better for him to be sent to an Industrial School, was to delay the case for a month to enable us to deal with the child under the Industrial Schools Act.

4540. Then you summonsed him to the Burgh Court?—We did not exactly summons him. He was asked to come, under the Act of 1866.

4541. The Act gives power to search for and open lock-fast places?—That is not acted on.

4542. How did it come here? [Form of citation No. .]—I do not know; it is not put in force.

4543. I would like some definite information about this if we could get it. I want to ask about the Day Industrial Schools?—We have not any in Edinburgh as yet.

4544. (*By Miss Stevenson.*) How many children would be dealt with in a Day Industrial School, if such an institution would be established?—I think a very large number could be dealt with in a very short time by being sent to a Day Industrial School; because the children of parties who have to go out early in the morning, and children who are truants could be dealt with in Day Industrial Schools. They could be brought there at six in the morning, and kept till six in the evening.

4545. (*By the Chairman.*) If they are truants?—They are under an order from the sheriff to be sent to that school. If they do not go, an officer is sent and they are brought. [The witness then withdrew.]

[ADJOURNED.]

ELEVENTH DAY.

Edinburgh, Wednesday, 28th November 1894.

PRESENT :—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman.*)
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Sheriff DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Mr. William Gilchrist. 28 Nov. 1894.

MR. WILLIAM GILCHRIST, called in and examined.

4546. (*By the Chairman.*) You are superintendent of the Night Asylum here?—Yes.

4547. How long have you held that post?—I have been there about two-and-a-half years.

4548. Have you had any previous experience of similar institutions?—I was for nearly eight years with Mr. Quarrier in Glasgow.

4549. In his Night Asylum?—In the City Orphan Home.

4550. You have heard it suggested that the Night Asylum was merely an asylum for beggars and a home for those who prey on society instead of earning an honest livelihood, you believe that is entirely untrue?—I believe it is entirely untrue. A great many of the people who are there are men who actually want to work.

4551. You say the loafers and beggars who are known are not admitted?—No.

4552. And that the directors of the society endeavour as far as possible to confine the benefits of the society to those for whom it was instituted?—Yes.

4553. And the class for whom it was instituted are artisans, labourers, women and children?—Yes.

4554. You say the loafers who are known are excluded?—Yes.

4555. There is some arrangement is there not between you and one of the Parochial Boards here under which paupers are sent to you?—If paupers make application to the Parochial Board too late for admission on that day they are generally sent to me for a night's lodgings before they are admitted.

4556. Of course these are to a very large extent loafers?—Not necessarily.

4557. You have no choice in connection with them?—Oh certainly, I can exercise my own discretion as to whether I take them in or not. Several come from the Board asking admission whom I refuse. I know them to be loafers.

4558. Does the Board pay you?—No. There is no agreement. There is an agreement between St. Cuthbert's Board and the Refuge in the Canongate.

4559. Take first the class of artisans. Have you many of them?—Not a great many. At particular times when there is great depression of trade there may be more than at others.

4560. Have you any classification?—No. We don't make any classification of the inmates, but I think skilled labourers amount to 15 per cent. perhaps of the whole.

4561. These are men who are really in want of work and who are on the tramp looking for it?—Yes.

4562. These are only casual?—Very casual these are.

4563. Do they stay with you more than one night?—They may stay two or three, or perhaps four nights according to circumstances.

4563A. Do they get a bed and something to eat?—They get porridge at night and in the morning, and their lodging.

4564. Do they pay anything?—No; only those who are absolutely destitute are admitted.

4565. The artisans, I see, are divided into two classes—the really good workmen who are casually out of employment, and men who have never really mastered their trade, and without any perseverance to casual work.

4566. You have got a considerable number of them?—There are quite a number of them.

4567. Among both these classes of artisans you find a large proportion who have been reduced to destitution by intemperate habits?—A large proportion I am sorry to say.

4568. Your next class includes labourers, navvies, farm-servants, &c. Have you many of them?—The greater bulk of those who come there are labourers, farm-servants and navvies, mason's labourers, foundry labourers and iron workers.

4569. And these again are divisible into good men who are simply casually out of work, and shiftless fellows who are the last to be employed and the first to be dismissed?—Yes.

4570. How many do you shelter in the course of a year?—Last year it was over 23,000. Those who applied numbered 25,818 an average of almost 71 a night.

4571. Which is the average?—Seventy-one per night is the average of those who applied.

4572. How many per night were housed?—Sixty-five, altogether 23,612 were admitted.

4573. Divide these first into males and females?—There would be an average of 50 men per night.

4574. And how many women?—Fifteen women and children.

4575. You don't separate them?—No.

4576. You don't subdivide them in your statistics?—Yes. Here is a table showing that the number of men admitted was 17,653, the number of women 3,991, and the number of children 1,968.

4577. You have told us about the division of the men into artisans and labourers, &c., and you have told us the artisan class constitutes about 15 per cent. of the whole—of the whole men and women, or the whole men?—The whole of the men.

4578. Now we come next to the women and children. You say they are laundry women, charwomen, and out-workers unable to find steady employment, who shift from one place to another in search of work?—Yes.

4579. Do many belong to Edinburgh?—Not many of them. We take as few residents in Edinburgh as possible. Originally no person belonging to Edinburgh was admitted, but that was modified in a great degree.

4580. Then I see you have a class of women with children, either deserted by their husbands, or only fitfully supported by them, and you say this division includes those never married but who have lived in concubinage. What are the relative percentages of these two classes?—The percentage of women with children is actually small. Perhaps 15 to 20 per cent. of women with children. A great many of these accompany their husbands who are in search of work.

4581. Those who have been deserted by their husbands and are only fitfully supported by them? Have you many of them?—A good many of these come.

4582. What do you do with them?—I can simply

Mr. William Gilchrist.

28 Nov. 1894.

take them in, and recommend them to apply to the poorhouse so that the parochical authorities may prosecute their husbands, and make them maintain them.

4583. Is that done?—Sometimes they do. At other times they shift somewhere else.

4584. Do you keep any women for any length of time?—No; not for any length of time.

4585. How many nights?—It all depends on circumstances. If a woman has got a prospect of employment she may be kept for a week, perhaps longer. If we wish to make inquiries with the idea of sending her home, she may be kept three or four weeks.

4586. Have you any funds to enable you to do this?—Yes. The Strangers Friend Society instituted for that purpose was amalgamated with the society in 1871, and the funds of that society are available for that purpose.

4587. I suppose you apply them in the case of men as well as women?—Yes.

4588. You state that your experience in working among this class has brought before you many facts regarding vagrants, beggars, and prostitution, and you believe these are greatly increasing?—I do. I may state that a great many of the men who come to the night asylum eventually become beggars—those shiftless fellows who get a bit of work here and a bit of work there, and who are never employed regularly. They either become beggars or a burden on the parish.

4589. You say that many of the women live in habitual idleness, and on making inquiries you find that they make begging and even theft a profession. Is that after they have ceased to be your inmates?—They come to me for admission but are not admitted; for the simple reason that very possibly they come when drunk, and I have some knowledge of their antecedents and mode of livelihood and refuse to admit them.

4590. You say they profess to have some occupation when they are beggars and thieves? You must harbour a lot of these unknown before you detect them?—It is possible I may harbour them once or twice, but if I get to know them they are never admitted. It is a difficult matter to know a person's occupation when you see them once. If I have any doubt at all about them, I endeavour to make inquiry, so as to learn something about them.

4591. When do they come in?—At seven o'clock.

4592–93. How many are licensed hawkers. Are not the poorest class those who do not pay licenses?—Yes. There is a class that has no licenses. They go about the country selling laces, &c.

4594. They are very frequently run in by the police?—Yes.

4595. For not having licenses?—Yes. But a number don't require licenses.

4596. (*By Sheriff Dove Wilson.*) Are there a number who sell things that they make themselves who do not require licenses?—Yes.

4597. (*By the Chairman.*) Do you think begging is much encouraged by the alms giving habits of the people of Edinburgh?—There is not the least doubt about it.

4598. You mention a man who lives by begging, and who when refused charity by ladies frightened them by oaths and threats?—That is a common enough occurrence, more especially in the quieter districts of the town.

4599. Have you any facts that would lead you to think that many of those beggars who come purporting to be destitute have money in their possession?—Yes; I have found them with money in their possession.

4600. Do you search them?—No.

4601. I saw a fellow arrested in Edinburgh recently on whom £9 was found?—Yes. He is a chronic case.

4602. He is not one of your friends?—No. I don't think I have ever seen him.

4603. You say the main cause of beggary and vagrancy in your opinion is drunkenness?—I think so.

4604. Do you have many prostitutes, or do you admit them at all?—It is a difficult matter to say. I could not say whether there are many prostitutes come or not. There have been women whom I have found out to be earning a livelihood as prostitutes, but having never seen them before, I was not in a position to tell. But after I became acquainted with these facts on the next application for admission, they were refused.

Mr. William Gilchrist.

28 Nov. 1894.

4605. I ask you because you refer to cases, and the method of dealing with prostitutes is one great problem to be solved. What are your ideas about it? In the first place do you speak from experience in connection with your asylum?—I speak from experience gained during the past 14 years as missionary and as superintendent of Mr. Quarrier's Home. Many cases with which I came into contact then were fearful.

4606. Give us your ideas on the subject. You say many of them take to the life, not from starvation, but from lack of appreciation of its immorality?—That is true.

4607. I suppose the only way to bring that appreciation is through missionary efforts?—I think something else is necessary. I think their homes should be such as to enable them to cultivate such a moral appreciation. One-roomed houses are distinctly against any person cultivating a sense of morality.

4608. Are one-roomed houses against a sense of decency in your opinion?—I think there is nothing that so much tends to create prostitution as one-roomed houses.

4609. Are they decreasing in Edinburgh?—It is hard to say. There is a project before the Town Council just now for building one-roomed houses, I am sorry to say. But there are a great many one-roomed houses in which men and women live in continual prostitution.

4610. You can hardly call that continual prostitution. Our business is with police offences, not with offences against morality. What you speak of is concubinage?—No, I do not mean concubinage, but direct prostitution—women who go out into the street and accost men with the purpose of getting them to their homes.

4611. We were told these brothels had been to a large extent rooted out?—Yes, that is true; but these women get rooms of their own.

4612. Well, what do you propose to do there from a legislative point of view. You have got laws against over-crowding?—Yes, that is true; it is a difficult matter.

4613. You have got laws to enforce sanitary arrangements. Do you propose the law should follow the individual into his or her house, if it were not conducted as a nuisance to the neighbourhood?—It is difficult to say what creates a nuisance to a great many people in Edinburgh. Their moral sense is so blunted they will take no notice of it. I quite understand it is a difficult matter for the police to take these cases up except they receive notice. There is no doubt that in a great many of the lower quarters of the town, houses are so conducted that they are not only a nuisance to the neighbours, but a direct source of vicious training to a great many young women.

4614. If they are a source of nuisance, the neighbours have it in their power to complain to the police?—They do not; their sense of morality is so blunted.

4615. Do you mean there are so many of them in the same way themselves?—Yes. That's about it.

4616. You have been both in Glasgow and Edinburgh a good deal. Whether do you think the city of Glasgow or Edinburgh is superior in the matter of decency in respect to public prostitution?—I have often thought both very bad.

4617. Do you think one is worse than the other?—I think Glasgow is worse than Edinburgh.

4618. That is to say in the matter of women obtruding themselves on the streets, and in the matter of these disorderly classes you refer to?—Just the same open prostitution.

4619. You say many of them are married women, who from intemperance and from similar causes have drifted into sin, and young women who have slipped into prostitution as a means of livelihood. Have you come across many of them. It was mentioned to us by

one of the witnesses that in many cases these married women are driven into the streets by their husbands for the purpose of earning money by prostitution?—There is not the least doubt of it. I know a great many cases are true. I could not bring up an actual case just now, but while in Mr. Quarrier's Home, I know from facts we have gathered in searching out the histories of children admitted to the House, that the husband has driven the wife out to commit prostitution.

4620. You refer in your notes to some experiments in Bohemia for the institution of State Labour Depots. Do you know anything about them?—I have just read an account of them.

4621. I notice from your report that the number of admissions into your Home has greatly increased from 1888 to 1893. It has risen from 14,000 to 26,300 odd?—Admissions in 1891 were 16,592, and in 1892, 20,817.

4622. In 1893, they were 23,000?—This year they will probably be less—between 21,000 and 22,000.

4623. When you give persons shelter for a week or more do you feed them?—Yes.

4624. Do you give them all their meals?—Well, if it is a woman she possibly gets all her meals; if it is a man, no.

4625. You speak about your experience with Mr. Quarrier. Will you explain briefly the working of his Home?—Its working is simply to take orphan and fatherless children in and educate them.

4626. It is not a night refuge?—Yes, but the establishment of the Society for the Prevention of Cruelty to Children very much mitigated the night refuge work when I went there.

4627. Have you ever had anything to do with juvenile delinquency?—Not a great deal.

4628. Do you take in boys?—Yes.

4629. Have you many, or do you distinguish them in this report?—Yes, we have a great many. Some are in charge of their parents, but those who are not, we detain until some inquiry is made regarding them, and until something can be done for them.

4630. You have in 1892 781 boys?—Yes.

4631. You say they are often with their parents?—Yes.

4632. You don't have much to do with boys of an age that would be driven into crime on their own account?—Not a great deal. There are not many boys of that age come. Of course there are a great many lads come from 12 to 21 years of age, but these are not of an age to be detained or done anything with. I got two boys into Mr. Quarrier's Home, one of whom is now in Canada, and there are several others that have been in the asylum that have been sent to Reformatories, not directly through me, because they were with their parents when they came.

4633. But who have afterwards been sent to Reformatories?—Yes, and Industrial Schools.

4634. (*By Dr. Farquharson.*) How long has the asylum been established?—Since 1840.

4635. How long have you been connected with it?—Two-and-a-half years.

4636. There has been a large increase in the admission. Are these 23,000 all fresh admissions?—Not all fresh admissions. Men are elegible once in three months, but sometimes that rule is mitigated if a man wishes to go and look for work, or if he has found work.

4637. Is there any limit to the number of times a man may be admitted?—Four times a year is the limit. There is no limit to the number of times except in so far as my own discretion guides me, and my knowledge of the applicant.

4638. These 23,000 admissions don't mean actual admissions, but so many re-admissions?—So many re-admissions. There is a note stating how many re-admissions took place. We don't count as a re-admission a man who comes at an interval of three months. The number of original admissions in the course of the year might be perhaps 50 per cent. who have never been in the night asylum before to my knowledge.

4639. Can you suggest any other reason than the annual increase of vagrancy and beggary for this great increase in the admissions?—There has been a good deal of depression of trade, but things are beginning to look better, and the admissions are decreasing. Last month we had a decrease of 400, and the quarter before a decrease of the same.

4640. You think it has to do with trade?—Oh yes. Depression of trade and industrial strikes bring a good many, not only of the people actually on strike, but of people put out of occupation indirectly through the strike. A great many iron workers and others who are dependent for work altogether upon the supply of coal, were thrown idle by the recent coal strike in Scotland, and went to England to see if they could find occupation there, and that has perhaps something to do with the decrease. They went to England, and did not return owing to the prolongation of the strike. A great number of the admissions came from England—about one-fourth of the whole.

4641. Do you think the benefits of your institution are becoming more widely known?—There is not the least doubt of that. One communicates with another, and a great many are sent to me through the police.

4642. Do you extract any work from them?—No, we have no labour test. I am sorry to say I tried to get the directors to establish a labour test, but it has not been done.

4643. You prefer something of the kind?—I should think it would be a guarantee of a man's willingness to work.

4644. What sort of labour would you consider best adapted to the purposes—outdoor or indoor?—It is a difficult matter to say. It would require to be some occupation that could be easily begun, and finished at almost any time. It would need to be some merely temporary work such as stick-breaking, or stone-breaking, or the manufacture of firelights, or something of that sort.

4645. Would agricultural labour be suitable?—Agricultural labour would be suitable if the conditions were favourable, if you had a place to set them to work upon; but the trouble is that a great many of the men who come are not acquainted with agricultural labour—only a very small percentage except during the months of July and August.

4646. (*By the Chairman.*) But you have no power to enforce a labour test?—Of course it would be altogether optional. But you could compel them to labour before they got lodging. If they did not want to do it you could say there is no admission.

4647. (*By Dr. Farquharson.*) Is the sole qualification for admission destitution?—Yes.

4648. Do you have a great many of the tramp class coming to you?—Doubtless there are a few, but as I said, when I know them, they are not admitted. We include these in the genus loafer; because they do nothing but beg.

4649. You say a great many of the prostitute class remain in the occupation for lack of appreciation of its immorality. Does that apply to the first stage, or to the continuation?—Sometimes.

4650. You mean to say they continue in it because they do not see any harm in it?—Yes.

4651. Not because they find difficulty in getting out of it?—There would be no difficulty of getting out of it if they chose. They are so trained they have no moral sense left, either as to theft, prostitution, or anything else. I have in my observation children at play even at the back of the asylum—I have seen things too horrible to relate. These were little children from seven to twelve years of age, and the only conclusion I could come to was that they had been in actual contact with vice because they were so well acquainted with it.

4652. Is your institution entirely kept up by voluntary contributions?—Yes. The town gives a subscription of £30.

4653. (*By Col. M'Hardy.*) As to the real number of admissions to the institution, if you deduct re-admissions, it seems to me you have to knock off about 23 per cent.?—Yes.

Mr. William Gilchrist.

28 Nov. 1894.

4654. You said that about 15 per cent. were artisans?—Yes.

4655. Good artisans I understood, and that did not include the number of those who were poor workmen, or hardly workmen at all?—I would not like to say that. The number of really good men who apply might be 10 per cent., including printers, founders, joiners, blacksmiths, tinsmiths, &c.

4656. So that there would be about 1,500 really good workmen in search of work arriving at your place?—1,500 good artisans—men thoroughly capable.

4657. Where do these artisans come from?—From all parts.

4658. Do they come from the south or the north?—South, north, east, and west. A great many come from Glasgow, and from Newcastle-on-Tyne, Hull, Hartlepool, and Sunderland.

4659. But Edinburgh itself is hardly a centre of manufacture, and you would hardly except that workmen would crowd to Edinburgh. Are they passing through to some other place?—A great many are passing through, and they may look into the engineers or other shops, and if they don't get any work here they pass on to some other great centre of industry, such as Manchester, Newcastle, Birmingham, or Carlisle. They go through Haddington and Galashiels probably.

4660. But in regard to the number, I think you said one-third of the artisans came from the south?—One-fourth of the whole number come from the south.

4661. What induces that migration? Are they in the position of the workmen you have referred to?—Yes; I should suppose so.

4662. Have they explained to you why workmen should come from such centres as the Tyne to Edinburgh?—Depression of trade in some instances. Sometimes trade strikes have caused them to be sent adrift. There is no doubt a great many of them are on the tramp merely because of intemperance.

4663. The good workmen even?—Some of them.

4664. The majority or otherwise?—No, not the majority. There are not a great many sent adrift by intemperance. They may drink a little, but they are not habitual offenders. They may take a little too much on a Saturday night, but they have not been dismissed from work owing to intemperance.

4665. The numbers altogether have very largely increased. Have the numbers from Edinburgh increased?—Not materially.

4666. You reduce the Edinburgh numbers to a minimum as far as you can?—Yes. A great many of those who are from Edinburgh, are, I regret to say, women and children.

4667. As regards the times that they came to you, the quarters seem to be on the whole fairly divided, except that the first quarter is the least?—Yes.

4668. That would be the time you would expect people would be in sorer straits. How is that the case?—It may be that they can't go about so freely in the winter time. The roads are blocked by storms, and walking is difficult. In the summer the number is increased by people who seek work in the country. For instance in June, July, and August, there is always a large incoming of Irish labourers who come for the hay-making and the harvest.

4669. So that the small numbers in the winter time arise from the fact that the population which is tramping in the summer is resident in the winter?—Yes.

4670. What do they cost per head?—About 4½d. per night.

4671. Including breakfast?—Including everything; taxes, gas, superintendence, fire.

4672. (*By the Chairman.*) You have not to pay rent. Your house is your own?—Yes.

4673. (*By Col M'Hardy.*) There is no capital charge included there?—No.

4674. Do you do anything for these people except giving them their night's lodging, in the way of advice for instance. Have you any system of getting them information as to work?—Yes. Any one who wishes to ask me I give him all the information in my power.

4675. Have you the means of collecting the necessary information?—Sometimes I get information from the directors. I have no other means.

4676. Have you any organised system of collecting information?—No.

4677. The men I suppose go out during the day?—Yes.

4678. They must have some food during the day. Where do they get it?—They get it by begging, or from some person they know who has work. On Sundays they go to the free breakfast in the Drill Hall, or some other place where free breakfasts or free teas are provided.

4679. You imagine that a good many of them beg their dinner?—I suppose a good many of them do. In coming through the country there is no doubt these men beg at farm-houses on the way.

4680. You have got a benevolent institution that is going to look after these people—but during the day you don't see any occasion for providing a man with a meal?—The society is simply to give them a night's shelter and help them on their way. At one time meals were supplied at the cost of 1d., but these have been stopped.

4681. Why was that stopped?—I really could not say.

4682. (*By the Chairman.*) You said you gave them money?—If I found anyone was deserving. We had the funds of the Strangers Friend Society.

4683. (*By Col. M'Hardy.*) The Strangers Friend Society?—Yes, the society steps in and gives him an order on the railway or the steamboat company to help him on his way.

4684. If it is a deserving case?—Yes. People are sent to Glasgow, Hull, Newcastle, Sunderland, Liverpool, Dundee, and Aberdeen, and sometimes even as far as Shetland.

4685. If a man is simply a tramp do you send him to any of those places?—No.

4686. It is only men in search of work?—Not merely that, but men who have got work and are on their way to it, or if a case had been in the Infirmary and wanted to go home, and had no means of getting. Then the Strangers Friend Society stepped in and helped him.

4687. I suppose one of the objections to introducing a labour test is that the financial result, does not cover the cost of imposing it?—It would not cover the cost.

4688. So that would constitute another charge on the establishment?—Yes.

4689. However desirable it might be in the way of suppressing mendicity?—Yes.

4690. Is there any society in Glasgow that does there the same work as you are doing here?—Yes; there is an asylum there.

4691. Is it a large place?—Yes; much larger than ours.

4692. (*By Sheriff Dove Wilson.*) How many can you take in?—About 110.

4693. How many of these men, and how many women?—Between 30 and 40 women, and the rest men. Of course it might depend. I might take in 50 women and 60 men.

4694. Have you any reason to suppose that a number of the people who come to you could afford to pay if they liked?—No; I don't think they could afford to pay. The simple reason is that the accommodation we give is so meagre, that no one who could afford to pay for his bed would come.

4695. Then have you any doubt that all of them are really poor?—I don't think there is any doubt about that.

4696. What proportion do you suppose of habitual vagrants manage to get in?—Well, I don't think more than 5 per cent., if even that. Those I know are not admitted; those I don't know, of course, are admitted until I do know something about them.

4697. It is merely by accident they have got in?—Yes.

4698. Have you any idea how the inmates would look upon a labour test?—They would be very much against it, I have not the least doubt.

4699. Do you not think there is a proportion of them who would prefer doing some work in return for their shelter?—I have had men offer to do work for me in return for shelter.

4700. Does it not occur to you that the respectable workman would feel more independent if he could do something in return?—There is not the least doubt about that, but the difficulty is just to hit on those who are respectable, and who are not. I think the French system of dealing with workmen is a very good one to separate the two classes very distinctly—that is men who are really out of work, and men who earn a living by vagrancy and begging. Each workman in France has a little book in which is stated his name and occupation, when he was last employed and where, followed by the signature of the master with whom he was last employed.

4701. Do you take their names when they come to you?—Yes.

4702. And where they come from?—Yes; and where they are going to.

4703. And what occupation they profess?—Yes.

4704. (*By Miss Stevenson.*) From that register you keep can you find out if the same people come back year after year?—Yes; I keep a black list of names—of those whom I suspect are not altogether honest.

4705. But you would not refuse a person admission because he had been in two or three times the previous year?—No. The rules of the institution give a man admission once in three months.

4706. On what principle do you make the selection?—I know a good many of them.

4707. And you would rather take in one you knew in preference to a stranger?—I would not. It would be altogether the other way. Strangers who come for the first time are always admitted in preference to any one else.

4708. You say you have admitted parents with children. Have these people as a rule tramped?—Sometimes they have tramped, sometimes they have been in the town.

4709. How many of a family have you taken in at once?—Seven.

4710. As many as seven?—Seven children. Nine of a family altogether.

4711. You said you had admitted boys, but that as a rule they were with their parents. Have you found that boys whose parents are resident in Edinburgh ever came asking for admission?—Very often.

4712. Do you admit them?—Never.

4713. You don't?—No.

4714. But since you have come you have not found them?—There were two boys belonging to Leith came to the institution and said they belonged to Peterhead. I detained them and wrote to Peterhead about them, and got back word that nothing was known about them at all. Eventually a man from Leith came up and claimed one of them, and said he knew the other. It turned out that one of them had stolen money.

4715. You have not found that a common occurrence among the boys resident in Edinburgh?—No. Very seldom.

4716. Will you explain to the Commission the kind of bed these people have?—It is simply an inclined plane of boards.

4717. A continuous long board?—A continuous inclined plane.

4718. There are divisions?—No. There are no divisions.

4719. And they get a blanket?—They get a rug to cover them. The place is heated up.

4720. Are they not expected to attend divine service?—Yes. Every night.

4721. That is a condition?—You may say it is a condition. There is worship every night.

4722. And in the morning?—Not in the morning except on Sundays.

4723. You admit people on Sundays?—Sometimes.

4724. When they come in on Saturday you keep them over Sunday?—Yes.

4725. (*By the Chairman.*) You must have a good many Roman Catholics?—Yes, a great number.

Mr. William Gilchrist.

28 Nov. 1894.

4726. Do you get into collision with any of the Roman Catholic Hierarchy in connection with them?—No. No trouble at all. I have not heard any complaint.

4727. Do the police ever come to your place in search of criminals?—Sometimes.

4728. Do they ever catch any one there?—Sometimes they bring me criminals against whom they have no direct charge, but about whom they are making inquiry.

4729. But you have no power to detain the criminal?—No. They bring him at their own risk.

4730. You are registered as a common lodging-house, or something of that sort?—No. We are not in the same category. We make no charge of any kind.

4731. I suppose that does not preclude the police from having free entry?—They can come in at any time.

4732. Do they avail themselves of that?—Sometimes.

4733. Have the police made any arrests, and if so, how many during last year?—I never saw any direct arrests made there.

4734. Do the artisans that come belong to unions?—Some of them do.

4735. Do not the men connected with these unions apply to them in the first place for assistance?—There are some of the societies give no pecuniary benefit—some of the trades unions.

4736. You mentioned the trade of a printer and that of an engineer. In Edinburgh they have unions have they not?—Yes.

4737. Do you send them to apply to their unions for assistance?—Yes. Very often.

4738. I ask this question because you apparently accept their statements about their trades and their desire for work, many people declare that tramps—I do not wish to disparage your inmates—but that tramps give very erroneous statements regarding their trade and their willingness to work. I wish to know whether you test these artisan cases by any reference to unions?—They show me their union tickets. These men who belong to unions are generally very ready to show their union tickets.

4739. Do you not send them to the secretary of the union?—I can't do that before the morning.

4740. How is it they don't apply to them?—It may be that they got into town too late to apply.

4741. You mentioned that some volunteered work. Do none when they get into employment send you pecuniary acknowledgment?—Sometimes I have received something.

4742. How much in the year?—It differs.

4743. Do you get a £5 note out of them?—Oh no! The most ever I got I think was 2s.

4744. Out of the lot?—Yes; 2s.

4745. In one year?—Yes.

4746. From all the people?—Yes. Some solitary cases whose fares have been paid have returned the fares.

4747. These respectable men who form 10 per cent. of the whole, say 1,700, don't send anything to you to vindicate their independence?—I am sorry to say they don't except they put it into the box.

4748. How much do you get out of the box?—Some years £3 or £4.

4749. The public put into the box too?—Very likely. I could not say who puts in.

4750. Where is the box?—It is in the window, just at the outside as they pass down the Lane.

4751. Do you often catch any fellow putting money into the box?—I have never by any possibility seen any one put money into the box yet. Once it was found open, but there was nothing taken out of it as far as I could see.

4752. You mentioned that there were 65 people per night in the Asylum. In reply to Professor Wilson you said you could accommodate 110. That is 45 per night more than you actually have. How is it you don't fill up?—Sometimes there are a great many more applicants

Mr. William Gilchrist.

28 Nov. 1894.

than I take in, but those who are dismissed are generally people I know, either drunk or habitual frequenters of the institution, who are not eligible for admission.

4753. (*By Dr. Sutherland.*) You speak of 10 per cent. of the artisan class coming for relief. Does your total represent so many different persons?—Those persons very seldom come back.

4754. Now are these 1,700 separate individuals, or do you have the same people appearing more than once?—I mentioned that a great many of these were shiftless fellows, who had never thoroughly mastered their trade, and lacked application.

4755. But does that observation apply to 1,700 individual persons?—No.

4756. What is the longest time you keep one of these vagrants?—I have kept one for a fortnight.

4757. Don't you keep some of them for months?—No. We have no such establishment as they have in Glasgow where they have a Home in connection with the Asylum. [Witness then withdrew.]

Mr. R. C. Gray, Mr. John Macdonald, Miss Hepburn.

MR. R. C. GRAY, S.S.C. (with whom was associated MR. JOHN MACDONALD and MISS HEPBURN), called in and examined.

4758. (*By the Chairman.*) You are the honorary law agent of the Society for the Prevention of Cruelty to Children?—Yes, and also a director. Mr. Macdonald is the honorary secretary of the society and Miss Hepburn the assistant secretary.

4759. Explain to the Commission on what legislative basis the society stands?—The position is this. From 1886 when we commenced the society we had no special Act—we simply had the ordinary Police Acts—to entitle us to interfere at all, and until the Act known as the Children's Charter was passed we had very slender powers indeed. In 1889 that Act was passed, and gave us very great assistance.

4760. Tell us about it?—The main provision of the Act enabled us to prosecute and punish parents for ill-treating their children by neglect, that is to say, by leaving them without proper attention, food, clothing, lodging, &c. And now we have the Act passed in August last which amends and consolidates the previous Acts.

4761. What was the amendment?—Some of the provisions were found unworkable, and we desired also to change the age of the children—the age at which we could interfere with parents for neglecting their children, and other provisions.

4762. You wished to change the age from what to what?—The present state of the law is that 'if any 'person over the age of 16 years, who has the custody, 'charge, or care of any child under the age of 16'—before it was 14—'wilfully assaults, ill-treats, neglects, 'abandons, or exposes.'

4763. Do I understand you to say 16 in both cases?—Yes. That is to say the parent or guardian to be prosecuted for ill-treatment of a child must be a person over 16 years of age. We sometimes have prosecution of guardians who are not parents—elder brothers or sisters in charge of the children. We cannot under this Act prosecute any guardian not over 16 years of age, and the child in respect of whom prosecution takes place must be under 16.

4764. What other amendments were there?—In Scotland the prosecutions are confined to the sheriffs, and many of the sheriffs before whom prosecutions were brought were not clear about punishing parents for a single assault. They held it must be habitual ill-treatment. That was cleared up in this Act.

4765. By what words?—The words in section 1, 'wilfully assaults, ill-treats, neglects, abandons, or ex-'poses such child, or causes or procures such child to 'be assaulted, ill-treated, neglected, abandoned, or 'exposed in a manner likely to cause such child un-'necessary suffering or injury to its health (including 'injury to or loss of sight, or hearing, or limb, or organ 'of the body, and any mental derangement), that person 'shall be guilty of a misdemeanour.' There are some words different from the former enactment.

4766. Does that repeal the former enactment?—Yes. It not only repeals the Act of 1889, but an Act passed a few weeks before this one. A Bill was promoted in Parliament for the amendment of this Act, and when it went to the House of Lords, the Lord Chancellor and others considered it more necessary to consolidate the law on this subject, and they proceeded to pass the Act I have quoted from—Chap. 41–57 and 58 Vict.

4767. Have you had any prosecutions under it?—We had 13 or 14 in the month of October.

4768. Give us a few specimens?—We had one in which the father was punished with imprisonment for ten days for neglect; another in which Sheriff Hamilton admonished the parent; another where Sheriff Rutherfurd sent the mother to prison for 30 days; another where Sheriff Orphoot sentenced the father to 21 days for neglect.

4769. For neglect?—Well, we call it neglect. In many of these cases there is some active ill-treatment, but we charitably often call it neglect. The punishment indicates where some of the cases may be aggravated. In another case where the mother and father were both charged, the father got 30 days, and in another the mother got 14 days. One child was sent to the Mars. That is a case in which the prosecution takes place before the magistrate. We have numerous cases like these. In another one the father got for neglect, 21 days, and in another for neglect and ill-treatment, the mother got 30 days' hard labour. With reference to that may I observe that at our last meeting of directors, the chairman, who was also a visiting Justice of the prison, said he doubted whether the hard labour which was added to some of the sentences was unacceptable to the prisoners. His understanding was that they got better attention. We resolved to make inquiry into that matter.

4770. Have you any personal evidence to give on that point?—We have simply the statement of the chairman made at the meeting.

4771. Have you any further cases?—The next case was one of assault, where the father was fined £3 with the alternative of seven days' imprisonment. The next was one of neglect, where the child was sent to an Industrial School. That was before the magistrate.

4772. What status have the Protection of Children Societies throughout the country in connection with this matter?—In Scotland they have not the same status as in England to institute prosecutions.

4773. They have no status in England beyond that of the ordinary individual?—But in Scotland the ordinary individual has no status. However, there is this important element, that the judges and sheriffs recognise our Shelter and Home as places to which children may be sent under a custody order which they are entitled to pronounce under this Act.

4774. You have a legal status in that way, but not a legal status in initiating prosecutions?—No, we have not.

4775. If your officers hear of any case they make a report?—Yes.

4776. And you recommend the Procurator Fiscal?—Yes.

4777. You recommend that information should be lodged with the Procurator Fiscal?—We lodge the information ourselves, and some of the Fiscals have this confidence in us, that they take straight from our hands the information we have got up, and straightway commence the case.

4778. That is of course very creditable to you, but is that Scotch law?—It is for the Fiscal, as an officer of the Court, to judge. He may be satisfied or dissatisfied with the manner in which we have got up the case, and it is open for him to deal with it.

4779 (*By Sheriff Dove Wilson.*) He is entitled to proceed on what he believes to be trustworthy information?—Quite so.

4780. (*By the Chairman.*) Let us come to the place where you have a status. You have got a Shelter?—Yes.

4781. The sheriff can order the children into your custody?—Yes.

4782. What are the powers?—They are contained in section 6 of the Act, which is as follows:—'Where 'a person having the custody, charge, or care of a child 'under the age of 16 years has been—(*a*) convicted of 'committing, in respect of such child, an offence of 'cruelty within the meaning of this Act, or any of the 'offences mentioned in the schedule of this Act; or '(*b*) committed for trial for any such offence; or (*c*) 'bound over to keep the peace towards such child, by 'any Court, that Court either at the time when the 'person is so convicted, committed for trial or bound 'over, and without requiring any new proceedings to 'be instituted for the purpose, or at any other time, 'and also any petty Sessional Court before which any 'person may bring the case, may, if satisfied on 'inquiry that it is expedient so to deal with the 'child, order that the child be taken out of the custody 'of the person so convicted, committed for trial or 'bound over, and be committed to the custody of a 'relation of the child or some other fit person named 'by the Court (such relation or other person being 'willing to undertake such custody) until it attains the 'age of 16 years, or for any shorter period, and may 'of its own motion, or on the application of any person, 'from time to time by order renew, vary, and revoke 'any such order; but no order shall be made under 'this section unless a parent of the child has been 'convicted of, or committed for trial for the offence, 'or is under committal for trial for having been or 'has been proved to have been party or privy to the 'offence, or has been bound over to keep the peace 'toward the child.'

4783. I notice you speak of committing the child to the custody of proper persons. To whom is the child committed?—Instantly on the conviction being pronounced, our secretary, or some one representing us in attendance, asks the sheriff to pronounce a custody order in favour of the society.

4784. It does not mention the society in the Act?——It may be any fit person.

4785. Whom do you put forward as your custodier?—Our secretary.

4786. The fact is your society has no legal status?—Orders are made out in the name of the secretary, but we have asked an order in favour of a brother of the child.

4787. Supposing you get that order. Take the case of a child three years old. Is your secretary bound to look after that child?—We have children under six months in the Shelter at the present moment. We have had them three weeks old.

4788. How long do you keep them?—As short a time as we possibly can.

4789. What is the order the judge gives you. Supposing a sheriff commits a child to your custody two years old, let us know the length of time for which they are committed?—(*Mr. Macdonald.*) Always till they are 16, and 14 in the case of boys.

4790. What is your duty in the matter. Does it involve the duty of providing for the children?—Yes.

4791. And the responsibility in case of neglect of being pulled up under the Act?—Of course it will.

4792. What becomes of the children committed to you?—They go to our Society's Home at Corstorphine, a permanent Home, where we have accommodation for 100.

4793. How many have you?—We have about 95. We can take in about ten children a year.

4794. In the event of anything occurring to you, or a new secretary being appointed, what would be the procedure?—I suppose they are committed to my custody officially as secretary of the society.

4795. (*By Sheriff Dove Wilson.*) The Court may renew or revoke the order at any time?—Yes.

4796. (*By the Chairman.*) Is there any provision for incorporation?—(*Mr. Gray.*) No. The facilities to which Sheriff Wilson has referred are quite sufficient, for though the order is pronounced at the time of the conviction, it may be done at any other time. *Mr. R. C. Gray, Mr. John Macdonald, Miss Hepburn* 28 Nov. 1894

4797. Take another case. Mr. Macdonald is made personally responsible, and if these children were neglected he might have to bear the entire responsibility. Is there no provision under that Act for the incorporation of such a society, under the Limited Liability Acts for instance, or anything of that kind?—No.

4798. You don't feel any desire that it should?—No We do feel we should have a much larger and better status for the work we do.

4799. You are dependent on voluntary subscriptions?—(*Mr. Macdonald.*) Yes. Our revenue last year was over £2,000, and in 1886 it was £508. That refers entirely to the eastern district of the society. The society is named the Scottish National.

4800. Where are the head-quarters?—In Edinburgh and Glasgow, and the accounts are kept entirely separate.

4801. You are simply platonically associated?—We meet alternately in Edinburgh and Glasgow.

4802. Do you know as to the Glasgow society?—The subscriptions are hardly so large as ours.

4803. Are they equally elastic?—For the last year £1,040 was the amount of the receipts, and it has been about that sum for the last five or six years.

4804. You don't pass on the children. You have no power to pass them on unless you get another judicial order?—They send the children to us.

4805. The sheriff commits them to your custody?—Occasionally. This matter of the custody of children is only done in a very small number of prosecutions, only where the offenders are habitual offenders, or where it is very much in the interests of the child to be taken away.

4806. I presume your Shelter affords a place into which wives and children may come during the imprisonment of their husbands?—We don't take the mothers; we take the children. The jurisdiction is restricted to a child. A child may be taken to any place registered as 'a place of safety.'

4807. That is what I want to know; what does the Act say?—'A constable may take to a place of safety 'any child in respect of whom an offence under para-'graph (*a*) of section 2 of this Act has been committed, 'or in respect to whom an offence of cruelty, within 'the meaning of this Act, or any of the offences 'mentioned in the schedule to this Act has been, or 'there is reason to believe has been committed.' And further 'a child so taken to a place of safety, and also 'any child under the age of 16 years who seeks refuge 'in a place of safety, may there be detained until it can 'be brought before the Court of Summary Jurisdiction, 'and that Court may make such order as is mentioned 'in the next following sub-section, or may cause the 'child to be dealt with as circumstances may admit 'and require until the charge made against any person 'in respect of any offence as aforesaid, with regard to 'the child has been determined, by the committal for 'trial, or conviction, or discharge of such person.'

4808. Then as to the Shelter being a place of safety?—Our place is registered as a place of safety by the magistrates of the city.—(*Mr. Gray.*) We sent application to the magistrates to have it so recognised.

4809. How does it work in Glasgow and elsewhere when there is no place of safety?—(*Mr. Macdonald.*) Under this Act a poorhouse is considered a place of safety.

4810. Under that Act a judge could consider the master or superintendent of the poorhouse a proper person, so that no legislation is required to enable Parochial Boards to take custody?—I am speaking now of what happens before conviction, where a child can be taken at once without the consent of parents.

4811. What private places of safety are registered in Scotland?—Simply the three shelters, and all the poorhouses all over the country.

4812. How long can you keep the children?—Until the parents have been tried before the Court of Summary Jurisdiction.

Mr. R. C. Gray, Mr. John Macdonald, Miss Hepburn.

28 Nov 1894.

4813. Supposing the mother is sent to prison, what is the position of the father?—If the father were unable to look after the children we would remove them to the Shelter.

4814. But supposing you consider them in danger at home, and the father is of a different opinion, who carries the day. Can you remove them without his consent?—If the children have been very much neglected and we can get a doctor's certificate.

4815. What powers have you?—We really take such powers.

4816. You take children in the case of one neglecting parent and retain them against the will of the other?—We have children in the Shelter now to whom that applies.

4817. (*By Sheriff Dove Wilson.*) You have legal power under section 5?—Yes.

4818. (*By the Chairman.*) What is the legal power?—The powers are in the following 'a constable may take 'to a place of safety, any child in respect of whom an 'offence under paragraph (*a*) of section 2 of this Act 'has been committed, or in respect of whom an offence 'of cruelty within the meaning of this Act, or any of 'the offences mentioned in the schedule of this Act has 'been, or there is reason to believe has been com-'mitted.'

4819. What I want to know is this. A police constable brings you a child in respect of which an act of cruelty on the part of the mother has been perpetrated. The father comes to you and says 'I want my 'children home'?—We can refuse under this section to give the child up until the question is tried.

4820. But you said you have no power?—(*Mr. Gray.*) We exercise powers in taking the children.

4821. You don't want any increase of powers?—No.

4822. In Glasgow I understand they send them to you?—(*Mr. Macdonald.*) That is only in the case of very young children. We endeavour as far as possible to send them to Industrial Schools. The magistrates have power to send them to an Industrial School—children over seven.

4823. How many of them go to Industrial Schools. I want to know how many have become a charge on Imperial funds?—I am sorry I have not got the information.

4824. But you could send it in to the secretary?—Yes.

4825. In the country districts you think the superintendent of the poor would be a suitable person to have custody of the children?—Yes, if they would do it.

4826. But they say they want powers and that they have not got powers. They say they want powers to deal with the very sort of children this Act was meant to deal with. Does not this Act give them power to keep the children?—Yes it does.

4827. Would it not be a proper function for your society to enlighten Parochial Boards as to their powers?—So we do as far as possible in parts of the country where we have opened branches.

4828. Yes; but by means of circular, I mean. You say they have the power?—Yes.

4829. I suppose most of these cases are cases of neglect?—All the neglect cases, but not all the assault cases; not in the worst cases of cruelty.

4830. What are they cases of?—Sheer brutality. —(*Mr. Gray.*) Savage temper.

4831. Have you had occasion to interfere with many of the richer classes?—(*Mr. Gray.*) Not a great many, but we have had a number. We had one child of a man who possessed £7,000 and lived in a house in Polwarth Gardens. It was the only child of its parents. Its mother was prosecuted, and we took the child and by arrangement with us it was sent to Aberfeldy. It was sent to board there on the condition that the schoolmaster would not part with it without informing us.

4832. You will have much greater difficulty in getting information in regard to these?—Yes.

4833. Do you find increasing readiness on the part of the public to inform you of cases of cruelty?—Certainly we do.

Mr. R. C. Gray, Mr. John Macdonald, Miss Hepburn.

28 Nov. 18.

4834. You have branches in Edinburgh and Glasgow?—Yes. There are some sub-branches in Montrose, Dumfries, Kirkcaldy and various country districts.

4835. You work them from Edinburgh?—That is so.

4836. Let us know the number of cases inquired into in Edinburgh?—In Edinburgh last year 862 cases were inquired into. Of these 228 were sheltered and clothed. There were 4,457 meals given to them. There were 68 cases of parents or guardians prosecuted; 219 parents cautioned and kept under supervision; 59 children sent by order of the Court to Industrial Schools, Training Ships, and other Homes, including our own Home at Murrayfield.

4837. These are cases with which the parents have been unprisoned or convicted?—Yes, that is so.

4838. You have also had 105 cases visited by the officers from Edinburgh in the surrounding district?—Yes, at Kirkcaldy, Alloa, Stirling and so forth.

4839. Do your officers ever get a warm reception?—They do occasionlly. On a very few occasions they have been assaulted. Our senior officer was very seriously assaulted on one occasion.

4840. You speak of a great number of meals. That is when the children have been kept a long time?—Yes.

4841. Can you give the numbers in Glasgow?—They had 1,044 cases inquired into; 906 children sheltered; 344 children clothed or partially clothed; 6,111 meals given in the Shelter; 1,175 children placed in Industrial Schools, etc.; 875 parents remonstrated with and cautioned where prosecution was not expedient; 62 convictions have been obtained—rather fewer than Edinburgh.

4842. Can Mr. Macdonald give us any information as to the over-lapping of charities for the protection and care of children in Edinburgh or Glasgow. You have got here a very large number of meals given to children. What are these?—These are meals given to children who are in the Shelter.

4843. There is no over-lapping here?—No. There is none.

4844. The revenue is entirely from voluntary subscription?—Entirely; and £35 from the Town Council of Edinburgh.

4845. Tell me, Mr. Gray, how it is the Edinburgh Town Council is able to give so many grants to different charities?—They have a fund called a Common Good, from which they annually vote a sum to a number of charities, with a right to nominate one or two of their number to sit in committee with the management of the institution.

4846. You are connected with them through that?—They of their own will recognise us as one of the city charities.—(*Mr. Macdonald.*) The police send to the Shelter many children whose parents are locked up from Saturday night.

4847. Is not the proper place the poorhouse?—No; they went to the cells with their mothers.

4848. Do they often come to you in the case of children whose parents are locked up for a longer time?—No.

4849. Now the annual statement of accounts?—Subscriptions and donations last year amounted to £1,023, 18s., and board received from parents £129.

4850. How for board?—That is in the case of children whose board we have been able to recover.

4851. Are there any conditions for that?—Yes, along with the custody order.

4852. Do you often get it?—It is very difficult. We find it the best way for the officers of the society to call on the parents and endeavour to get money from them in that way.

4853. If you got all you are entitled to recover how much would you get?—I have never gone into that, but about £700.

4854. So you don't get more than a third or a fourth of what you should get?—Yes.

4855. Is an order made that something should be paid to you?—Yes.

4856. What is it usually?—4s. a week per child. It depends on the man's wages.

. R. C.
ay,
. John
cdonald,
ss Hepburn.

Nov. 1894.

4857. Have you ever tried to recover any?—(*Mr. Gray.*) We have never been able to carry out a decree.

4858. It would be an alimentary debt?—Yes. It would be recoverable by imprisonment.

4859. How does it come you have never attempted to recover?—Because they are invariably utterly worthless characters.

4860. Up to what age have you had to step in for the protection of children?—Sometimes to the limit of 16, but not frequently. The cases are more frequently about 10 or under 10.—(*Mr. Macdonald.*) We have had to interfere in cases of girls where they have been in dangerous surroundings.

4861. There is an Act regarding the custody of children in immoral surroundings?—(*Mr. Macdonald.*) The Industrial Schools Act.

4862. You can interfere?—We do interfere, but that is not for us.

4863. Under this Act you rarely interfere up to that age; what are your general ages?—I should think from infancy up to 12 and 13.

4864. And Miss Hepburn, how long have you been connected with the society?—Since March last as assistant secretary.

4865. You have nothing to do with the management?—I am in the Shelter the whole day. I superintend the management of the cases there, getting up the monthly report for the directors, looking after the officers, and investigating cases that come in.

4866. Do you go out?—No, I don't require to do so. I do visit occasionally.

4867. Have you any additional information to what has been said by Mr. Gray and Mr. Macdonald?—No. (*Mr. Gray.*) May I say in regard to habitual offenders we have not many cases of that kind for this reason; that, as we take the custody of the child, we do not hear any more of the offenders.

4868. (*By Dr. Sutherland.*) Do you recoup yourselves in the case of rich parents neglecting their children?—(*Mr. Gray.*) We occasionally do. We have cases where the children are taken from a wicked mother, the father being at a distance, and in such cases we may get it.

4869. In the case of the child you sent to Aberfeldy?—The father cheerfully paid. He is a man of means.

4870. Is there any Shelter in Glasgow?—A Shelter, not a Home.

4871. Can you explain how it is that there should be so much more work done in Edinburgh than Glasgow in connection with neglected children?—The explanation is that our branch of the society is very much more active. We have four officers continually about, and we are on very good terms with the police. I suppose we are more active and earnest in the work.

4872. Does Mr. Quarrier do much of the work you do?—Yes; but it is remarkable that one of the sheriffs in Glasgow will not send the children to Mr Quarrier's Home.—(*Mr. Macdonald.*) Mr. Quarrier works along with the society, and refers cases of cruelty to the society.—(*Mr. Gray.*) But one of the sheriffs in Glasgow prefers to send them to our Home at Corstorphine.—(*Mr. Macdonald.*) One reason is that Mr. Quarrier will not undertake to retain a child in this country.

4873. Mr. Quarrier, I am assured, is doing in Glasgow a fair share of the same kind of work you are doing?—(*Mr. Macdonald.*) Mr. Quarrier's work is entirely a charitable work, relieving destitute children, not necessarily cruelty, and our work is not charitable work at all.

4874. You spend money on the child?—Yes.

4875. It is to a certain extent charitable?—(*Mr. Macdonald.*) It is, but these children sent to the Home at Corstorphine comprise a very small portion of the work, and even these children are sent these by order of the sheriff.

4876. What do you look upon as a neglected child?—(*Mr. Gray.*) We have cases sometimes difficult to distinguish as they are so different in kind and in degree. But extreme filthiness of the child's person or surroundings, or if it is emaciated from want of nourishment, we would consider indicative of neglect in the sense of the Act. We have many such cases. Sometimes, however, the sheriff has remarked of a very poorly kept child that it was in that condition because it had to follow the poor fortunes of its parents.

Mr. R. C. Gray, Mr. John Macdonald, Miss Hepburn.

28 Nov. 1894.

4877. Would filth *per se* constitute neglect?—In an aggravated degree it would.

4878. (*By Miss Stevenson.*) You say you work along with the police. I understand that the police in connection with the Association for Improving the Condition of the Poor have inaugurated a scheme for clothing children, and that one of the strong reasons they give to justify the employment of public service in the administration of charity is that it gives them the power of prosecuting parents in cases where the want of clothing is due to the neglect of the parents. Can you give us any instance in which any parent has been prosecuted to whom clothing has been given?—(*Mr. Macdonald.*) Speaking from memory I should say six.

4879. You work also along with the School Board Officers?—(*Mr. Gray.*) Yes.

4880. You mentioned that you had had parents of the better-class prosecuted for neglect. Have you any parents prosecuted whose average wage is over 40s. per week?—We have a number. We have had, curiously enough, no fewer than three or four workers in first-class printing works in Edinburgh, earning over 30s. a week, prosecuted and convicted for ill-treatment.

4881. So that it is not only the degraded class who treat their children cruelly?—No. The average wage of the parents of children prosecuted will be about 33s. a week.

4882. I should like to ask Mr. Macdonald a question with regard to the custody of the children under the Act. You stated that Parochial Boards had the power to detain the children under an order of the Court till the parent was brought to trial, and that subsequently the sheriff could order that child to be kept in custody by some person recognised in the Court?—That is not quite what I meant to explain.

4883. You said that the sheriff under this Act can sanction detention of a child in safe custody, and that one of the places to which the child can be sent is a poorhouse?—The section to which I referred is that which says that a constable may take the child. It does not require an order from the sheriff.

4884. I refer to the subsequent procedure after the parent or guardian has been convicted. The Court may order that the child be taken out of the custody of the person so convicted and be committed to the custody of a relation of the child, or some other fit person named by the Court, such person being left to undertake such custody until the child attains the age of 16. That refers to the governors of poorhouses?—I don't think so unless they were willing.

4885. And it only applies to cases that have been brought before the Court under this Act. It is not a general power to Parochial Boards?—Yes.

4886. In regard to your relations with the Town Council; in respect to the contribution they give you they have a representation at you Board?—Yes.

4887. (*By Sheriff Dove Wilson.*) Would you make clear, Mr. Gray, the extension of power given by the Act of 1894, over the Act of 1889?—The Act of 1889 which was the original Act proceeds—'any person 'over 16 years of age having the custody, control, or 'charge of a child—a boy under the age of 14 or a 'girl under 16—wilfully ill-treats, neglects, abandons, 'or exposes' whereas the Act of the present year proceeds—'any person over the age of 16 years, who has 'the custody, charge, or care of any child under the age 'of 16 years, wilfully assaults, ill-treats, neglects, 'abandons, or exposes.' An assault is mentioned under this Act as it was not in the original Act. Some of our sheriffs thought when a child was assaulted they had to resort to the ordinary Police Act.

4888. Would you make another point clear also? Would you read the definition clause of 'a place of 'safety'?—The expression 'place of safety' includes any place certified by the Local Authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital, surgery, or place of the like kind.

Mr. R. C. Gray, Mr. John Macdonald, Miss Hepburn.

28 Nov. 1894.

4889. Kindly look at section five, sub-section four. That deals with the case of the detention of the child during inquiry?—Yes. It runs. 'Boards of Guardians, 'and in Scotland, Parochial Boards, shall provide for the 'reception of children brought to a workhouse in pursu- 'ance of this Act, and where the place of safety to which 'a constable takes a child is a workhouse, the master 'shall receive the child into the workhouse if there is 'suitable accommodation therein for the same, and shall 'detain the child until the case is determined, and any 'expenses incurred in respect of the child shall be 'deemed to be expenses incurred in the relief of the 'poor.'

4890. Am I right in saying that that gives you absolute power to take children during the inquiry to the Parochial Board?—Yes.

4891. The words are 'shall provide'?—Yes.

4892. Do you know any reason why any child should be taken to the police cell or prison under the Act?—No, I do not know.

4893. Please look at section 11. You have power there of dealing with habitual drunkards?—Yes.

4894. The power there is that if a parent is an inebriate 'within the meaning of the Inebriates Act, '1879 and 1888, the court in lieu of sentencing such 'person to imprisonment may, if it thinks fit, make an 'order for his detention—for any period named in the 'order not exceeding 12 months—in a Retreat under 'the said Acts'?—Yes.

4895. Have you had any experience of that?—No. We have no Retreat in Scotland as far as I know.

4896. Does it occur to you that that provision could be practicably worked?—I don't think it could.

4897. In the first place it requires you to find a Retreat willing to receive him, and that might be a matter of very considerable expense?—Yes; very considerable.

4898. Further on in the section you will see that it requires the consent of the inebriate himself to be confined?—Yes.

4899. So that you don't anticipate much from this?—No.

4900. Have you had any children in your institution who have been brought there in consequence of offences under the Criminal Law Amendment Act having been committed against them?—We have some very sad cases among them of that description.

4901. Girls, of course?—Yes.

4902. Now, what has been done in these cases?—There have been some prosecutions. We had one on whichwe bestowed a very great deal of care, and got the services of counsel to assist us. A conviction was not obtained for the reason that the sheriff who tried the case, founding on a precedent in the Justiciary Court, considered it was not sufficient to proceed on the evidence of two children. Lord Young laid it down in the Greenock case.

4903. (*By Miss Stevenson.*) Is that a recent case?—It was about a year ago.

4904. Do you know anything of the case that came up recently in which the offender was let off, the child being terrorised into denying the identity of the man—within the last two months?—No.

4905. (*By Sheriff Dove Wilson.*) These were cases where the offender escaped on account of deficiency in the evidence?—The evidence would have been sufficient had the witnesses not been of such a tender age that the judge thought it unsafe to proceed upon it, and he quoted Lord Young's case.

4906. I want to know if you have had any girls that you have been able to take out of the custody of parents who had committed such offences?—Certainly, we have had a number of cases.

4907. And they have been taken into the custody of your Shelter?—Yes. We have very great difficulty in dealing with these cases. We don't like to associate them with the other children. It requires very great judgment to know how to deal with those cases.

4908. To some extent have the unfortunate children been corrupted?—Yes; and we fear they may contaminate others.

4909. Can you suggest anything to remedy that?—There is a Home at Dean Bank where we have sent some of those girls—that is to say, girls we would have retained ourselves but for the contaminating influence.

4910. (*By Col. M'Hardy.*) The cases you deal with, Mr. Gray, are, I suppose, all cases of parents resident in some particular place?—Mostly. We have some cases of tramps, of parents forsaking their children—cases where children were left in low lodging-houses in the Grassmarket.

4911. So that your organisation does not reach the children of those who are travelling about in the country?—No; except in such cases as I refer to, where the police get on their track, or in the low lodging-house.

4912. I would like to get a general idea of the outcome of your dealing with cases. You have got 862 cases, and of these apparently 59 only have been got into some permanent sort of settlement, such as your Homes or Industrial Schools. How has the great bulk of 800 been dealt with?—The great portion of the balance represents the pride and success of our whole work—cases in which admonition and remonstrance have been found sufficient.

4913. If the cruelty and neglect of the children has arisen from habits of intemperance, has your admonition been found sufficient?—In many cases it has; in the grosser cases it has not.

4914. Are not many of these 800 cases where intemperance is involved. Yes; and we have them under supervision. We have them tabulated and reported on from time to time. Many have been under supervision for three or four years.

4915. You say in this year's report that 219 parents have been cautioned and kept under supervision. Do I understand that the remaining 600 were not under supervision, and that there were 400 cases where intemperance was not involved?—The cases in which intemperance was involved must be much larger.

4916. Can you easily settle in a satisfactory way those numerous cases of cruelty or neglect arising from drunkenness?—We find the greatest difficulty in settling them. Many of them are ameliorated by admonition, and in one form or another the children are relieved; but we only have recourse to prosecution when it is impossible to avoid it. Our great object is not to have successful prosecutions, but to benefit the cruelly treated children. We rather avoid prosecutions if we can.

4917. What is the cost per annum of maintaining children in your Home?—(*Mr. Macdonald.*) It is about £9.

4918. That is, I suppose, without capital charge?—Yes.

4919. The time to which these children may be committed is up to 16 years of age?—Yes.

4920. You have some children three weeks old?—Yes.

4921. What is the average detention of those children with whom you deal?—The very young children a short time; the others variously from a few days to months.

4922. But not to years?—In very extreme cases. I think the longest time in the Shelter is three months; in Corstorphine until the child is 16.

4923. What is the average detention, taking the Shelter and Corstorphine together?—You can't give an average, because two to three days to a couple of months describes the way we deal with the Shelter, and with the others it depends on their age.

4924. Are they all kept till they are 16 when they go to Corstorphine?—Except in exceptional cases, when suitable employment is got for them. They go to be page boys or attendants.

4925. They get employment without going back to the family?—Yes.

4926. Those you keep for some months in the Shelter, how are they got rid of?—They are probably sent to one of the Industrial Schools, or if the father or his wife who has been convicted, coming out of prison wishes to resume cohabitation, and desires

R. C.
John
onald,
Hepburn.
—
ov. 1894.

to get the child back, we give it back if we think it suitable. We strive in all cases to find a suitable pretext to give the child back to its parents.

4927. You find you can do that in a great majority of cases?—We sometimes find we have been too charitable in our view and have made a mistake.

4928. Does the religious question ever crop up at Corstorphine. What are your arrangements?—The religious beliefs of the parents are regarded, and in the event of a child being a Roman Catholic the sheriff may send it to a Roman Catholic institution such as several of the sheriffs have done.

4929. Have you any Roman Catholic children at Corstorphine?—We have had one, but we did not bring it up as a Roman Catholic. All our children at Corstorphine are treated as Protestants.

4930. There is no disability attaching to a child in your benevolent eye?—Certainly not. One of the most active members of our Board is a Roman Catholic.

4931. (*By the Chairman.*) You mentioned, Mr. Macdonald, the average weekly earnings of a certain class of parents whose children are under your care. Is that the average of the tradesmen, or the average of the whole?—I meant that was the average earnings of the father of a certain class who had been convicted.

4932. But only a small proportion I suppose?—A considerable proportion.

4933. What proportion?—Of the 14 cases last month I should say a quarter of the total number were men earning that average wage.

4934. If you knew a man was earning that average wage, and you had an order against him of 4s. a week, would you prosecute him?—Certainly.

4935. You have not prosecuted. In the cases you have in custody what are the average earnings?—(*Mr. Gray.*) Not much.

Mr. R. C. Gray, Mr. John Macdonald, Miss Hepburn.
—
28 Nov. 1894.

4936. Not sufficient to make them worth powder and shot?—No.

4937. Can you give us the mortality of your inmates?—The Corstorphine Home has been open for four years, and I don't think there have been four deaths. Two children died in 1892, and there have been no deaths in 1893.

4938. (*By Miss Stevenson.*) You are at no expense for the education of the children in the Home?—No; they go to the Board School.

4939. In regard to this question of the average wage, it is the cases of cruelty, and not neglect, that are chiefly chargeable against the better-classes?—Yes.

4940. And the cases of neglect are brought against the lowest class?—The ne'er-do-well class.

4941. (*By Col. M'Hardy.*) From the returns of judicial statistics, it appears that in 1893, for cruel and unnatural treatment of children, the committals to prison in respect of females were far in excess of the number of males. Is that your experience?—I should think the charges against mothers predominated very much.

4942. The figures for 1893 are 94 women and 49 men?—Yes, I think that is so, the mothers being generally in charge of the children.

4943. The cruelty and neglect generally arise from the mother, and not from the father?—I should rather put it in this way—that the person whom we can get at is the mother.

4944. (*By Dr. Sutherland.*) Is it not the case that intemperance is much more frequent among women than among men?—I think that is our experience on the whole. [Witnesses then withdrew.]

Burton.

Miss MARY BURTON called in and examined.

Miss Burton.

4945. (*By the Chairman.*) You are a member of the Edinburgh School Board?—Yes.

4946. You have been long connected with public works in Edinburgh?—About 30 or 40 years.

4947. In connection with slum people?—The first was the Association for the Improvement of the Condition of the Poor. I belonged to it some 20 or 30 years ago.

4948. Have you been connected with any reclamation work?—Yes.

4949. In connection with this association?—Only a short time. I took up one of the worst parts and did it thoroughly, but I found I could do no good unless I had the property in my own hands. After that I bought some slum property, and my experience of these people is confined to managing houses I own myself.

4950. What is your experience?—My experience is that drinking is the great deterrent to these people ever being able to have their houses in better condition. When I first took the property I was in hopes of getting them to save a little money and give up drinking. I intended at first to confine my attention to temperance, but I was told I might as well turn my place into a pigeon house.

4951. Have you rebuilt this property?—No, but repaired it. It is very nice and airy. I would not take any place unless I thought it airy and healthy.

4952. How has it turned out commercially?—I was afraid it would not be a success, but to my surprise it has.

4953. Might I ask what return it gives?—Well, if you do not count my time, I should say seven or eight per cent. I pay all my tenants' taxes. But I have never calculated very closely.

4954. That, of course, is a most important subject, but it is hardly within our remit. Have you any habitual criminals?—No. They are not bad people at all. They are very often through the hands of the police. I let them know that if they drink and keep their houses dirty, I must put them out. This is a list of those I have been obliged to put out by the sheriff officers. I have often to do that.

4955. How many tenants have you altogether?—I have 50 families, but I have had at times supervision of 50 others belonging to a niece, and that does not show the proportion of people I come across, because these people are often shifting.

4956. As the practical outcome of that knowledge and experience have you any practical suggestions to make to us?—I think if there were fewer facilities for drinking it would be better. I know people who drink that would sign a petition to get the shops closed.

4957. That is not within our inquiry?—I mean to say that is one of the reasons. I believe you wish to know if there is any good having imprisonment for short periods. I do not think it does any good at all.

4958. If one of your tenants is imprisoned do you chalk that up against him and put him out?—I can't, because I can't get hold of him.

4959. Do many leave without paying rents?—Oh yes. I can do nothing about that. I can never recover that. There is no way of recovering that, but my tenants are greatly improving in this respect.

4960. With habitual offenders for drunkenness you have had a good deal of experience. Do you find them get drunk every pay?—Pensioners usually get very drunk when pensions are paid, and very many get drunk on Saturday nights.

4961. Do neighbours about complain in the case of drink?—They often complain. I am going now to Chief Constable Henderson to see if he can tell me something about some tenants that have been quarrelling—to see if they are respectable people.

4962. I suppose you have no vagrants in your community?—No; working people and some hawkers. I can go amongst them at all hours of the day and night. I have often left my purse, and shawls, and umbrella in the place, and got everything back again.

4963. How is that now?—I don't think they are thieves; they merely take. If any one is well off, they think why should not we divide the property.

4964. Why did they not divide the contents of your purse?—Because they look upon me as a poor and hard

Miss Burton.

28 Nov. 1894.

working woman. But the chief reason was that I did not go down drunk among them.

4965. That would be rather a reason for not considering you such a good fellow?—Perhaps so.

4966. You wish us to understand that they are susceptible to good treatment and influence?—Very much.

4967. Do any of the prostitute class ever find their way to your houses?—I once had one; but my tenants object to this class. I think myself that if more people of a better class would mix with them in friendliness, and take an interest in them, not as philanthropists, it would improve them.

4968. Is there any legislative suggestion you wish to make?—A legislative suggestion I would make would be the shutting up of a good many public-houses. That is one way, and I hardly know any other, except by shutting up inebriates for a length of time, and getting work out of them, for many of them can work well when sober. I know a little about a place where inebriates of the richer class are confined.

4969. Where?—In a place in Aberdeenshire. I understand that they are given a little drink in that place.

4970. You think they get drink?—I have been in the house; and I have a distinct remembrance of the proprietor of the house admitting that they had to give a little drink occasionally to make them stay.

4971. We have to visit such institutions, and we will get information at first hand there, so unless you can tell us definitely of any faults in connection with their management, I don't think we can take reports at second hand?—Also through a patient I heard it. They say they give them a little to make them stay.

4972. (*By Dr. Sutherland.*) You think no interested party should have control of these inebriates?—I don't think it unless they are strictly looked after by Government.

4973. Unless strictly looked after?—Yes, from what I have seen. [Witness then withdrew.]

Mr. Alexander Porter.

MR. ALEXANDER PORTER, Chief Constable of Roxburgh and Berwick, called in and examined.

4974. (*By the Chairman.*) You are the Chief Constable of Roxburgh and Berwick?—Yes.

4975. Col. Borthwick informed us he had an interview with you, and gave us some information he said was the joint product of that consultation?—Yes.

4976. You have a good deal to do with tramps?—Yes; a good deal in these border counties.

4977. Have you any statistics of the tramps in your counties?—Yes. We have the bi-annual census.

4978. How many were there then on the last occasion?—I think if you refer to the third page of the memorandum you will find the result of seven days' observation on four of the principal roads of the country.

4979. Yes. That shows a grand total of tramps seeking work of 96 per week on the Jedburgh and Newcastle road, 110 on the Hawick and Carlisle road, 173 on the Berwick section, and 158 on the Berwick and Dunbar. The enumerating of these men on the different roads would entail the enumerating of each individual several times?—No, I don't think there is any possibility of that, because these roads are so far apart. The Carlisle road represents the central inroad from England into Scotland from Carlisle to Hawick, then the Newcastle road to Jedburgh divides these. Then the Coldstream road divides the road from Berwick. In the first place there is a breaking off at Newcastle, and the next break off is at Berwick, and that divides them.

4980. What do you do to protect yourself against double enumeration?—It depends on the constables' observation not to enumerate a man twice. There were four constables, one on each road, and each made a separate return to me, and that is the result.

4981. You commence in your statement by expressing disapproval of the system of short sentences for petty offences that prevails, and your belief that it does not produce good effects, that it leads to a large expenditure of public money 'while the jails are crowded 'with a teeming mass of dirty, miserable, helpless 'wretches, who on regaining their liberty, deliberately 'set about acquiring the means which drives them on to 'repeat their past offences'?—That is my opinion. I fortify that opinion by a return showing that out of 368 persons convicted for (1) breaches of the peace, and (2) drunkenness, 80 per cent. of that number received sentences of under seven days in the county of Roxburgh alone. I had not time to make up a return for this year.

4982. You make use of the expression: 'This leads 'to a large expenditure of public money in prosecu-'tions and escorts to jail'?—Roughly, every prisoner we convey from Roxburgh to Edinburgh costs about £1, and we convey about 300 per annum. In Berwick the cost is the same, but the number is considerably less. About 200 per annum.

4983. Is there any difference in the expenses of escort to jail in England and Scotland?—No; I don't think so.

4984. Give us the practice in Scotland?—So far as escort is concerned I look upon myself as the servant of the Prison Commissioners. The Prison Commissioners have adopted a scale of payment—that is to say they pay three farthings per mile for the constable, and full penny rate for the prisoner, and during the time a constable is employed the Prison Commissioners pay 9d. per hour—not exceeding 7s. 6d. for the 24 hours.

4985. Why do they give more for the prisoner than the constable?—Because under an Act of Parliament the constable is entitled to travel on passes when on duty at a rate not exceeding three farthings per mile.

4986. Who gets this 9d. an hour paid for the constable. Does it go to you to relieve police rates?—The constable gets 2s. per day for aliment, and the balance goes to the County Council.

4987. You are paid up to 7s. 6d. for the constable's day?—Not exceeding that. Eight hours is the time occupied in conveying a prisoner to Edinburgh, for which 6s. is paid.

4988. The Prison Commissioners pay 6s., and you give the constable 2s. aliment?—Yes.

4989. You therefore get 4s.?—The County Council does not get the full 4s., because there are other incidental expenses connected with the escort, such as telegrams sometimes; fares we don't recover. The County Council don't reap the full benefit, they don't receive the full 4s.

4990. I suppose they get something?—I can't get the exact figure, but the County of Roxburgh benefits to the extent of £50 a year.

4991. Only £50?—That is so.

4992. How many prisoners do you send to Edinburgh altogether?—I did not know that question would be asked, but before we adopted the short sentence system—that is to say we can now under the warrant of the Secretary for Scotland retain prisoners at Jedburgh for 14 days, and that has reduced the number of escorts very considerably, and been a very convenient arrangement for all concerned. Before that, we on an average sent 365 prisoners to Edinburgh each year. We looked upon it as a prisoner a day. The number is now reduced by about a tenth part.

4993. By a tenth or to a tenth?—By a tenth.

4994. Only by 36 prisoners?—I can give you the returns, but I would rather be accurate, and I am not speaking from books.

4995. Surely more than 36 or 37?—I say they are reduced by about a tenth. We send close upon 300 prisoners to Edinburgh.

4996. Can you say accurately to what extent the County Council gets a profit out of this?—I could tell you to a farthing, but not now.

4997. I would be obliged if you would send it in?—Yes.

4998. Then about the money expended in prosecution you speak of. Have you any details of that?—I cannot give you any details. I am not Procurator Fiscal. The expense of witnesses and cost of salaries is very considerable.

4999. You make a suggestion here as a remedy for the drunken habitual offenders?—I say this—'To find 'a remedy for this class of habitual offender is, I admit, very difficult. Two courses are open (1) a united 'application of the summary powers of magistrates in 'imposing full penalties on all habitual offenders. 'These powers have never yet been put in force except 'in a prefunctory fashion, and the jurisdiction of 'magistrates who pronounce short sentences is deliber- 'ately chosen for out-bursts of debauchery. (2) Reforma- 'ation of this class is worthy of a trial.'

5000. Let us stick to the first in the first place. Do you find great diversity in the sentences pronounced by different magistrates in the county for the same offence?—Yes. There is considerable diversity between sentences on that class of offenders in Berwickshire and Roxburghshire, but I would rather not criticise the sentences of magistrates. Over 80 per cent. of this class of offenders I am referring to have received sentences under seven days' imprisonment.

5001. You are assuming that longer sentences would have been better for them?—I am assuming the deterring force of the law has not been exercised to the extent that might have been expected. In the second place, I look upon it in this light, that these short sentences are just like putting that class of offender into an Hospital or Convalescent Home. It gives them time to recuperate their wasted energies.

5002. That is only in the case of drunk?—I am dealing with habitual offenders. Vagrants are included.

5003. How many cells have you in Jedburgh?—Six cells.

5004. Do you make any discrimination in the use of them? Do you appropriate certain of them to prisoners sentenced to less than 14 days, or do you reserve for special cases?—No, we make no discrimination. Sometimes we have to detain a prisoner for a few days until it is convenient to escort him to Edinburgh.

5005. As Chief Constable what is your opinion as to the effect of imprisonment on a decent man. For instance you have had a decent man or woman who has been sent to prison, it may be for being drunk, or when drunk assaulting some one. Do you find when they come back that they are improved, or that they are likely to go to the bad?—It is a very large question; it depends very much upon the man's temperament and upon the man's habits of life. If he has been degenerating for some time I should say he will be benefited by a little confinement. On the other hand, if it were due to an outburst of passion without any incidental debauchery, I should say he would be very much injured by being put into prison.

5006. Therefore it is pretty much a toss-up how it influences them. My object in asking that question was to come to the point whether you thought these cells could not be differentiated a little from the prison, so as not to give these people the stigma of passing through Edinburgh prison?—I have considered that question, and I think it is a very serious matter indeed to send a respectable working man—a first offender—to be associated with all the scum of blackguardism in the country.

5007. Of course he is not practically associated?—He has his own cell, but at the same time the association is there.

5008. What I want to know is—can something not be done to utilise these cells for the punishment of such cases, so that there would be less stigma attached to them than there would be by incarceration in the Calton Jail?—That would require a different class of cells, and an enlargement of the cell accommodation. These cells I am speaking of are used indiscriminately for lock-up cells likewise. We have no means of differentiating.

5009. Who pays the cost of convicted prisoners detained in the cells?—The Prison Commissioners allow one shilling per day.

5010. Does that cover it?—Oh yes. It covers the cost of actual maintenance. It does not cover the interest on buildings. To meet the special requirements of the Commissioners the County Council spent £350, and are paying interest on the money.

5011. You make a suggestion here that the habitual drunkard should be isolated, and that his release should be conditional on good behaviour. You confine your attention to the drunkard of the *quasi* criminal class. How would you define them?—I have not condescended on a distinction; because different minds might have different opinions, whether six, or eight, or ten convictions for drunkenness would constitute a man an habitual drunkard.

5012. Would you have the ten in one year?—To get a certain number of convictions in one year is very difficult, but I should say over a period of three years.

5013. Would you think that ten times over three years would be a fair test?—I think it would be a fair test to form an opinion on.

5014. What proceeding would you take. Would you propose that a magistrate would have power to deal with a man who had been ten times convicted in three years of drunkenness, or of offences of which drunkenness formed part?—That is so. He would come up in the usual way, and the convictions would be proved against him.

5015. Who are the magistrates with whom you have to deal—sheriffs or justices of the peace?—We deal with both.

5016. Bailies?—Yes. In these small burghs, however, it is a question whether you would submit the liberty of the subject to an untrained magistrate.

5017. I suppose you would restrict the jurisdiction to the sheriff?—Yes, that is my opinion.

5018. Would you allow the police in such cases to bring up the offender before the sheriff?—It would come up in the usual way through the public prosecutor, and the police would produce evidence.

5019. You would require some institution in the first place?—Yes; you must.

5020. You speak of institutions that are maintained voluntarily?—I think it is a matter for the rates. The Government have taken the full charge of prosecutions, and of the detention and punishment of prisoners, and this would not be an extension of their duties, only a diversion.

5021. You think Government should bear the expense, and that it would be recouped in other ways?—Clearly, and society would be benefited incalculably. I wish to point out a difficulty, if you will excuse me. If you look at the first statistical table, there you will see, No. 3 of the list, Thomas Stewart. He is only 28 years of age, and he has been four times convicted in 1889, three times in 1890, and five times, and five times, and five times, in each of the succeeding years. He has been sentenced to over two years' imprisonment. Now, that man I hold to be insane.

5022. Of course we have very much more chronic cases than that. We don't think anything of a case under a 100?—I consider that man a typical example of what an habitual offender is.

5023. Now we come to the vagrants. Are your counties exceptionally situated in regard to vagrants?—I don't think so. They are very rich counties, and can bear a burden in the shape of a number of vagrants, but I don't think they have an unusually large share. We are inundated with tramps more than the real vagrant. I think that you will find from Captain Munro's annual return that we have our share.

5024. Do you get many complaints about vagrants?—Yes.

5025. From farmers?—From all classes of people.

5026. Have vagrants ever committed theft?—No. They are not a thieving class. They are too much under the eye of the police; but they are a great nuisance going about begging.

5027. Masterful begging?—Yes.

Mr. Alexander Porter.

28 Nov. 1894.

5028. Do you bring them before the magistrates?—We do. We bring a considerable number before the magistrates under what is known as the Prevention of Crimes Act—an Act incorporating the vagrancy section of the English Act. I know it is not done all over Scotland, but in Ayrshire, Dumfries, and Roxburghshire we do it. Last year we had some 17 convictions.

5029. What provision do you refer to?—I may say the section of the Act is only applied to what we call masterful begging, where women and children are frightened. This Act was made applicable to Scotland by the Prevention of Crimes Act 1871, and there was some doubt whether or not the whole of the section applied to Scotland. There was a test case from Ayrshire on the 24th December 1882, and the Court of Justiciary held the whole section was included.

5030. What was the section?—The section we go upon runs 'every person going about as a gatherer or 'collector of alms, or endeavouring to procure charitable 'contributions of any nature or kind under any false 'or fraudulent pretence.'

5031. What is the penalty?—I am speaking from memory. I think you can go up to 60 days.

5032. You say you have availed yourselves of that?—We have been doing so, and ever since this decision was obtained in 1882 we have taken full advantage of that Act of Parliament in putting down masterful begging.

5033. It does not require 'masterful' begging?—You are quite right, but it is difficult——

5034. That is my point. Yesterday, Colonel Borthwick told us that the County Council of one of his counties had, under certain provisions of the Local Government Act, drawn up bye-laws prohibiting vagrancy, and that these bye-laws had been pronounced *ultra vires* on certain grounds—it strikes me not connected with their merits—by the Court of Session. Now, according to you, you have the powers, and full powers, of dealing with vagrancy under that Act, but they don't appear to know of that in the other counties?—Some of the procurator fiscals hold that this provision does not apply to Scotland, notwithstanding the Court of Session.

5035. Have any of your cases been decided before the Court of Session?—No; but the Ayrshire case was.

5036. Who deals with your cases?—Sheriffs.

5037. Do all the sheriffs hold this to apply?—It has been held to apply in Roxburghshire, and it is in force in Dumfries and Ayrshire.

5038. How many sheriff-substitutes have you in the two counties?—There is one in each. There are two or more in Ayrshire. I think there is one at Kilmarnock and one at Ayr. There is one at Dumfries and one at Roxburgh.

5039. Do you ever bring these cases before the justices?—Not under that Act. In burghs we have the Burgh Police Act.

5040. In the counties do you ever bring them before the justices?—No.

5041. What sort of sentences do you get?—As high as 21 days. On one occasion we had 30 days.

5042. On one point we are clear—that in your counties, and one or two others, you have ample powers under the existing law of punishing vagrancy?—Yes. I am satisfied of that.

5043. In burghs you have the Burgh Police Act. Have you any occasion to use its provisions?—Yes.

5044. Are they more effective than this? Would you prefer the powers in it instead of this?—I would prefer the sheriffs' decision.

5045. You prefer what you have?—Yes. In burghs I am obliged to bring it before the magistrate.

5046. One Chief Constable said to us it would be a great benefit to have the Burgh Police Act extended to them for dealing with vagrancy and drunkenness?—I am perfectly satisfied that but for prejudice they have ample power to deal with vagrants.

5047. What powers have you in the counties to deal with drunkenness?—We must bring offenders up under the Public Houses Amendment Act 1862, and we can impose a fine of 5s. or 24 hours.

5048. (*By Sheriff Dove Wilson.*) That is the Forbes Mackenzie Act?—No. The amendment to the Forbes Mackenzie Act.

Mr. Alexander Porter.

28 Nov. 1894.

5049. (*By the Chairman.*) Is that the only way in which you can deal with them?—Yes. That is for the technical offence of drunk and incapable.

5050. If a man is found in a ditch, you bring him up under the Public Houses Act, and the penalty is what you said. There is no accumulation of penalty?—No.

5051. Do you think it would be desirable to have the power in subsequent cases of increasing the penalty?—Most decidedly.

5052. You would like to have the provisions of the Burgh Police Act with respect to drunkenness extended to counties?—Yes.

5053. Then we will take drunkenness and breach of the peace—disorderly conduct it is called. Have you ample powers in regard to it?—The penalty is 40s. or 14 days' imprisonment on every person who behaves in a riotous, violent, or indecent manner.

5054. How do you deal with that offence in counties?—It takes a different form in counties. It takes the form of breach of the peace.

5055. Have you ample power of dealing with it?—Yes.

5056. Do you think it would be any better to extend the burgh powers?—No. The county powers are quite as wide, because what goes to constitute a technical offence of riotous and indecent conduct, constitutes a breach of the peace in the country, parish, or any other place.

5057. In the paragraph headed 'Vagrancy,' you say that since the commencement of the present reign, 14 Acts have been passed with the object of ameliorating the condition of the poor and suppressing vagrancy. Do many apply to Scotland?—Yes. A good many. You have the Trespass Act of 1865, a most beneficial Act, which put an end to the gipsy reign in the south of Scotland, and all forms of lodging in barns and stack-yards.

5058. That is to say it enables you to deal with them?—Yes.

5059. Don't these offences still exist to a considerable extent?—Not to one hundredth part the extent they did before.

5060. What is the penalty for sleeping out in a barn or stack-yard?—20s. or 14 days.

5061. You say it put an end to the gipsy reign in the south of Scotland; would that include Roxburgh and Jedburgh?

5062. Roxburgh was the head-centre of the gipsies—at Yetholm.

5063. Have you any trouble now?—None whatever.

5064. They have their head-centres now?—Yes; but they are all broken up.

5065. How many gipsies do you know now?—I don't think there are over a dozen families. They have not elected a queen since the last one died. She was the rallying point and head-centre, and we had occasionally carnivals and out-bursts, but all that sort of thing is done away with. The gipsies are really broken up and adapting themselves to agricultural and other pursuits.

5066. You have no complaint to make about them now?—None whatever. They are a very excellent class of people.

5067. Do they camp out?—No: they are not allowed to camp out.

5068. How?—Because of the Act of 1865—the Trespass Act.

5069. We were told regarding the gipsies in Perthshire that they camped out, and that the consequence of their camping out and of their migratory habits was very pernicious. How do you deal with them under the Trespass Act if they put a tent on the roadside?—We apprehend them for a contravention of the Trespass Act. In the first place it is an offence under the Turnpike Act to camp on the road, but there are a great many roads not turnpike roads, and to them the general Act does not apply. But to these roads the Act I have been referring to—the Act of 1865 does

Mr. Alexander Porter.

28 Nov. 1894.

apply. By section 3 every person who lodges in premises being private property without consent of the owner or legal occupier, and every person who encamps or lights a fire on or near any private road or enclosed or cultivated land, or in or near any plantation without consent of the owner, is guilty of an offence punishable under the Act, and power is given to the constable to apprehend the offender and detain him in prison or lock-up.

5070. It was contended with regard to the Perth gipsies that they camped with the consent of the owner or occupier?—If they have the consent it is different.

5071. Owners and occupiers in Roxburgh don't give their consent?—No. They have to protect themselves, and this is all the more necessary seeing that insurance companies have doubled their rate on agricultural stock.

5072. Why? Have there been incendiaries?—There have been a great many fires.

5073. When?—Last year there were a great many fires at farm places. There is no proof of it, but it is popularly and generally attributed to tramps going about and smoking in stack-yards.

5074. Has there been any increase in the number of tramps?—Yes. There has been an increase in the number of tramps for several years. If you look at table No. 3 you will see that I show there has been an increase from the census of these shelter houses.

5075. We will take it there has been an increase, and a co-incidental increase in the number of fires in the country?—They are popularly attributed to carelessness on the part of tramps.

5076. Have you had any complaints from farmers in any case that the fires had been maliciously raised?—I have had requests from farmers to examine their premises to see there were no tramps lying about.

5077. Have any complaints been made by farmers as to their suspecting a malicious origin for the fires?—The request to me inferred they did so.

5078. No specific instances have been given to you where a farmer said 'I have been asked for alms and 'assistance by tramps, have refused, and next night my place was burned'?—No specific instance. It generally happens that the farmers write to me and say 'we are bothered by tramps, and we are frightened 'for fire.'

5079. (*By Sheriff Dove Wilson.*) Is that not being frightened for accidental fires?—I think these fires are accidental. The tramp takes shelter in the stack-yard or out-houses, and he sets about lighting his pipe, and the fire occurs accidentally. I don't think there are many cases of wilful fire-raising or incendiarism.

5080. (*By the Chairman.*) You tell us that the gipsies at all events are quite a decent set of your community?—Yes. And as a race in the south of Scotland, all but extinct.

5081. You say that 'since 1862 no less than 11 'county systems have been started in England and 'Scotland for controlling and relieving tramps and 'vagrants by organised systems of relief, and which 'have been vigorously carried on with varying 'measures of success, but without in any degree 'reducing the number of vagrants.' What county systems have been started in Scotland?—There is the Cumberland one, which is a notable one.

5082. Take Scotland?—There are only two in Scotland—in Ayrshire and Stirlingshire.

5083. Can you give us any information about them?—No, I can't, it could be had from the Chief Constables of the counties. I have taken care to inform myself as to the English system established a long time ago.

5084. You are aware there is in England a system of parochial relief, applicable to all persons, and casual wards which do not exist in Scotland. Does not that involve a totally different system from anything applicable to Scotland?—It involves a very different system, but it has no beneficial results so far as vagrancy is concerned.

5085. Then there is no reason why we should extend it to Scotland?—No.

5086. Your opinion is that 'so long as the vagrant 'is tolerated and acknowledged he will continue to 'flourish despite any temporary check he may experi-'ence'?—That is so.

5087. You say a large number of the vagrant class are habitual offenders. Can you give us any idea of the cost of maintaining a tramp. We got an estimate yesterday that each tramp would require a contribution of at least 1s. a day to keep him. Is that sufficient?—I think that is an over estimate. At the rate of 6d. per day, a very low estimate indeed, it would cost close upon £14,000 to maintain them according to the last census of vagrants in Scotland. The numbers of the last census are 8,298, which at 6d. per day makes £13,438.

5088. We had an estimate yesterday from Col. Borthwick that in his county it would not cost less than £10,000?—There have been various estimates, but in England they reckon on 60,000, and some people place the cost at 1s. 6d., others at 1s. per day. I say it lies between 6d. and 1s.

5089. You propose to deal with the vagrants in the first place, by laying hold of the children under 14, and educating them?—Yes.

5090. And your suggestion is in the following terms. 'In dealing with vagrants, I suggest that the State 'should provide and maintain an Educational and 'Industrial School, and that all vagrant children under '14 years of age should be committed thereto by 'a magistrate, unless it could be shown that the parents 'were able and willing to maintain and educate them 'without resorting to begging.' Can that not be done under the existing law?—I think not; you must have special legislation.

5091. It would require special legislation?—Yes. Because in these voluntary Industrial Schools the accommodation is limited, and you must compel them to accept them. A great many difficulties in the way of religion and contributions would creep in. I say this, that the State in dealing with these vagrants should deal with them in the same way and in the same spirit as with the habitual criminal; because you have a large number of habitual criminals in the offspring of these vagrants. You are better to lay hold of them, place them in an Industrial School, and train them. The children are bright, sprightly, and clever, and would make very apt scholars.

5092. You have typical cases of vagrants; please read them?—Here are two typical vagrant families. (1st) W—— P——, 47, umbrella mender, and his wife E—— B——, 44, have travelled the southern counties for 30 years. They have had 13 children, seven of whom are alive. I leave you to judge as you choose as to the death of the other six, aged 19, 16, 9, 7, 4, and 2 years respectively, while the baby is eight months old. None of these children have received any education. That is the class of children that should go to the Industrial School. (2nd) J—— H——, 49, basket maker, and E—— M——, his wife, have had seven children, only three of whom are alive, aged 5, 10, and 6 years respectively. The number of such families could be largely extended.

5093. Where do these fellows lodge. Umbrella making is a trade that invites to tramping. Does he lodge in houses or contravene the law?—These people naturally keep a good deal to the hill district about the Lammermuirs and Cheviots and outlying districts away from town, and people there are kindly and allow them to lie down. You don't find these people often in common lodging-houses.

5094. Have they ever been before the magistrates at all?—W—— P—— and his wife have been much addicted to drink, but they have never been convicted in Berwickshire. They are not known in Roxburghshire.

5095. Then these are not habitual offenders?—They are vagrants.

5096. They are not vagrants you can deal with, or if you can deal with them, you have not?—The woman begs, and these children are neither clothed, fed, nor educated.

Mr. Alexander Porter.

28 Nov. 1894.

5097. We will confine ourselves to the begging. You could have convicted the woman of begging if you had a case?—We could, but it would be difficult to find a magistrate who would send to prison a woman who had so many children clinging to her apron strings. The man sits at the dyke side and hammers away at his umbrellas, while the woman and children beg.

5098. Has the woman ever been brought before anyone on a charge of begging?—No.

5099. The other fellow G—— H——?—Both he and his wife have been convicted of breaches of the peace.

5100. There is nothing in their case for vagrancy and begging?—They are vagrants.

5101. The commercial traveller is a vagrant if you come to that, but you have no case on record of convictions?—That is simply because the Act of Parliament I am referring to has not been put into force in Berwickshire, but I have arranged it shall be put into force now. I was only appointed Chief Constable in January of this year.

5102. You have a suggestion here about dealing with tramps. You think the honest tramp bent on search of work may be dealt with by a system of passes'?—Yes. The vagrant disposed of according to my suggestion—that is all the children committed to an Industrial School—the honest tramp bent on search of work may easily be dealt with by a system of passes. Assuming a daily labourer loses his job, or from whatever cause finds it difficult to obtain employment, he could without much trouble, if without the means of transporting himself from one district to another, obtain a certificate or 'pass' from the chief of police of the district in which he was last employed. On presenting this certificate or 'pass' at each succeeding stage of his journey, he should, if without means of sustenance, be provided with food and shelter at the public expense. On finding employment the certificate or 'pass' should be given up to the chief of police of the district, and if necessary renewed when employment ceased and he found himself again obliged to take the road. Without this 'pass,' the tramp to be treated and dealt with as an ordinary vagrant. Were such a system firmly established the deserving workman would speedily adapt himself to the requirements of the system, and all the more readily if each police station were constituted a sort of labour *bureau*. To this end it would only be necessary that the constable at each station should have information of the labour requirements of each particular district, and which he already possesses through the 'Police Guide' compiled by the 'Chief Constable '(Scotland) Club.' This information given in the 'Guide' could be easily supplemented by information as to new or temporary public works in course of construction.

5103. You suggest passing on these men from police station to police station—at whose expense?—Every parish or County Council would provide a Shelter.

5104. Do you give them food as well?—When a man came off his day's tramp and took refuge in the Shelter he should be provided with so much meal and salt. I would not deal very luxuriously with them.

5105. Why do you propose the Shelters being at the police office?—I would have them at certain distances along the main road. From Berwick to Cockburnspath is a very fair day's tramp, and then from Cockburnspath to Musselburgh.

5106. You don't propose any labour test?—No; that is no good.

5107. How would you discriminate your honest men?—By the police pass.

5108. But before he starts out?—When a man loses his job he applies to the police of the district in which he was last employed.

5109. Tell us about the analagous institutions you have referred to?—Some years ago the Board of Supervision came down upon Parochial Boards. Some two or three instances of starvation had occurred, people lying out being found dead in the morning, and the consequence was that every Parochial Board was called tramps. I know that was the case in Kelso, Jedburgh, Selkirk, Hawick, and Galashiels. The Parochial Boards, the police, and others interested, found so much difficulty in dealing with the number of tramps then on the road that Shelter Houses were established on a pretty extensive scale. That is to say a good deal of space was provided, and these Shelters were fitted with wooden benches on which the tramps could lie down and huddle together for the night. The only covering they got was a rug. They got hot water, so many ounces of meal night and morning, and were passed on. That was done in Kelso, Jedburgh, Galashiels, Selkirk, and Hawick.

Mr. Alexander Porter.

28 Nov. 1894.

5110. Are these Shelters still kept up?—They are still kept up, but in the beginning of this year in consequence of the great increase, the Parochial Board asked me to reduce the issue of the tickets.

5111. What tickets?—The tickets of admission to the Shelter House. We kept a record, and took down the man's name and description, and sometimes we even searched him to see if he had any money.

5112. You have no powers to do so?—The British police are often obliged to take powers. We don't want to be imposed upon. If we are in any doubt we search them. The system went on with the result you see in the table. This year I received instructions to confine the issue of tickets to females and infirm persons.

5113. The result you speak of is that in Jedburgh and Kelso alone the numbers increased from 2,095 in 1890, to 5,290 in 1894. Could you give us the details of the other three stations?—I am afraid I could not. The police in Selkirk, Hawick, and Galashiels are not under me. These figures are for the year ending 15th May.

5114. There is a tremendous disproportion between the males and females?—There always is. These are not vagrants, these are the real tramps.

5115. But you have returned them as tramps and vagrants?—There may be a few perhaps. I think that is a mistake in writing it out. Vagrants do not seek shelter as a rule, you may get one now and again when he breaks down. The vagrant is a far more shifty fellow, and can look out for himself.

5116. You think these were the decent tramps?—Decent and indecent.

5117. Men in search of work?—Yes.

5118. You surely could not have had such an increase of men—from 776 to 2,421 in a town like Kelso?—Yes. These numbers are correct.

5119. Have you had any complaints that these Shelter Houses attracted tramps and vagrants?—The increase shows that they do so.

5120. And the result of your experience is to convince the Parochial Boards it is a mistake?—Yes.

5121. Have the County Council anything to do with it?—No, it is purely parochial.

5122. When you turn out the inmates of these Shelter Houses in the morning do you give them anything?—So many ounces of meal, boiling water, and salt.

5123. But anything with them?—Nothing.

5124. What is your own opinion as to Shelter Houses?—I think they are a mistake.

5125. Do you know of any other counties where they exist? In Berwickshire have you any?—Yes, we have them, but not used in the same way as these. In Berwickshire, Parochial Boards, on the instruction of the Board of Supervision, provided a sort of reception house where a broken down tramp or vagrant could have a night's shelter to save his life. These Shelter Houses I refer to as existing in Berwickshire and Roxburghshire are not intended for the able-bodied. They are intended to be used for physically broken down people.

5126. In all the Parochial Boards from which we have had evidence we have been told that no person could be admitted as not able-bodied until he is pronounced as not able-bodied by the officer of the parish. Is that protection not adopted in Berwickshire. Yes, it is.

tramps and vagrants?—It would not exceed 2d. a head. Salt and meal are cheap, and water is plentiful.

5128. Where the men and women can be in separate Shelters?—In separate rooms.

5129. And there would be a female inspector or superintendent?—Yes.

5130. You have come to the conclusion they were a very great mistake and only tended to multiply tramps and vagrants?—They discovered that these fellows went the round. It was a day's march from Jedburgh to Kelso, and from Kelso to Galashiels, and then back they went the opposite way. It was a common thing for them to go from Kelso to Galashiels, Galashiels to Selkirk, Selkirk to Hawick, and into Dumfries.

5131. Are there Shelters in Dumfries?—I believe there are.

5132. You were going to tell us about Shelters in Berwickshire?—They are conducted strictly under the Poor Law. They are hospitals where tramps who break down on the road are sent.

5133. (*By Dr. Farquharson.*) The law of trespass does not apply to common land?—To fields; to every piece of private property.

5134. But not to common land?—To open or unenclosed land it would not apply.

5135. Is it put in motion only on complaint being made, or is it a matter of routine for the police to move on the tramp?—It is a matter of routine and duty.

5136. Supposing the proprietor of the ground does not mind, or that the tramp has received permission?—The police inquire, and if the man has no permission he is dealt with.

5137. You say there are a good many complaints in rural districts about the number of tramps?—Yes.

5138. Do you think the complaints are increasing?—I think the number of tramps is increasing. I am speaking of tramps as working men in search of work, not the vagrant. The number of tramps depend on the state of the labour market, and a good deal upon where labour is to be found. Newcastle people have been constructing very extensive water-works just over the border, and the roads to Jedburgh and our southern counties are covered with tramps going back and forward to these works.

5139. Are they getting more audacious in their demands than they used to be?—Yes. As an instance of that, there was a case recently in the little village of St. Boswells, where there was something like a procession of great able-bodied fellows, who by their overbearing and masterful manner frightened the people out of their wits, one of their number standing sentry on the public road, while the others took possession of every house in the place. Fortunately the policeman came on the scene, and they were ultimately all apprehended.

5140. Are there any of the beggars going about whose visits used to be appreciated by the people, as representatives of genuine rural life?—No; they have disappeared.

5141. Under your proposal of giving passes to these people, do you think the honest working man would object to being under police supervision in that way?—No. I think not.

5142. Do you think there would be any difficulty in finding who were the men in want of work, and who were only pretending?—There is not the least doubt that the system would be subject to a certain amount of imposition, but I think notwithstanding the imposition, the system is worthy of a trial on behalf of the really deserving working men.

5143. Supposing a beggar said he was looking for work, would he have to bring a character from his last place?—If the man was employed in the district he would be known to the Chief Constable or somebody. The police, if they are doing their duty, should know every man who comes into their beat, and see who he is and what he is doing.

5144. Supposing he said he was one of the unemployed, would you pass him on with food and shelter?—No. He would have to prove something.

Mr. Alexander Porter. 28 Nov. 1894.

that in the country there is a feeling of greater degradation about being confined in Her Majesty's Prison, than in the local cells?—Certainly. In fact dispensing with the escort and the railway journey takes away some of the sting.

5146. What sort of treatment do you propose for these habitual drunkards in the institutions you speak of?—That is a matter of detail. It should be entrusted to the supervision and descipline of the Prison Commissioners. It would be for the Prison Commissioners to discover what kind of labour was best suited for them, and classify them so that their labour should be made as productive as possible. In the second place, it should be as unlike a prison as possible. A certain class might be grouped and allowed communication with each other.

5147. In order to arrive at purely reformatory effects I suppose an amount of personal intercourse would be necessary?—I think so.

5148. You would have to individualise each person as far as you possibly could?—Clearly.

5149. And treat them in that individual way?—Yes, and as a rational being at the same time.

5150. In the way of treating each individual case, do you think the most easily got at administration would be local?—I have been always thinking of a central establishment somewhere in the centre of Scotland. I admit my proposal is an experiment.

5151. Would it be wise to make an experiment with a gigantic central establishment. Would it not be wiser to have smaller establishments in different localities?—I think centralisation in a case like that is better for the administration; discipline and control are better.

5152. You would have it wholly in the hands of the Government officials. You would not think it possible to utilise the wards of the poorhouses for such a purpose?—No. I don't think that local administration is adapted to the system of reformation I had in view. I think it should be tried on a pretty large scale, and that the people confined in it should have a certain amount of liberty. They should be kindly treated—not like machines as prisoners generally are. I think the prison authorities, having taken charge of the whole prison administration of Scotland, and that this is merely a divergence from that system, they are the proper persons to take charge of it.

5153. In regard to the tramps in your counties, they divide themselves into a variety of classes—I mean, having regard to the marches which they make?—Yes, they do.

5154. Some of them are local vagrants, are they not?—Yes; they are pretty well mixed—both Scotch and English. I don't think the Englishmen go beyond the Forth. If they are disappointed in finding work there they return. If they go by the east they come back by the west.

5155. I am talking now of the professional vagrant. They move about in different ways?—Yes. They generally move in circuit. There is a pretty large number of them that confine themselves to the border counties. There is another class that take Wigtonshire, Ayrshire, and Dumfriesshire, and there is another class that extends to a wider area. I have met them in the north of Scotland frequently.

5156. Coming from Roxburgh?—Yes. The same men I had seen in Roxburgh. We find some coming round to us again in three months, some in six months, and some in a year. Some cling to the coast-line, and follow the herring right up to the north of Scotland, and then gravitate back in the haddock season. Others again, keep to the mainland, and another class to the hills.

5157. Why do they do that?—There are things in the way of broken wool they pick up on the hills, and the shepherds are a class of people they understand.

5158. Some of these men are, of course, well-known to you personally; others, who move in a larger circle, would probably not be so well known?—That is so.

5159. How much of this migratory population is

Mr. Alexander Porter.

28 Nov. 1894.

second upon that, but I think we in these border counties could put our fingers on, and name perhaps, a couple of hundred easily.

5160. That is 200 out of 340?—Yes.

5161. I should like to know something more about the Shelter Houses that apparently have been pretty extensively tried in the south-east of Scotland. How many Shelter Houses are there in Berwick?—There are two classes of them.

5162. Yes; but of all kinds. There are seven in Berwick. In almost every village in Roxburghshire they have a room or house under the control of the Parochial Board; but of Shelter Houses I have referred to there are only three.

5163. Who looks after these houses in the two counties—in Berwick, say?—The Inspector of Poor in the parish in which they are situated.

5164. Has he a staff?—No, nothing but himself.

5165. Is it a small empty house?—Not exactly an empty house. There will be a bed, and a chair, and a fire in it.

5166. Who lighted the fire?—The inspector would employ some charwoman.

5167. There would be a charwoman in charge of it?—Yes.

5168. In Roxburgh how are these places looked after?—Generally an old man and his wife, or a widow—some sort of person of that kind gets a free house, and occupies one end, with the other for the Shelter.

5169. When these houses were in full working, they increased the number of those who came to them very largely?—Yes. But the whole of the Shelter Houses in Roxburgh were not in full play for the reception of tramps—only these I have given you in Kelso and Jedburgh. The other Shelter Houses I have been speaking of were carried out in strict accordance with the poor law regulation that only persons physically unable or sick were received.

5170. You think there has been a sufficient check maintained by the Parochial Authorities?—Yes.

5171. With whom did the authority for admission rest in these villages?—With the Inspector of Poor.

5172. Would there be an Inspector of Poor at all these places?—In every parish.

5173. At all these villages?—Yes.

5174. Did I understand you to say you would be in favour of having some sort of Shelter House for the reception of men in search of work?—Yes.

5175. You said you would propose only two between Berwick and Edinburgh?—Yes. I think two would be enough.

5176. If they were all men you could fix the distance of a day's march?—Thirty miles.

5177. But would a woman march 30 miles?—Unless burdened with children they could take the road as well as men.

5178. Do you think a townsman in search of work would march 30 miles?—He might be pretty much done up at the end of the first day or two, but at the end of a week he would march 30 miles without the slightest difficulty.

5179. How far will a woman walk with her baby on the hard road?—I will support a good strong healthy woman to beat the man.

5180. Did the increase that occurred between 1890 and 1894 take place among those you knew or those you did not know?—Several things contributed to it—the English coal strike, and the new water-works I spoke of.

5181. They were principally strangers?—Yes. They said they belonged to England.

5182. They belonged to the class of people looking for work?—Yes.

5183. You have not had an increase in professional vagrancy by these rest-houses?—No. There is an increase, but I think it is rather due to the experience of the police who are now taking the census more accurately.

5184. You do not know where these 3,000 of increase sheltered in Jedburgh and Kelso?—They belonged to the labouring class. There was a good sprinkling of tradesmen among them.

5185. Do you think the bulk of them were artisans?—Labourers principally.

5186. You have told us what you would do with the children of vagrants. What would you do with the existing population of vagrants?—Allow them to die out. It is of no use trying reformation upon them.

5187. Are they not pretty costly to maintain?—There is not the least doubt about that, I put them down at £14,000.

5188. Your part of that in Roxburgh would be about £4,000 or £5,000 a year?—Yes, I think so.

5189. (*By Sheriff Dove Wilson.*) Have you made an estimate of the number of vagrants children under 14 years of age it would be necessary to provide for?—1082. Take it roughly at 1,000.

5190. What was done to the masterful beggars apprehended at St. Boswells?—They were sentenced to ten days' imprisonment each.

5191. For what offence?—Under the Prevention of Crimes Act.

5192. Could you not have prosecuted at common law a person who gets alms by means of threats?—They did not actually use threats. It was their masterful bearing that frightened the people.

5193. You don't consider that brought them within common law?—No. The procurator fiscal brought them under that statute and I think he was right.

5194. (*By Miss Stevenson.*) Is the basket maker you instanced a man who went about with a basket caravan?—No.

5195. Do you find a great many vagrants engaged in basket making?—Very few now. At one time basket making was rather a profitable business in the country, but the introduction of foreign made baskets spoiled it. The country people can buy them new cheaper than repair the old.

5196. Are the baskets in the caravans of foreign manufacture?—Most of them.

5197. Are the people in charge of the caravans, Scotch, English, or foreigners?—Mostly English.

5198. (*By Dr. Sutherland.*) You define an habitual drunkard as a person convicted ten times in three years?—Yes. I would not like to call a man an habitual drunkard unless there were that number of convictions.

5199. Would it be possible with such a hard and fast definition like that to catch a respectable working man or casual backslider?—I don't think there is any danger in that at all. You see we are dealing with a particular class—the houseless and homeless class.

5200. But there are thousands of people who have houses and homes, earning good wages, who occasionally get drunk?—You could qualify it.

5201. It requires a qualification?—I think so. At the same time there are householders whom I think ought to be classed among habituals.

5202. In reforming those people you suggest they might be sent to a prison under the control of the prison commissioners?—I would not have it a prison at all. My idea is they should be put up in rooms rather than cells, with a certain amount of freedom, for if they ran away the police would easily pick them up.

5203. Do you think that public opinion would support you in associating a Reformatory with the taint of the prison?—I do not know any other body that could control them except the prison commissioners.

5204. You said you did not approve of the Local Authorities having control?—No.

5205. Have not Local Authorities now a considerable say in regard to prison matters?—Yes. I think these local representatives as inspecting visitors are doing good work.

5206. The Local Authority might have some interest in this institution?—I think I would give them the right of inspection.

5207. Is there any reason why one or two of the

Mr. Alexander Porter. 8 Nov. 1894.

district is largely unoccupied—should not be set apart for dealing with these cases?—No reason except that I don't see where the administration is to come from.

5208. I am only speaking as to the institution. Do you know of any good reason why they should not be used in this way?—Except that they would be better adapted for district hospitals for which they are very much required.

5209. Have any of these poorhouses arable and cultivated ground in the vicinity?—I don't know of one—except it is a market garden.

5210. That might be utilised as a means of employing the inmates?—Any ordinary inmate would do the whole work required in three months.

5211. You said the tramp was not the picturesque object in Scottish rural life he used to be?—Certainly not.

5212. Your own sub-division indicated there was a certain proportion who associated with shepherds, and were on the whole appreciated?—They are tolerated; they are not welcomed.

5213. I suppose you admit that some form of relief has to be adopted in dealing with penniless, half-starved tramps, passing from England to Scotland, and *vice versa*?—There must be something.

5214. How would you work the 'pass' arrangement?—When a man finds himself out of work he goes to the local officer of police, shows himself to be a respectable working man out of employment, and gets a 'pass.' If the system were established every policeman throughout Scotland and England would recognise the pass.

5215. Would the 'pass' entitle to food and shelter?—Yes.

5216. Under whose control would these shelters be?—The County Councils would have to provide them.

Mr. Alexander Porter. 28 Nov. 1894.

5217. Who are to be the judges as to whether a person is suitable for relief or not?—The person who is selected to control the house. The police might do.

5218. Does the number sheltered mean separate individuals, or are there repeated visits?—It refers to separate individuals.

5219. You are relieving almost as many vagrants in Jedburgh and Kelso as in the whole of Scotland?—These are not vagrants.

5220. Tramps and vagrants you style them?—The word vagrant is used in error. There is only a very small proportion that could be classed as vagrants.

5221. In regard to the gipsies, do they live in caravans?—No. They have houses. In the summer time they are sometimes out in caravans for a fortnight or a month.

5222. From a sanitary point of view are these suitable for sleeping in?—Yes.

5223. Are they as a class guilty of frequent breaches of the peace?—No. They are an orderly class.

5224. Are the children of these gipsies educated?—Yes.

5225. (*By the Chairman.*) Do the children attend school while the parents are on journey?—Sometimes they take a holiday.

5226. There is no complaint about them?—No.

5227. What do you mean by 'prominent non-resident 'offenders'?—These are tramps—vagrants.

Dr. Peel Ritchie.

DR. PEEL RITCHIE, late President of the Royal College of Physicians, called in and examined.

Dr. Peel Ritchie.

5228. (*By the Chairman.*) You are the President of of the College of Physicians?—I was President. I am not now.

5229. You are connected with the Rescue Probationary Home?—Yes. I have taken a great interest in reformatory work for many years. I have been connected also with the Night Asylum.

5230. It is principally in connection with that experience you are to give evidence?—Yes. The inebriate question.

5231. In this Rescue and Probationary Home for fallen women in St. John's Hill, I see from the report you have not very many inmates—an average attendance of 17?—We have accommodation for 25.

5232. I see there were 22 on December 1892, and 50 admitted during the year.

5233. Yes; a total of 72. There were 7 who left for service, 7 to wash in laundries, 1 was dismissed, 11 absconded, the destination of 9 is unknown, and 20 left within seven days of admission, leaving 22 in the Home.

5234. Is that encouraging?—No, by no means. After nearly fifteen years connection with the Home, I found the results of reformatory work among that class so unsatisfactory that I approached the directors of the Magdalene Asylum, as the most important in Edinburgh, to have a conference of the representatives of all the Rescue Homes in town to consider what improvements could be effected. Ultimately they agreed, and representatives from the following institutions met:—the Magdalene Asylum, Springwell House, the Edinburgh Industrial Home at Alnwickhill, the Grove, the Rescue and Probationary Home, the Park House, Portobello, Home, and the St Andrew's, Joppa, Home, the Discharged Prisoners' Society, and the Girls' House of Refuge. I submitted to that meeting certain points.

5235. What were these?—They were (1) United action as to the admission and treatment of those women who have recently left a Home, say within three months, and the desirability of interchange of communications regarding the inmates between the officials of various institutions; (2) whether such applicants should be referred back to the Home they had so recently left, and that their admission to a new Home be declined be as a favour to them), or whether the establishment of a special Home for persons of this class would be better? (3) That the duration of residence should be in all the Homes extended to two years; (4) whether efforts should be made to obtain power to retain compulsorily applicants voluntarily agreeing to stay, or if this power should not be given in all cases, the question would otherwise be left in its present most unsatisfactory state.

5236. How many inmates will there be in the whole of these places you mention?—That is more than I can tell you directly. The report of the Magdalene Asylum for 1892 which I have, shows that there were 80 inmates at the close of the year, and that during the year 84 had been admitted.

5237. Your average attendance is 17?—Yes, or thereabout. Alnwickhill, I think, contains probably about double the number we have. The one at Portobello and the one at Joppa contain probably about 20 or 30 inmates in each. The Grove has been shut up.

5238. These institutions would contain about 170 women altogether?—I presume that is about it. Probably between 170 and 200.

5239. What is the period of detention?—Eighteen months in the Probationary Home.

5240. How do you get them to stay for 18 months?—The number we get to stay in for 18 months is limited. A large number go from one Home to another, and why I wanted compulsory power was because a woman often comes in under the effects of drink, or in such state that she is willing to stay, and wants to do better. If we could have power to keep that woman with us for 18 months we might do her some good.

5241. You have here 11 absconded?—That means ran away.

5242. You have no power of detention?—No.

5243. Do they ever run away with your clothes?—Yes, frequently.

5244. They evidently are aware of the fact, and they leave whenever they choose?—Yes.

5245. You have laundry work?—The work done is chiefly laundry work, because there is a great demand for it, and they can get good wages when they go out.

Dr. Peel Ritchie.

28 Nov. 1894.

disgusted them?—I cannot say that is my experience. Those whose health unfits them for the work are otherwise occupied until their health is restored. Those who are physically unable for it get other house or kitchen work.

5247. I see you get a grant of £25 from the Town Council?—Yes.

5248. Was your intention to hand over the girls to anywhere else?—The Home was established after a religious revival in 1861 as a Shelter, and after a time one of the ladies connected with it gave us our present house for a Home.

5249. Do you find the whole of the inmates spend the 18 months with you?—I am sorry they don't.

5250. Do many stay a whole year?—I think about the number you find stated—about seven spend the 18 months.

5251. Had you any legislative precedent in your mind when you proposed taking compulsory power for detention?—It was seeing there was compulsory power in the 1879 Act in the case of the better-class, who came voluntarily, and on their own application, I thought it would be as well to get such a power for a charitable institution.

5252. You speak of habitual drunkards and inmates as identical. Do you consider them all habitual drunkards?—The total admissions since I became medical officer have been 734, and of that number, I class 484 as inebriates. That is to say that drink had entered to a greater or less extent into the reason of their coming to us. During the 33 years of the existence of the institution, the total admissions have been upwards of 2,000. The average age of the total cases was 27·9 years, and of the inebriates 31·2 years.

5253. You have a large number of young women?—Yes. The youngest I had was a girl of 12 years and 1 month.

5254. Did you consider her an inebriate?—Drink had entered into the reason for her coming to us.

5255. What do you consider constitutes habitualness?—The way in which they were taking it.

5256. Is it a matter of convictions?—I have no evidence of convictions.

5257. If we propose to deal with habitual drunkards we must have some evidence?—We find on inquiry that they are constantly taking drink.

5258. (*By Dr. Sutherland.*) They present the physical symptoms of excessive indulgence?—Yes.

5259. (*By the Chairman.*) Do you propose to get the same compulsory power over the women who are not habitual?—It would be desirable for all of them if we could retain them, but we have no power.

5260. About the results of your rescue work; do you find many come back to you?—Repeatedly.

5261. Those who go through their full course or thereby are cured?—Not so many as I think ought to be, but of those who go through the full time we have better results than with those who are coming and going.

5262. Out of these 734, how many would go through the course?—One-third.

5263. Do you trace their histories afterwards?—We have no means of tracing their history unless they come to us.

5264. That is a point we are very anxious to get—proof of the curative effect in the case of the habitual drunkard and the fallen woman?—I am afraid the proofs are very small. I cannot give you any definite reply, except that they are extremely unsatisfactory. Female supervision of them after leaving a Reformatory would be of great importance and use.

5265. Have you got any hopeful cases you could lay before us?—Yes, we have several hopeful cases, but the number is very small.

5266. Is there any you remember. Let us take that youthful drinker you spoke of?—She absconded.

5267. You mention that if any woman absconds with your clothes notice will be given to the police?—It is only of late that we have succeeded in getting the police to help us: I am sorry to say they did not always do so.

ever she likes?—Yes; but she must give a week's notice.

Dr. Peel Ritchie.

28 Nov. 1894.

5269. That is an illegal contract?—Yes, were it not that she agrees to the rule before she is admitted. We have no power, and they do not keep it, because they know they have only to make themselves sufficiently disagreeable, and they are turned out.

5270. Is there any overlapping of this sort of work in Edinburgh?—Very much.

5271. Is that objectionable?—Very.

5272. It allows one person to come from one place to another?—Yes. That was also considered at the conference.

5273. Supposing you had compulsory powers of detention, and a girl wishing to get out makes herself unpleasant, what would you do with her?—At present we could only turn her out. If we had compulsory power she would know she must conduct herself properly.

5274. She would say 'Hang your compulsory power; 'I'll make myself unpleasant?'—That, I know, is one of the difficulties we would have to contend with. I don't know what we could do, except hand her over to the police.

5274A. You think handing her over to the police would be sufficient?—It would punish her for her misbehaviour.

5275. Do you think that private munificence can be relied on for dealing with such a matter, or would you have it supported by the State or the municipality?—Those institutions where laundry work is done are very nearly self-supporting. The Magdalene makes an income of about £3,000 a year. We make nearly enough to keep us; we don't press for subscriptions.

5276. Don't you think if you had any unwilling inmates they would refuse to work, or work as little as possible, and so reduce your receipts?—Undoubtedly.

5277. We are told these women are dealt with rather leniently by the police in Edinburgh. Have you found that the position of Edinburgh with regard to decency in the streets, so far as prostitution is concerned, is on a par or inferior to most other towns?—I think Edinburgh is on a par with other well-conducted towns. A peculiarity of Edinburgh is the number of young girls not regarded as prostitutes allowed to roam about the streets uncontrolled at night. These girls are not recognised as fallen, but they are in the way of becoming so.

5278. But from the police point of view?—I have no means of judging, except that sometimes, instead of sending a girl to prison she is allowed to go to a Reformatory for importuning.

5279. Do you get many of these at your Home?—Perhaps four or five in the course of a year.

5280. Do they stay with you?—No, merely as long as it pleases them.

5281. Do you hear any complaint from these girls as to the way they have been treated by the police?—No.

5282. Do you hear any complaints or stories from them as to any particular circumstances under which they have been driven into a career of prostitution?—There was one girl sent to prison for 30 days, treated as a fallen woman, and she was not. This is, however, her own statement.

5283. In Edinburgh?—Yes.

5284. Is that a long time ago?—Within the last five years.

5285. What was her statement?—That she had been sent to prison for what she did not do. She was with bad companions.

5286. (*By Dr. Sutherland.*) You stated that there were 250 out of these fallen women who passed under your observation, in regard to whose fall drink did not play a part?—Yes.

5287. Do you mean to say the 250 were not more or less addicted to drink?—They were not habitual drinkers.

5288. Is there not a large class of women who fall, not so much from lust, as from a desire for money and

5289. That would raise your percentage of women, who, although not coming under your definition of inebriate, are still addicted to drinking habits?—Yes. That occurs in the case of the 169 fallen through company. I have classed 133 of these as being inebriates. Probably more of them took drink.

5290. Have you ever conducted any investigations as to the formation of the palate of the women who come under your review?—Yes, I have. Dr. Clouston, a few years ago, in the Morrison Lectures, called attention to the condition of the palate, and pointed out that there was a normal or typical palate, the one found in neurotic patients, and the other, which occurred in the imbecile class.

5291. What kind of palate did he expect to find in the habitual drunkard?—The flat palate he classes as the typical one, the high palate as the neurotic one, and the deformed as the imbecile. Applying this test to females who have come to us since that statement was published, I found that the number who came to us with the healthy or typical palate, was rather higher than his proportion, because there were 108 out of 125; 14 presented themselves with the neurotic, and only three with the imbecile.

5292. Your results among fallen women do not tally with those of Dr. Clouston?—I find a larger number of the typical palate, and this leads me to believe that those who come to us are morally wrong rather than physically.

5293. Do you know that the power of detention has worked unsatisfactorily in England?—That is my understanding.

5294. Do you think, had you the power of detention, you would be more successful with the class you are dealing with?—I think we would.

5295. The memorial to the Marquis of Lothian, which you, as well as other eminent men in the profession have signed, would give you considerably larger powers than you seem to seek for these women?—The larger the better.

5296. Why not have complete compulsion and put them in *nolens volens*?—Much better.

5297. Why do you recommend the Board of Lunacy in your memorial to the Marquis of Lothian as the Board of Control?—I suppose because it is an already constituted Board, accustomed to work of an analagous kind.

5298. Inebriety is not insanity?—No, but it was thought that the organisation would be useful.

5299. Do you not find people are more willing to be classed as drunkards than insane?—Yes; I think so.

5300. Would you not be less likely to stir up opposition if the control did not suggest lunacy?—Yes. But the cost would be greater.

5301. You are aware asylum authorities have strong objections to associate inebriates with lunacy?—Yes.

5302. Where are private patients sent?—I suspect in Scotland most of them are boarded away in Highland and county districts.

5303. Have you satisfactory results?—I am sorry to say I have not.

5304. What was the cause of failure?—Supervision was not strict enough, and the class of persons did not stay away sufficiently long.

5305. You could conceive of an arrangement by which some of these difficulties could be obviated?—Yes. Compulsory detention in a house specially set apart for the purpose.

5306. You attach great value to keeping them in employment?—Yes; that is one great difficulty of a private house. There is no employment.

5307. (*By Miss Stevenson.*) I see you return 27 as 'not fallen'?—No; they came to us for protection.

5308. They came voluntarily?—Sometimes voluntarily; at other times sent by friends.

5309. Are they young women?—Yes.

5310. Are they allowed to mix with the other inmates of the House?—There is no distinction made.

5311. Have you found that a satisfactory arrangement? Are you not afraid the association might have a

5312. Have you any experience as to the subsequent career of women who have been in the Home?—We endeavour to get them put under the care of friends, or in a situation where they will be looked after.

5313. I suppose laundry work is selected, not because of its elevating tendency, but because it is the one employment really remunerative?—That is so.

5314. I think I remember a proposal that the women in your Home should be given out-door employment. Was that ever carried out?—No. The garden would be scarcely sufficient for the purpose.

5315. Do you ever have cases of girls coming to you who have been imprisoned or in the cells?—Frequently.

5316. Do they come of their own free will or sent by the Prison Authorities?—They are brought by the Bible and Mission women from prison or the police office.

5317. Do a large number of these women get employment in the public laundries when they leave?—Yes.

5318. That was the reason, was it not, why the directors of the Grove were compelled to give up their laundry?—I don't know. They had a subsidy from Government to take in cases from the prison.

5319. You can give us no information why it was given up?—No.

5320. (*By Sheriff Dove Wilson.*) I see many of your inmates leave in the first week?—I can explain that. Many of them have been working in the laundries, have got drunk on a Saturday night, and go to the Home till the effects of the drink pass away. Others are too restless to settle.

5321. If we leave the temporary ones out of account how long do the inmates remain in the Home on an average?—I think from one-third to one-half stay the whole time.

5322. Whether would you say the proportion of male or female inebriates cured was the larger?—I should think male.

5323. What percentage of females would you say were cured?—I could not give a reliable percentage.

5324. Is it the case that most of those who become inebriates take to drinking early in life?—Of the 484 4 were under 16, there were 6 the age of 17, 9 under 18, 10 under 19, 9 under 20, 3 under 22, 1 under 26, and 1 of the age of 28. That is about one-tenth of the whole under 30. When they come to us above 30 they may have been drinking for a very considerable time. There was one of the age of 29 who had been ruined from the age of 14, and said she could not have led the life she did unless under the influence of drink.

5325. From the physical condition of the persons who come to you over 30, would you be able to judge whether they had been long in the habit of drinking?—I think so. Death of husbands led to 25 women coming to us, 24 of whom were drinkers. They were all above 30. Then there were 8 who had been left by their husbands, and they were all drunkards.

5326. Is an inebriate who is also a prostitute more difficult to cure than one who is not?—I think so.

5327. How long do you want to keep them compulsorily?—Two years.

5328. Would that give you a reasonable prospect of curing them?—I think it would give me a better prospect. The more prolonged the stimulus is going on the greater is the effect in the cells of the brain.

5329. There is an organic change in the brain?—Yes, ultimately, and the earlier and longer they are kept from the stimulus the more likelihood there is of a cure.

5330. (*By Dr. Sutherland.*) You get old topers of 80 whose brains are not affected by any amount of liquor?—My idea is that stimulus acts on the cells of the brain.

5331. (*By Col. M'Hardy.*) Your society does not belong to any certificated Prison Aid Society?—No.

5332. Therefore it does not participate in any of the pecuniary advantages of such a society?—No.

5333. You recognise that the quality of the work in which these women are employed is a most important part of their reformatory treatment?—Yes.

Dr. Peel Ritchie. 28 Nov. 1894.

number of these people washing is a suitable occupation?—Many of them are physically unfitted for it in consequence of the life they have been leading.

5335. Can anything be done to alter the work in the place, so that more satisfactory results may be obtained?—We endeavour to do so by giving them house-work. We have no great variety of work to do, but many of them are set to do sewing or kitchen work.

5336. (*By Dr. Farquharson.*) I understood you Dr., to say that the physical disability to perform washing was usually a temporary one?—Yes.

5337. You spoke of things that could be removed by treatment?—Yes. They are anæmic and with weak heart.

5338. Do you find the people improve in health?—Yes. But I am frightened to tell them in case they go out, to resume their old way of living.

5339. Do you think compulsory powers would assist the cure?—Yes. That is the great point I press for.

5340. Do you suggest two years as the maximum or average?—I think maximum, judging from some experiments I made upon myself some years ago. I am not an abstainer, and I am not an inebriate, and I came to the conclusion that it took about six months before the effect of alcohol passed out of the system of a moderate consumer. Then would come the time for improvement. I don't think 18 months is sufficient to allow them to return to work with the prospect of becoming and continuing abstainers. I think the longer you give them the better, and two years is the time I aim at.

5341. What proportion of habitual drunkards could be cured by this prolonged period of detention?—I can't say, but I believe it will be considerably larger than now.

5342. Do you think these organic changes in the brain can really be removed?—The brain cells recover from the effects of the stimulus, but when the change has been going on for a more prolonged period, the cells undergo more or less disorganisation, until you have a case which is not capable of being cured. *Dr. Peel Ritchie.* 28 Nov. 1894.

5343. The earlier you get the case the better?—Yes, without doubt

5344. (*By Dr. Sutherland.*) What about these frequent cases of inebriety that occur at the monthly periods, and about 40 years of age among married women?—The sooner they are put under treatment the better.

5345. (*By Dr. Farquharson.*) Is it not difficult in an early case to get evidence to justify detention. You want a cumulative series of offences which would make the case rather late?—There is a difficulty.

5346. Would you put the onus for committal to the Home of Detention entirely on the sheriff?—I think so.

5347. You would not have medical intervention as in the case of lunacy?—I would rather have it by the sheriff, but I think the machinery should be as simple as possible.

5348. Do you think doctors object to having this responsibility put on them?—Yes.

5349. (*By the Chairman.*) Do you not think the girl of twelve you spoke of should have been brought before the sheriff, and remitted to a Reformatory or Industrial School?—That was a point for her friends to consider. It occurred just as I joined the institution. I should have been inclined to adopt some such plan.

5350. If the attention of the police had been called to the fact, the girl would probably have been committed to a Reformatory?—The police had found her drunk on the street and she had also been in the Lock Hospital.

5351. They would have committed her to a Reformatory?—Yes, but she absconded.

5352. In these experiments you made upon yourself, have you published the results?—No. [Witness then withdrew.]

[ADJOURNED.]

TWELFTH DAY.

Edinburgh, Thursday, 29th November 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart. M.P. (*Chairman.*)
Col. A. B. M'HARDY., R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.
Miss F. C. STEVENSON.

Mr. Alexander Main. 29 Nov. 1894.

MR. ALEXANDER MAIN, Superintendent of Police, Leith, called in and examined.

5353. (*By the Chairman.*) You are the Chief Constable of Leith?—I am.

5354. What we want to see you particularly about is to get some information regarding the working of the Burgh Police Act. It applies to Leith?—Yes.

5355. And it does not apply to Edinburgh?—That is so.

5356. You will doubtless be familiar with what occurs in both towns, and we thought you might be able to give us some information as to the comparative merits of the system in Leith and Edinburgh, and any suggestions which may occur to you?—I do not know that I can quite say how they do in Edinburgh. I could hardly draw a comparison.

5357. When did the Police Act come into operation in Leith?—On 15th May 1893.

5358. Did it effect any great change in your police law?—Not a very great change, but it made a good many things clear that were doubtful before.

5359. And it re-enacted a very large number of enactments of previous statutes?—Yes, of the General Police and Improvement Act of 1862, under which Leith was previously administered.

5360. Has it made any great difference in the number of arrests?—Very little.

5361. I find that in Leith in 1893 there were 20 arrests per thousand of the population, and in Edinburgh there were 24 per thousand. I suppose there is as much of a rowdy population in Leith as in Edinburgh?—I should say that in proportion to population it is very much the same. In Leith we have scarcely any common lodging-houses—until lately we had only one of any size. In Edinburgh they have a large number of common lodging-houses and a good many of the fellows

Alexander who would be likely to come before the Police Courts pretty frequently, and who were working at the Leith Docks, were travelling to Edinburgh at night and living in the common lodging-houses.

5362. On the other hand, you have considerable sailor population in Leith?—That has changed greatly. I have been connected with the Leith Police since 1865, and for a good many years after that we had a considerable number of seamen arrested, but trade has now got very much into large steamers. The men generally are very well behaved, and stick by their steamers very much. And when the ship is paid off, the Board of Trade send them to their homes, and the seamen element in Leith contributes very little towards crime.

5363. Does it contribute to it indirectly by attracting disorderly females?—It used to do, but since the Act of 1885 came into operation we have been very much cleared of that class of houses and women.

5364. Would you say that you are as clear, or clearer of them in Leith, compared with Edinburgh?—I should say clearer; but we have not a population like Edinburgh to keep up that sort of thing.

5365. What changes did the passing of the last Act particularly make in connection with your offenders?—I cannot say that it made any practical difference. Most of the offences that are under this Act were offences before. This Act did more to clear up the matter. For instance, drunk and incapable was not an offence under the Act of 1862, but it was an offence under the Public-Houses Acts of 1862, and it is almost word for word taken from that Act and put into the Burgh Police Act.

5366. But it gives you heavier penalties?—I do not see much desire on the part of the magistrates to take advantage of these.

5367. Have you your annual report?—I have not got it with me.

5368. Can you tell us the number of drunk and incapables dealt with in Leith last year?—About 520.

5369. What is the usual mode of dealing with them in Leith?—Up to 15th May 1893 the invariable punishment was 5s. or 24 hours. Since then there have been a few cases where that has been gone beyond. There is a provision in that Act that if a person has been brought up three times within the same year for drunkenness, the penalty can be largely increased.

5370. But the ordinary clause for drunkenness gives a heavier penalty?—Yes; 40s. or one month.

5371. What is the heaviest that has been imposed in your Court?—Unless the aggravation has been charged, under the section of the Act which deals with habitual drunkards, I do not think that under section 381 there has been a larger penalty inflicted for a first offence than 5s.

5372. But do you remember any big penalty for any offence?—Yes; we have had the full 40s. imposed. That was a case which had come very frequently before the Court, and the woman had a child with her on each occasion, and she had several times got 14 days for drunkenness.

5373. But you can give, under the habitual offenders clause, 60 days?—No, I don't think so.

5374. You can give 40s. or 30 days without the assistance of the habitual offence, and you can give 14 days with the habitual offence?—Well, the 14 days extra have not been put on for the aggravation.

5375. So that in Leith you have not exhausted the powers of the Act?—By no means; the magistrates very seldom come up to it.

5376. What is your opinion as to the system of light penalties for habitual drunkenness?—I think it is quite a mistake. It has no deterrent effect, and cannot possibly have any tendency to reform.

5377. Have you many frequent offenders?—Not a large percentage, but a good few appear up to seven or eight times, and some more.

5378. But possibly those who have appeared seven or eight times in Leith may have appeared a good many times in Edinburgh?—That is so; and in other parts of the county of Midlothian as well.

5379. I suppose breaches of the peace and petty assaults are very largely connected with drunkenness?—Yes. *Mr. Alexander Main.*

5380. Has there been any alteration in the law in regard to them?—No. 29 Nov. 1894.

5381. Are you much troubled with vagrancy?—Well, a good many beggars come down in the Trinity district. But it is wonderful how changes work round. When the steamers were running across from Granton to Fife we had a great deal more of it than we have now. They came across from Fife in that direction, and begged their way up through Trinity and Leith to Edinburgh. Since that service was reduced we have had fewer cases of begging.

5382. Do you remember how many apprehensions you would have in the year?—Not very many. Last year we had 16—14 males, and 2 females, being an increase of 7 on the previous year. The difference would probably be accounted for by a little more vigilance on the part of the police. The working of this Act makes a good difference. In a great many offences under the old Act of 1862 one witness was sufficient. It is now different, and we cannot get a conviction for begging unless the person from whom they beg comes forward to give evidence.

5383. That increase in the number of apprehensions shows that the additional security in the way of extra evidence has not proved any barrier to getting convictions?—No; but it is a little trouble to those who have to appear, and they sometimes complain of it.

5384. I am informed that one Boswell, who is a leading man among the gipsies, is in your district?—They live in a van, on ground let to them, and they travel through the country.

5385. But there is no gipsy encampment or gipsy population?—No: further than that they come there and live with their van. I do not suppose there are more than a dozen connected with it.

5386. And they are well-behaved people?—Perfectly so.

5387. In the Act of 1862 there was a special provision that one witness was sufficient, but now you cannot get a conviction for begging without bringing up the person from whom they begged, unless you can get two policeman?—Yes.

5388. Has there been any similar change in the law with regard to prostitution?—Yes, we require two witnesses there.

5389. What constitutes the offence in Leith?—The offence of loitering and importuning can only be committed by a common prostitute. I am Public Prosecutor as well as Chief Constable, and the first evidence I insist upon being led is that the person accused is a common prostitute. That being proved, two witnesses prove that the woman was loitering and importuning passengers. Of course, her character, the time of night, and the whole circumstances are taken into account by the magistrate.

5390. We were told that in Edinburgh the practice is not to arrest a woman for loitering, and as regards importuning, not to arrest her before she had been warned. Have you any arrangement of that sort?—Our arrangement is that I do not care how often a constable had warned a woman not previously convicted of prostitution, the first occasion on which she is brought to the Police Office she is not locked up. A 'refused charge' is entered, and she is liberated, but if again apprehended, she is locked up.

5391. What do you mean by a 'refused charge'?—The lieutenant does not take it. A constable not infrequently apprehends a person, or she may be given in charge by another person, and on inquiry at the Police Office it is found that there is not a relative charge against her, and a 'refused charge' is entered, and she is liberated. But if apprehended a second time she is brought before the Court.

5392. What number of cases have you had of this class?—Not a large number, but I forget how many. In 1885 we had 135, but at that time we were in a very unsatisfactory position, and last year there were 41 apprehensions for prostitution.

Mr. Alexander Main.

29 Nov. 1894.

5393. What is the usual sentence for that offence?—The Act only provides for 40s. or one month; but the usual sentences range for the first offence from probably 5s. or three days, but it goes up and down, and depends greatly on the magistrate.

5394. What would the stiffest magistrate give?—I have seen them give the whole penalty of 40s. or one month.

5395. In many cases?—Not many, but I have seen it.

5396. Are you aware that in Edinburgh the penalty is very much lighter?—I do not know.

5397. What about the frequent offenders?—Very much depends on the whole system, and that is why I say it is no system. It depends entirely on the magistrates. Some magistrates, no matter how often the same persons are before them, just give the usual light sentences.

5398. In the case of persons charged under this Burgh Police Act with petty offences, do you in the charge, if the person pleads not guilty, bring forward previous convictions in proof?—In my complaint I set forth that the accused had been convicted according to the sentence of the Court. The charge is read over to the person, but not the previous convictions. If the charge is found proven, or the prisoner pleads guilty, the convictions are read over, and if the prisoner denies them they are proved.

5399. But you don't let the magistrate know of the previous convictions until the prisoner has pleaded guilty or has been convicted?—No; I have never done so since Lord-Advocate Macdonald's Criminal Procedure Act came into operation. I draw my complaint, and when I come to the end of the charge I put a mark with red ink, at which the clerk stops in reading. When the charge is disposed of by a plea of guilty or a conviction, the previous convictions are read to the prisoner, and if he admits them, there is an end to it, and if he denies them they are proved in the ordinary way.

5400. Do you think that is the general practice?—I do not think it is. I have had a good deal of correspondence with burgh prosecutors, who hold that it is not the right thing to do, but I maintain that it is.

5401. Do you know if that system prevails in Edinburgh?—I cannot say; but I know that it does not exist in Dundee.

5402. You say that in the case of begging you must either have the evidence of two policemen or of the person who was begged from. With regard to prostitution, do you require the presence of the person from whom solicitation is made?—I have never asked it. I would rather let the case fall, and for this reason, that I do not think it is fair, because the man does not himself contribute to the offence. They like it so badly that I do not insist upon it.

5403. But you have two policemen as witnesses?—Yes.

5404. In plain clothes?—Yes; but I find the men in uniform are as good as those in plain clothes for these offences.

5405. Do they go in twos?—Yes.

5406. And it is only in that way that you can get the two witnesses?—Yes, but it is quite an easy matter for a single constable to signal for his neighbour.

5407. Yes, but how could he be a witness to the offence?—The offence is repeated over and over again.

5408. And you do not arrest in Leith unless the offence is committed over and over again, and becomes a nuisance?—That is so.

5409. I ask that question because women have complained that once they have been convicted they have no chance. Do you think a woman who has been convicted is liable to be run in on the caprice of your men?—I do not think so. A constable has no interest in arresting a woman wrongly.

5410. Among the women of that class in prison and in Homes, we have had the one story, that they have been run in once they have been convicted?—I should not like to be responsible for men who would do such a thing, and I do not think it exists in Leith.

5411. What do you do with your prisoners—have you any cells in Leith?—Yes, and very good cells. *Mr. Alexander Main.* 29 Nov.

5412. But they are not certified cells?—Oh no. The prisoners are sent to the Calton Prison in Edinburgh.

5413. What is the cost of the escort?—I think the Prison Commissioners pay the Town Council of Leith £50 a year for the use of the van and horse. They also pay 9d. an hour for the constable employed in taking these prisoners up to prison.

5414. Do you think there will be any surplus over after defraying the cost for the escort?—There cannot be a surplus over. We have to keep up the van and horse, and the money we get would not maintain them, but we use the horse otherwise—for our fire department.

5415. Your Police Commissioners do not make anything out of this 9d. per hour?—No; it is just put into the general fund.

5416. Do you find that the treatment which prostitutes receive at the hands of the magistrates tends to reform them, or to drive them elsewhere?—I think that it does not in the slightest degree tend to reform.

5417. Then have you any suggestions to make with regard to the treatment of drunkards, prostitutes, or offenders generally?—I do not think I am qualified to make suggestions. The facts speak for themselves; but I think you will first have to discover the causes that lead these unfortunate people to this sort of life.

5418. I suppose drink has a good deal to do with it?—Well, I am very doubtful that drink is the cause.

5419. Well, what is your opinion?—Undoubtedly there is a weakness of will with them, and I generally find that these poor people who give way to drunkenness and debauchery, are, when sober, very quiet; but they are dull and morose, and I am strongly of opinion that there is in them some latent but strong desire for excitement, and there is no other way to gratify it so easily. I do not say they take the drink for the love of it, but for the effect it produces.

5420. Have you many juvenile offenders?—A good few.

5421. Have you any Reformatories?—We have two excellent Industrial Schools for boys and girls, and we take very full advantage of them. Since this last Act came into operation, I think we are getting into a very satisfactory way of dealing with juvenile offenders, and I think it will have a better effect than anything we could try. The Industrial Schools Act, as recently amended, gave School Boards authority to contribute towards the maintenance of children at Industrial Schools, and since then the Leith School Board have made an arrangement with the Industrial Schools in the town. Under the Industrial Schools Act the Government only contributed 2s. towards the support of the child, when committed under Section 16. The Industrial Schools throughout the country agreed among themselves that they would not take children under the 16th section of the Act, and when these children were getting beyond the control of the parents, it was found that if they could be dealt with under the 16th section it would be a great advantage. The School Board of Leith communicated with me, and I pressed them to get this provision into the Industrial Schools Act, so that they might be able to contribute towards the maintenance of children in the Industrial Schools. In the first place the case is reported to the School Board. Their officers make careful inquiry as to how the child got into that condition, and if the Board be satisfied that it was due to no fault of the parents, they recommend it as a case to be admitted to the Industrial School. The case is reported to me, and I have inquiry made, and bring the child before the magistrate under the 16th section. If the magistrate is satisfied, he commits the child under that section, and the School Board pay the difference between the 5s. necessary to maintain the child and the 2s. allowed by Government.

5422. Do you find that these children who pass through the Industrial Schools turn out well?—Almost invariably.

5423. You have no Reformatory in Leith?—We

send a good many to the Reformatory, but they are a different class of children.

5424. What is your opinion regarding them?—They have gone so far before being sent there that the result is not nearly so hopeful.

5425. It is said that 80 per cent. are reformed in the Reformatories of the country?—I am sure there are not 80 per cent. of ours reformed.

5426. I suppose the class of younger people who are sent to prison have lived in miserable homes?—Yes.

5427. A boy or girl of that class would be kicked about, and have to live a very precarious life in a one-roomed hovel, I suppose?—That is very largely the case.

5428. Do you think a boy or girl in that position would find prison a particularly severe sort of place to live in after what they had been accustomed to?—I have thought over that matter; and although they are kept clean and comfortable in prison, compared to what their condition is in their dirty squalid homes, I do not think I ever met one who would not rather be there than in prison.

5429. Don't you think it is a bad thing to send these young people to prison if you can avoid it, and hold it over their heads as a sort of punishment?—Yes.

5430. How would it do to have a few certified cells for the purpose of keeping people whom we did not want to send to prison, but whom it was necessary to punish?—I have no experience of that, and I have not considered it; but I think they would be much better dealt with in prison, as we would have to keep a male and female turnkey for the cells.

5431. (*By Dr. Farquharson.*) In your opinion, the public notion that drink is responsible for prostitution is exaggerated?—I do not say that the public view is exaggerated; but I think myself that drink is probably more of a consequent than an antecedent cause to crime in a good many cases.

5432. That it is effect rather than cause?—Yes.

5433. Does your remark apply to prostitution only, or to petty crime generally?—It applies generally.

5434. (*By Col. M'Hardy.*) You said there was a certain increase, though not great, in the sentences now imposed under the Police Act for drunkenness?—Yes.

5435. Have you found that those increased penalties have had any practical result in checking drunkenness?—No.

5436. So that a slightly increased sentence is no more beneficial in a reformatory sense than a short one?—That is my opinion. Merely sending to prison for a few days is of no effect.

5437. What evidence is required in the case of a breach of the peace?—Two witnesses, according to the law of Scotland generally, unless there is a special statute.

5438. The number of constables which you have to your population is not very high as compared with other towns?—It is not fairly stated. The number is given as 74, but it is really 110. The 36 of difference are paid for by the Dock Commission, but they are really constables doing the duties of constables, and if they were not there we would have to put others in their places.

5439. You have about one constable per 1,000 of the population?—That is the authorised force, but if you take the others into consideration we have a good many more.

5440. Are these harbour police practically useful for the maintenance of order?—Undoubtedly; and not only for the maintenance of order, but for other police work.

5441. In dealing with the offences that come before you, do you work the First Offenders Act fully?—Both before and since the passing of that Act they have been admonished for the first offence. Unless there is something out of the way in the case, they are always dismissed with an admonition for the first offence.

5442. But if there is something out of the way, how do you proceed?—They are fined or sent to prison.

5443. Is that in sympathy with the First Offenders Act?—Not quite; but not infrequently with us they are put under caution for good behaviour, in lieu of imprisonment.

5444. Do you never give time to pay a fine?—That has never been done.

5445. If a small fine is imposed on a person for these offences connected with disorder, how long is it after the conviction before he is imprisoned?—The Court sits at ten, and the van leaves for the prison at two o'clock.

5446. That is four hours between the conviction and the removal to the prison?—Yes.

5447. What steps do you take to give facility for the payment of fines?—Any step that the prisoner suggests.

5448. Do you send out for bail if there is a reasonable chance of getting it?—Whether there is a reasonable chance or not, if the prisoner suggests it.

5449. You let him know that you will do so?—Certainly.

5450. You speak very favourably of the Industrial Schools, but not so favourably of the Reformatories?—Yes; but I said the children sent to Reformatories were of a different class and had not the same opportunities.

5451. But although the reformation would be more difficult, do you consider it impossible?—I would not like to say that.

5452. The numbers that are given of reformation in Reformatories are very high?—Yes.

5453. Does your police experience lead you to believe that a good many Reformatory boys turn up again in the hands of the police?—That is so.

5454. Is the Reformatory treatment in any way satisfactory in your opinion, or could anything better be done?—I am not in a position to suggest anything.

5455. (*By Miss Stevenson.*) Can you say how many children have been sent to Industrial Schools by the Leith School Board under the provisions of the Industrial Schools Act?—We had one sent yesterday, and I should say a good dozen since the arrangement was made by the School Board.

5456. Is the complaint as to the inability of the parent to control the child made by the School Board officer or by you?—The School Board send the complaint to me through their clerk.

5457. And you are the prosecutor for the School Board?—I do it as part of my duty as public prosecutor.

5458. In cases where a prosecution is taken against a parent for neglect, do you prosecute?—No.

5459. Do you find that greater facilities for getting rid of their responsibility for their children induces them to be more negligent?—I think not, and for this reason, that the School Board are practical people, and they are ratepayers as well, and in my experience they have been very careful in making their selections. Of course no action can be taken on my part until they are first satisfied. If they find in their inquiry that there has been neglect on the part of the parent for which they deserve to be prosecuted, that is done. I think the actual working of this system has not been to relieve the parent unless there was good cause for it.

5460 Does the School Board take any steps to recover from the parents any part of their contribution for the maintenance of children sent by them to the Industrial Schools?—In the cases which they send in Leith they will not be able to recover anything. I have no doubt, however, but the Government will be able to recover part of the two shillings which they pay; but the parents are in such a condition that I am sure the School Board will not be able to recover any of their contribution.

5461. (*By Dr. Sutherland.*) Have you ever any 'showy' women of the prostitute class before you?—Very few.

5462. Do they exist in Leith?—Scarcely. We

Mr. Alexander Main.

29 Nov. 1894.

have no field for that sort of thing in Leith.

5463. But was there not a large number driven out of Edinburgh in 1880 under some special provision?—The Edinburgh Act of 1879 came into operation in 1880, and we were simply invaded in Leith. In fact they took up a whole square until 1885, when the Criminal Law Amendment Act came into force. Under the powers conferred by that Act I cleared the place without any difficulty.

5464. But there are some 'showy' women in Leith?—There are scarcely any, and the few there are carry on their calling in Edinburgh.

5465. Do they do so with less immunity than the poorer classes?—I don't think there is much difference, but I could not say.

5466. I notice by your returns that there has been a steady decrease in the number of apprehensions made by the Leith police during the last 14 years?—That is so.

5467. Can you explain that?—I expect it is because the people seem to be better behaved.

5468. Do the police help drunk men or women home?—No. Of course it is not a police offence to be drunk and incapable alone.

5469. In Leith?—In any place, so far as I am aware. The offence consists in being drunk and incapable, without being under the care or protection of any one. But the police never go to help any one home.

5470. What is the total amount you receive in the shape of fines?—They are very much down. Last year I think they amounted to £500, but when those houses in Falshaw Street existed they were as high as £1,000.

5471. Then there is a connection between the decrease in the number of apprehensions and the decrease in your exchequer?—That is so.

5472. (*By the Chairman.*) What do you do in regard to pledges left for the appearance of a prisoner?—A large percentage of these are forfeited.

5473. Does the lieutenant on duty fix the amount?—If I am not there.

5474. And he does so in view of the amount likely to be imposed if the person were found guilty?—That is very much the case.

Mr. Alexander Main.

29 Nov. 1894.

5475. If a man leaves 5s, and gives the name of John Smith, would you let him go?—It would depend entirely on the offence.

5476. Take a petty offence?—In that case we would let him go, and never look for him.

5477. In Edinburgh they say a man does not purge himself of his offence by simply forfeiting his bail. Do you know that?—Yes; but I do not think it is the case in many other towns.

5478. Do you think it proper?—I think if a man forgets himself, and gets into a brawl, and pays 5s. or 10s. on being brought to the Police Office, it would serve no good purpose to go and hunt him up and bring him before the Court again.

5479. It confuses the previous convictions. Would the forfeiture of a pledge rank as a previous conviction?—No; but in the practical working of the system we would not allow a person out who was very frequently brought up, unless on very heavy bail.

5480. Do you send to their friends if they want them to give bail?—Yes.

5481. What is your experience of Sundays as compared with other days?—We are not very well situated in Leith as regards Sundays owing to our peculiar position. The hotels are open on Sundays, and there are a great many alleged *bona fides* whom the police do not know.

5482. Have you many cases brought in on Sundays?—Not an extraordinary number.

5483. Are you under the Early Closing Act?—No; we are above 50,000 of population and are exempted from the operation of the Act.

5484. But Leith has petitioned for the extension of the Early Closing Act to the Burgh?—Yes; I was one of a deputation which waited on Sir George Trevelyan in Glasgow to get the Act extended to the Burgh. [Witness then withdrew.]

Miss Paterson. Mr. Andrew Scott.

Miss PATERSON, Matron of the Edinburgh Magdalene Asylum, and Mr ANDREW SCOTT, Chartered Accountant, Edinburgh, called in and examined.

Miss Paterson. Mr. Andrew Scott.

5485. (*By the Chairman*, to Mr. Scott.) You are secretary of the Edinburgh Magdalene Asylum?—I am assistant secretary.

5486. State briefly the objects of that institution?—To reclaim women from the paths of immorality and drunkenness, if they come to the Home for 18 months.

5487. Do you profess to deal with mere drunkards?—No.

5488. You have a daily average population of about 90?—Yes.

5489. And your admissions for last year were 108?—Yes.

5490. The employment which you give your inmates consists of washing and needlework?—Yes.

5491. And you make a profit out of the work of some 3 per cent. over the cost of maintenance?—Yes.

5492. How many have you engaged in needlework?—There is no needlework done for outside, but only making and mending their own clothes in the house. There will not be above five so employed.

5493. So that practically your whole business is washing?—Yes.

5494. And you keep the inmates in for 18 months?—Yes.

5495. I see from the report that 18 per cent. have been dismissed, or have absconded, or lapsed?—Yes. In 1894, out of 98 at the beginning of the year, and 98 since admitted—making in all 196—32 went to situations, 4 were retained in the service of the institution, 26 were restored to friends, 6 were sent to hospitals, 2 were sent to other Homes, 1 died, 21 left of their own accord, and 2 were dismissed, leaving 102 in the Home.

5496. Do those women who go to their own homes leave early?—Yes.

5497. What are the absconding class?—They jump over the wall.

5498. Why do they do so? Why do they not go out by the door?—(*Miss Paterson.*) Some of them have not the courage to ask for their clothes.

5499. Do you allow them to go out if they ask?—(*Miss Paterson.*) Oh yes; we cannot keep them.

5500. And they go out with the Asylum clothes on?—(*Miss Paterson.*) Yes.

5501. (*Mr. Scott.*) In the past year we had two who jumped over the wall, but they came back, and went out regularly.

5502. Do you put the police on the track of those who abscond?—No.

5503–4. What do they get out of their work?—The worth of it.

5505. How much?—About £5 at the end of the 18 months.

5506. And an outfit for those who are restored to their friends?—Yes.

5507. Are they satisfied with that £5 for 18 months' work?—Perfectly.

5508. Have most of the inmates been in the habit of earning wages?—Yes; but it is when they are at the lowest ebb that they come to the Home. They are in a melancholy condition when they come, and they remain the 18 months to keep away from their old life, with the knowledge that they may get a situation at the end of the period.

5509. Of those reclaimed, do many come back to you again?—I am afraid there are a good number.

5510. We were told by a previous witness that there was a great difficulty in the overlapping of these charities? Do you think there is a necessity for more uniformity in these Homes?—I was at the conference referred to by the gentlemen in question, and it was

Paterson. Andrew agreed that when a woman leaves, and appears at another Home, the matrons generally correspond and find out about her. Of course one girl might be better in a small than in a large Home, and a matron might do better with one girl than another. Although there is overlapping, I am not quite prepared to say that it is a bad thing.

Nov. 1894.

5511. (To Miss Paterson.) Have you any record of those who have passed through the institution as to what their future position has been?—We have just the roll-book.

5512. Do you keep a note of them after they have left?—Yes.

5513. And keep your eye on them for a long time?—Yes.

5514. How do they get on?—Some of them very well for a time, and they correspond with us and come and visit us.

5515. Do any of them ask you to bank for them, as in Glasgow?—Some of them do.

5516. How many bank-books have you?—They keep their own bank-books.

5517. Can you give us any examples of cases of girls who have been very bad before they came to you, and have had a good career afterwards?—I do know a good many cases, but I cannot exactly mention them just now. I have just the girls' own letters, and photographs, and small things like that.

5518. (To Mr. Scott.) Your finances are very good—better, apparently, than any similar institution in Scotland?—Yes.

5519. How do you account for that?—(*Mr. Scott.*) We have a very steady washing business, and the work is well done. We spare no expense to have the best, both for the sake of the girls and the work.

5520. Do you send out the girls to collect the money and the clothes?—(*Mr. Scott.*) No, we send the porter at the gate.

5521. (To Miss Paterson.) Are the girls ever allowed out?—Not except with an assistant matron.

5522. Not on Sundays?—No.

5523. Not to go to church?—We have church in the House.

5524. What hours do they work?—It depends on the work we have on hand.

5525. Take the wash-house, when do you start?—At eight, and work on till seven as a rule.

5526. On Saturdays?—They do not begin till twelve o'clock on Saturdays.

5527. What dinner-hour do they get?—From twelve to one.

5528. And they take breakfast before they start?—Breakfast is at a quarter-past seven, lunch at ten, dinner at twelve, tea at half-past three, and supper at eight.

5529. Do you let them out right suddenly at the end of the 18 months, without any training to see whether they can stand the liberty?—Yes.

5530. I suppose most of them have been addicted to drink?—Some of them, but not very badly.

5531. Most of them have come through the prison, I suppose?—Oh no; hardly any with us.

5532. Then how do you pick them up?—Some of the missionaries bring them to the receiving Home.

5533. Where is that?—In Henderson Terrace, just beside our place.

5534. How long do they stay there?—A few days, until they pass the committee, which meets every Wednesday, and then they are sent on to the Asylum.

5535. How many prison Magdalenes would you have, or do you ask that question?—We always ask it, but as a rule the answer is that they have not been in jail, or if they have it was only for importuning. Most of them, however, have not been in jail at all.

5536. Then they could hardly be said to have come as low as they might have come?—No.

5537. (*By Miss Stevenson.*) Can you give us any idea how many of the girls who go out in the course of the year return to you within that year?—(*Miss Paterson.*) I am afraid I cannot.

5538. Have you any?—(*Mr. Scott.*) Yes, there are some cases, but very few who come back in so short a time.

Miss Paterson. Mr. Andrew Scott.

29 Nov. 1894.

5539. What is the usual length of time that they stay out, after having been with you, before they come back?—(*Mr. Scott.*) It varies a good deal.

5540. What is the shortest time?—(*Mr. Scott.*) Some are only away for a month, and others are absent for years.

5541. Do you make any rule about those coming back?—(*Mr. Scott.*) We do not care about them, but there is no rule, and we take them in unless they have been exceptionally bad.

5542. Have you any means of tracing the girls who go out, and looking after them after they leave the home?—(*Miss Paterson.*) Just if they keep up a correspondence with us.

5543. Then it is entirely the will of the woman whether she keeps up the connection or not?—(*Miss Paterson*) Yes.

5544. If a girl loses her situation, do you take her in again till she gets another?—Yes.

5545. Do you do that in many cases?—In very many.

5546. Have you ever refused to take in a girl who left her situation because she did not like it?—Not if there was nothing against her—if she had not misbehaved.

5547. If she had only left because she was displeased with her mistress, you would take her in?—Yes.

5548. Why have you no other work than laundry work?—Because they do not care to sew.

5549. Is it because that kind of work is considered of a reforming character and most suited for improving their morals, or simply because it is most remunerative?—(*Mr. Scott.*) I expect that is it.

5550. Have you a garden?—(*Miss Paterson.*) Yes.

5551. Do the women take any interest in it, or are they employed there?—No, they do nothing but wash.

5552. Are they obliged to attend religious services?—Yes.

5553. How many in the day?—There is worship in the morning and at night, and three services on Sundays.

5554. Who conducts them?—The chaplain takes two, and an outside gentleman one.

5555. Is the Home visited during the day by any ladies?—There are two ladies who take a bible class on Fridays.

5556. Do you take any means to test the truth of the girls' statement that they have not been in prison?—No, we just take their word.

5557. You don't refer to the chaplain of the prison?—No.

5558. Don't you think it would be desirable to do that?—I do not know.

5559. Does Miss Kent bring you many inmates?—A good many.

5560. Is her work chiefly in connection with the prison?—Yes.

5561. (*Mr. Scott.*) The way the Magdalene Asylum is worked is this. The girls go to Springwell first, and the committee at Springwell allocate them to the different Homes, and in that way we do not know whether they come from prison or not, but the managers at Springwell could tell that.

5562. You have no classification as to the length of time they have been on the streets?—(*Mr. Scott.*) No.

5563. Do you find that a good arrangement?—The cases are just watched by the 12 assistant matrons.

5564. For how many?—For the 100 inmates.

5565. (*By Col. M'Hardy*, to Miss Paterson.) Your description of the daily routine of the inmates sounds a little bit dull for young women of a sprightly or excitable nature. What do you provide in the way of recreation?—They just have games among themselves.

5566. When do they amuse themselves?—At the dinner-hour.

5567. What do they do in the evenings?—They go to bed pretty early.

5568. Although work is no doubt the first preliminary in reformation, I suppose your society has

Miss Paterson. Mr. Andrew Scott.

29 Nov. 1894.

considered it necessary to stay it up with some sort of relaxation?—We have social meetings occasionally.

5569. Of what nature?—Music and recitations.

5570. How often have you these?—About once a month.

5571. Do the inmates take part in them, or is it a performance by outsiders?—Sometimes the women take part in them.

5572. You try to maintain a sort of liveliness among them?—Yes, and the girls are exceedingly happy, singing at their work.

5573. I suppose reformation would depend a good deal on the way in which it would develop intercourse with good people. Is that done to any extent?—Yes.

5574. Do you allow them free intercourse with each other all day?—Yes.

5575. Are there any other persons who mix with them and talk with them in an ordinary every day way?—The ladies and gentlemen of the committee.

5576. But they would probably put only a few formal questions?—We have also the chaplain.

5577. To what extent do the 12 assistant matrons talk in daily ordinary conversation with the women? Is it all in the way of administration, in giving orders and that sort of thing, or do they, as far as they can, become part and parcel of their society, so as to keep the thing working in a happy spirit?—Yes, they are more the girls' friends, and are in continual conversation with them during the day.

5578. Their games are during the dinner hour?—Yes, and on Saturday afternoons; and the young ones go out and play on the green.

5579. So that you direct your attention to try and create and maintain a spirit of liveliness?—Yes, and to make their lives bright and happy.

5580. How many sleep in the same dormitory?—There are 14 in 3 of the rooms.

5581. Are the rooms brightened by pictures and such things?—There are a few texts.

5582. (*By Dr. Farquharson,* To Miss Paterson.) Do the girls like their work and take an interest in it?—Yes.

5583. Do they make any complaints of the hours being too long or the work too heavy?—No, because none of the girls are overworked.

5584. How do the hours compare with those of laundry establishments outside?—Ours are not quite so long.

5585. What is the regulation rate of pay for laundry work outside?—I do not know.

5586. But your women are quite satisfied with what they get when they go out?—Yes.

5587. Is the reason of that because they get more than they could get outside?—They could not save as much as they get from us if they were out working.

5588. Does the health of the girls improve after a certain time?—Yes.

5589. Do you give them a regular period of exercise every day?—It is their own option. They are free to go out if they choose.

5590. Are they allowed to go out and see their friends occasionally?—There is no restriction on the friends coming in.

5591. Are they allowed to communicate with their friends by letter?—Yes, regularly.

5592. Do you regulate the friends?—Yes, fathers, mothers, brothers and sisters, or any relatives who would not do them harm.

5593. Do you consider this work an essential part of the reformation of the girls?—Oh yes; we could not keep them there otherwise.

5594. (*By Dr. Sutherland,* to Miss Paterson.) You were in Glasgow before coming to Edinburgh?—I was Matron of the Prison Mission at the Whitevale Shelter.

5595. A great many of those who came there had been in prison?—They had almost all been prisoners.

5596. Is it not possible that a great many of your women may also have been in prison, and you not know of it?—They may have been.

5597. Do you ever hear them speak about that?—No.

Miss Paterson. Mr. Andrew Scott.

29 Nov. 1894.

5598. Do you charge the same rate for laundry work as is done in private enterprises in the city, or do you undersell them?—I do not know what the charges are in private laundries.

5599. Is there any private enterprise of the laundry type as big as yours?—Yes.

5600. Then do these women get situations in the private laundries in the city after they leave your Home?—We do not approve of it, if we can get them into other situations.

5601. Is there anything undesirable in putting them to that work to which they have been trained?—We do not care about them being in lodgings.

5602. (To Mr. Scott.) You prefer large institutions to small ones?—Yes.

5603. Is that because you have a better chance of classification?—I think we get a better grip of character.

5604. Would it not be desirable to classify those women. There must be different degrees of temperament, disposition, and degradation?—Yes; but I don't think it could be done.

5605. Do you think your institution would be benefited if you had compulsory powers to detain these restless women who leave you shortly after they come in?—No, we don't think so in our institution.

5606. Do you not think at all events it would be in the interest of the restless class to have an institution where they could be compulsorily detained?—I think the girls would make it so uncomfortable that you would be glad to get rid of them in the interests of the others.

5607. But for the worst class of girls don't you think such an institution desirable?—Yes.

5608. Are those fallen women not much addicted to drink?—Yes.

5609. Is it not a very considerable factor in their lives?—Yes.

5610. Is it your idea that people of the kind who come to the Home are fallen women addicted to intemperance?—Yes. The girls say that they could not live that life unless they took drink.

5611. What is the cost of the food?—About 4s. a week each.

5612. (*By the Chairman,* to Miss Paterson.) If your inmates, after having been 18 months in the Home, do not go into private laundries, what sort of situations do they get?—They take laundry women's places in private houses.

5613. I thought you aimed at getting them into houses where a single servant is kept?—Some of them take places as general servants.

5614. Have they any training for that?—They take their turn at house work in the Home.

5615. Have you any young girls?—A good number.

5616. What is the age of the youngest?—We have them as young as 14.

5617. Have you many between that age and 16?—(*Mr. Scott.*) None just now, but we have one at 14, and two or three about 17.

5618. Take that girl of 14. Was she a prostitute?—(*Mr. Scott.*) I think she was just in danger of falling.

5619. Have you any cases of girls being brought to you for protection to prevent them falling?—Yes.

5620. And this young girl is one of them?—(*Mr. Scott.*) I think so. Some older ones either come of their own accord or are brought by their friends.

5621. Are they mixed up with the rest?—(*Miss Paterson.*) Yes.

5622. (*By Miss Stevenson,* to Miss Paterson.) Do you ever retain any of those women as servants in the Home?—Yes, a good many.

5623. What is the most important position you give them in the Home?—We have three who are superintendents; but they have been there a long time.

5624. Of those 12 assistant matrons who are with you now, how many were inmates?—Three, and we have ten paid servants besides, selected from the girls.

Miss Paterson. Mr. Andrew Scott. 29 Nov. 1894.

5625. Then altogether you have an establishment of 22 paid servants and superintendents, besides the matron, to superintend the inmates?—Yes, but one of the servants has only one arm, and other two have weak eyes, and they are kept for charity.

5626. (*By Col. M'Hardy.*) What do you think those girls who leave before the 18 months are up would do if they knew there was another institution to which they could be sent and detained compulsorily?—(*Mr. Scott.*) I think they would remain with us voluntarily. [Witnesses then withdrew.]

Rev. Dr. John Smith.

The Rev. JOHN SMITH, D.D., Broughton Place United Presbyterian Church, Edinburgh, called in and examined.

5627. (*By the Chairman.*) You do not represent the United Presbyterian Presbytery?—No; I was asked to come up as I have had special experience of mission work in the Canongate. We have a very large mission there, and I was requested to give what evidence I could, based on our special experience.

5628. You have seen a great deal of drunkenness in the city?—Yes. What justified me in coming here was that in our mission work, we have a very successful temperance meeting weekly, at which we took about 2,500 pledges last year. We follow these meetings up by visitation, so that the men are surrounded by good influences after taking the pledge. We are thankful that a considerable number are finally rescued.

5629. But that is a matter which we cannot legislate for or make effective by any recommendations?—But the important fact that bears on your inquiry is, that while we naturally give prominence to the moral and spiritual aspect of this grave evil, yet ever and anon we find that certain people seem to come under a craving that they cannot control, and we feel that for the time they have passed from under our influence, and have ceased to be able to control themselves in the slightest degree. The cases we know at the present time as in abject subjection to this crave are pitiable.

5630. And you think they should be confined?—We have been forced by these facts to think that they do need to be sequestered for some time.

5631. There are three sorts of habitual drunkards?—The *quasi* criminals, the non-criminals who go voluntarily into retreats, and those whom it is proposed to put in at the instance of their friends, and who again may be divided into those who can pay and those who cannot. Have you any suggestions to make regarding any of these classes?—We have some of the criminal classes coming to us, but my workers believe that 60 per cent. of the habitual drunkards they have to deal with, have never been inside a police cell, and the larger number of those who would require to be put into a place of confinement, are people who could not pay for themselves.

5632. How are they to be supported?—We think it is a work for municipalities. These people have passed beyond the power of self-control, and require to be looked after, and our feeling is that municipalities should provide retreats, such as industrial farms.

5633. Something of the nature of the German labour colony?—Yes, that is our idea.

5634. Would you apply the same system to the *quasi* criminal class?—Yes, the necessity is even greater there. We have all felt the difficulty of limiting the liberty of the subject, but a great many of these people are such abject slaves to this drink crave, that that consideration need not have any force.

5635. Do you think that public opinion in Scotland on this question is riper than in other parts of the kingdom?—Yes; and I believe that among the class concerned it is also ripe. I had rather a remarkable instance of that. My missionary who had large experience in Glasgow before coming here, had a meeting of a hundred of these men one night in our reading-room, the greater proportion of them being drunkards in process of reformation. He informed them that your Committee was about to visit Edinburgh, and he put the matter before the men themselves. They had a very interesting discussion upon it, and although a few of them were at first inclined to resent the idea of confinement—just from the feeling that it was an interference with the liberty of the subject—yet the feeling in favour of it was very striking, and they came to a unanimous finding that it was absolutely necessary, in view of all the circumstances, that there should be compulsory confinement. One man at that meeting left Calcutta 15 years ago with several thousand pounds as his share of a business in which he was engaged there.

5636. Your conclusion is that four months' abstinence generally restores the mental balance?—Yes; and when a year has passed, we have strong confidence in their standing. One important point is the revival or formation of habits of industry and the awakening of self-respect, and this may take longer than the killing of the drink crave.

5637. What process would you adopt to secure committals?—As the power sought would amount to an apparent abridgement of liberty, and might possibly be abused, proof should be led before a competent authority that for at least six months the person in regard to whom action is taken had been in this drunken condition—security being taken that the evidence is unbiased and conclusive.

5638. You argue, from your experience in the Canongate, that about a year's enforced abstinence would go a great way to bring about recovery?—That is our conviction.

5639. (*By Dr. Farquharson.*) Your experience s entirely derived from persons who took the pledge?—Yes, through our mission work.

5640. You seem to have got very good results?—Yes, and we are thankful for them. But every now and again we are brought into contact with cases where we feel we are really helpless, and where confinement for a year or so would have the best results.

5641. Do the people to whom you refer recognise the fact that their will is gone?—Yes.

5642. And they would be grateful for the opportunity of being shut up?—Well, they would be grateful afterwards, although they might resent it at the time if under the influence of the drink. To show the greatness of the need I may mention that there is a man we have just now who has been about a year with us. He has been a good workman and had saved a little money. His wife got a saw, cut open his trunk, and went off to Glasgow with all his money. She is entirely hopeless, and is at present living in an Edinburgh brothel.

5643. Do you think those habitual drunkards would voluntarily submit to detention?—I am afraid we would require power to compel detention on an adequate representation by their friends. I quite see the difficulty of over-riding the personal liberty of the subject, and of course compulsory detention might be used for a wrong purpose. There are those who have periodical fits of drinking, and I think it would be wrong to put them in these institutions. There are people who go on the spree for a week or a fortnight, but who have reserves of character which pull them up, and for weeks or months they keep all right, and I think it would be wrong to confine them.

5644. (*By the Chairman.*) Is it not the fact that these people in their spree might do as much mischief as others who had been drinking for five years?—Yes; but our view is that with them we ought to exhaust the moral and spiritual means before resorting to any invasion of the liberty of the subject.

5645. (*By Dr. Farquharson.*) Are you hopeful that your labour colony might be made self-supporting?—I think so. I have been much interested by the labour colony in Germany, and I think it is self-supporting.

5646. (*By the Chairman.*) There are two sorts of

Rev. Dr. John Smith.

29 Nov. 1894.

labour colonies in Germany—those maintained by charity, to which people go voluntarily, and regarding which we have had a certain amount of evidence—but we have had no evidence regarding another class which I understand exist, and to which people are compulsorily sent for a definite period. Have you any information regarding these?—No.

5647. (*By Dr. Sutherland.*) Which sex is the more prone to drunkenness?—I think women.

5648. About what age do you find habitual drunkenness appear?—Sometimes very young, but I could not give an opinion on that point.

5649. You think the municipalities should support these Homes?—Yes.

Rev. Dr. Smith.

29 Nov. 1

5650. Suppose that at present one or both of the parents is habitually addicted to drink, who looks after the family? Are they thrown on the Parochial Board?—If the wife were put into one of these Homes, the husband—the bread-winner—would be able to provide for the family all the better because he was free from the incubus of his drunken wife.

5651. Do you think the municipalities would care to undertake this additional burden?—I have always been inclined to think so. [Witness then withdrew.]

Rev. Professor Blaikie. Rev. G. D. Low.

The Rev. Professor W. G. BLAIKIE, D.D., and the Rev. G. D. LOW, M.A., Fountainbridge Free Church, Edinburgh, called in and examined.

Rev. Prof Blaikie. Rev. G. D Low.

5652. (*By the Chairman*, to Professor Blaikie.) You are delegates from the Edinburgh Free Presbytery?—Yes.

5653. And you wish to convey their views on the subject of our inquiry?—Yes, both as to the disease and the remedy.

5654. What are the views you are instructed to lay before us?—I would like to represent to the Committee our strong sense of the appalling evil with which you have to deal. The Free Presbytery of Edinburgh have been led to take a very special interest in the class of people among whom this disease most commonly prevails—the working-classes of the town. From the days of Dr. Chalmers a very special interest has been shown in that class of the community, and Dr. Chalmers set up the West Port Church and left it as a legacy to his brethren to pay particular attention to that class of people, and we have eight or nine of these churches built in different parts of the town. Every congregation has a mission to that class of people, and in this way we have been more fully brought into contact with them. We believe, however, that in all classes of society—the upper as well as the lower—this evil prevails. In regard to the particular remedy which the Committee is considering, I may say that we have a very strong conviction that something of the nature of compulsory power for the detention of offenders of that kind is necessary. It is our unanimous and strong opinion that the means at present available for dealing with such cases are quite inadequate. They are the most distressing cases we could have, creating as they do so much misery and sin on every side. When persons come to us, as they sometimes do, the wife as well as the husband, and ask us whether anything can be done to remove the party from temptation, we are obliged to say that there is no power in the law to confine them—that we are quite helpless in the matter.

5655. Have you worked out the form that compulsion should take, or do you represent the Presbytery only in advocating compulsion generally?—In some respects we have a strong opinion in regard to matters of detail. For example, we have the opinion that the period of detention should not be limited to 12 months, but should be left optional, and that the length of time should be regulated by the medical gentlemen. From experience, and from knowledge of the inveterate nature of the disease in so many cases, we think that 12 months is too short a limit. In regard to details, I think that generally our views might be expressed in the Bill drafted by the late Mr. Charles Morton. In the main I think the provisions of that Bill are such as we would probably assent to, only that Mr. Morton limited the period of confinement to 12 months, and of that we disapprove, but generally speaking, I think the scheme which he drafted is suitable and right. I may say that we are strongly of opinion, that at the beginning of any movement of this sort, it is only the most scandalous cases that should be dealt with. If you were to propose to take up every case to which the term habitual drunkard might apply, great difficulties would arise. Take the most scandalous cases first, and then extend the scheme.

5656. The Rev. Mr. Low, in reply to the Chairman, said:—I corroborate generally what has been said by Professor Blaikie. I am in touch with the working-classes and know the district in which I work, and I am satisfied that the case presented by Professor Blaikie commends itself to me and my brethren.

5657. (*Professor Blaikie.*) I wish to add with reference to a suggestion that has been made, that the churches might be expected to bear some part of the expense, that it is the mind of the Free Church Presbytery that they do not recognise that as a burden which should be laid on the churches, and for obvious reasons.

5658. (*The Chairman.*) As a committee we could make no recommendation to lay any burden of that sort on any church. If the churches chose to contribute to any such scheme, that is another matter.—(*Professor Blaikie.*) I have no doubt the churches would be very desirous to help any such movement; and if the bread-winner had to be confined, the churches would have more scope in looking after his family. [Witnesses then withdrew.]

Sir Douglas Maclagan.

Sir DOUGLAS MACLAGAN, M.D., Professor of Medical Jurisprudence, and President of the Royal Society, Edinburgh.

Sir Doug Maclaga

5659. (*By the Chairman.*) You are Professor of Medical Jurisprudence in the University of Edinburgh?—Yes.

5660. And are a late President of the Royal College of Physicians?—Yes.

5661. And you are at present President of the Royal Society?—Yes.

5662. I understand you have some decided views as to the non-deterrent effect of short sentences on habitual offenders?—I have long had very decided views on that point. I think that short sentences are not only useless but injurious. For example, in the case of fellows who get tipsy, and are brought up and sentenced to five days' imprisonment. The first day they are not of much use, not having got rid of their debauch; the next day they are able to take their porridge; and the next day they are fresh, and then when sent out of jail they are just ready to go back to the public-house again.

5663. Would you propose long sentences?—No; my disposition would be to abolish the fines; but that is a fiscal question.

5664. Yes, but we would like to have your views on it?—I think that when these offenders are merely punished by fines, it does not do much good, for very often these fines are paid by their friends and chums. What I would be disposed to do, would be to substitute for the fines the recording of convictions, and after the same individual had a certain number of convictions against him, I would have him sent to something analogous to penal servitude.

5665. But the fines are regarded as convictions?—Yes, I understand that.

5666. Would you apply that in the case of all the petty offenders we are inquiring into?—Yes. I would place small thefts and so forth in the same category.

5667. You don't mean that they should get penal

Sir Douglas Maclagan.

29 Nov. 1894.

servitude?—I mean that they should be put in prison and made to work, so as to create in them a desire after better things if possible. Let the detention be for two or three years, according to the number of convictions. I would fix a limit, and when they have reached that limit in the way of convictions I would say the punishment was no longer to be 5s. or 30 days by the magistrate, but they should be placed in confinement of some kind and made to work.

5668. Take the case of the habitual drunkard. We have been told that a great number of respectable working-men get drunk every pay-day, and return to their work on the Monday?—I have no doubt there will be some, but I cannot speak as to them.

5669. Magistrates and Chief Constables have both protested against any such severe measures for that class?—But I think if what I propose were held over them *in terrorem* it would have a good effect in keeping them right. If they came to recognise that two more convictions or so would result in their being confined, and kept from their ordinary work altogether, they would begin to see that it was a serious matter.

5670. There is another difficulty. In Glasgow, where there are a number of different Courts they have no reliable record of the number of convictions?—I do not see that there should be much difficulty there.

5671. We have asked the opinion of a great number of persons as to the definition of an habitual offender. One man says three convictions in one year, another six in a lifetime, another ten in three years, and so on. Where would you draw the line?—It is not easy to do so, but I think seven times convicted of being drunk and incapable within a year or two years would be sufficient.

5672. But a drunkard sometimes mixes up his crimes?—I think drunk and incapable, and drunk and disorderly, might be all classified together.

5673. Assuming a man had a certain number of convictions for that class of crime, how would this plan suggested to us work—that the police should bring him up before the sheriff on a petition that he be pronounced an habitual offender, and that then he should be relegated to some reformatory institution?—According to my view, I do not think you would require to have any petition of that sort. I think his seven convictions, or whatever number should be decided upon, should in themselves be sufficient to justify his detention.

5674. As to that confinement, would you have it in prison?—I would rather not have it in prison. I would prefer to have them away on some of our moorland counties—such as Drumshoreland Moor or Carnwath Moor—to reclaim that land. At first some of the prisons might be utilised for their detention.

5675. In the matter of habitual drunkenness, you have, as a Medical Jurist, some well-defined and weighty opinions on the connection between drunkenness and disease?—Clearly.

5676. How far is drunkenness to be treated as a vice and how far as a disease?—I think habitual drunkenness comes to be a disease. They have lost the power of self-control.

5677. And they require a long period to allow the tissues to resume their normal state?—Yes. I do not think a short sentence, as at present, is of any use. It is like opium-eating; you cannot restrain it by a period of only six months' abstinence.

5678. Is there much opium-eating in Edinburgh?—I could not give you any statistical or reliable information on that point, as it is very much done *sub rosa*.

5679. You are aware that there has been a tentative Act in force for a considerable number of years, the object of which was to provide means of detention for people who were willing to submit voluntarily?—Yes.

5680. And you think the time has come for giving wider powers?—Yes. A great deal of good has been done by the Dalrymple Home, but you cannot place any reliance on a person shut up for only a twelvemonth.

5681. Would you prolong the period of detention to any definite time?—It is very difficult to say how soon a man could get better.

Sir Douglas Maclagan.

29 Nov. 1894.

5682. Would you have the power of detention to extend till a cure was effected without having any limit of time?—Yes, I think so.

5683. I presume medical opinion in such a case would not be worth more than that of anybody else?—No; it is the observation of those who go about the person which is of most use.

5684. Have you ever looked into the Edinburgh Home, called Queensberry House?—Yes, and I have known several cases in it.

5685. Have you known any satisfactory results?—I cannot say. It has generally been through getting people shut up that I have come to know of the cases.

5686. Do you know of any cases in which a cure has been effected?—I don't like to state any particulars in regard to points on which I am not sure.

5687. Is there any other point with reference to the Inebriates Act which you would like to bring before us?—No, I have nothing else.

5688. (*By Dr. Farquharson.*) Do you think it is absolutely necessary to have convictions in order to have a man detained as an habitual drunkard?—I think a judgment by the magistrates is a necessity.

5689. But are there not a great number of cases of people who never come before the magistrates at all?—Of course there are.

5690. How do you propose to get at them to bring them under this detention scheme?—I do not know that we can do so. They are unfortunately poisoning and killing themselves, but they are doing so in private, and it is not offensive to the public.

5691. But they are dangerous to others?—No doubt of that. But if they are showing a tendency to that, in a great proportion of the cases the attention of the police would be called to them.

5692. You do not think a medical certificate is essential or even advisable?—No, I do not think it is. It is throwing upon the medical profession an undesirable burden. I would let it rest on the convictions and the legal evidence brought before the magistrates.

5693. You attach great importance to work?—Most certainly. It is of great importance to try and get them brought to work habitually, so as to make them feel that there is some satisfaction and pleasure in the work done, and thus wean them away from their drunken tendencies.

5694. Do you prefer any particular kind of work?—Not at all; it must be adapted to the individual.

5695. Do you think agricultural work better than indoor work?—I would have open-air work as far as possible.

5696. You say habitual drunkenness is a disease?—It is generally a vice at the beginning, but it ultimately merges into a disease.

5697. Do you consider any particular form of medical treatment of any use?—Not the slightest.

5698. Not by drugs?—How can drugs, which act on the physical system of a man, strengthen his enfeebled will? I think these attempts to cure people by drugs are most mischievous.

5699. But I think the theory of drugs is to give a person such a disgust at drink that he will not touch it?—Well, we must go back a bit and see the effects of that. Tartar emetic used to be put in the drink of people until they got sick of it, but that ended in a woman poisoning her husband, and she was tried for it at Bolton.

5700. Your treatment would be moral and not physical?—Yes. The chief medical treatment is to keep the man in good health so that he can work.

5701. You would leave the period of detention to the medical attendant?—It is difficult to say. I would not care to give the medical attendant a voice in fixing the period of seclusion. I think it should be the magistrate who should fix that.

5702. Would the medical man not be the proper person to say whether a person was cured or not?—I do not know that he could do so better than any

Sir Douglas Maclagan. 29 Nov. 1894.

ordinary intelligent man. He could tell whether he was ill, but not whether he was cured of drink.

5703. Would you have much faith in the probabilities of cure in cases in which structural alterations have taken place in the brain through drink?—It is very difficult to say what changes have taken place in the brain through drink. Of course, if there is organic mischief being done, you will probably never get that man strong again.

5704. Do you think the entire abolition of will-power in those cases is a moral or physical condition?—It is difficult to say what changes are taking place in the cells of the brain. I would not like to commit myself on that point. Certainly we must hold that there are physical changes going on in the brain in cases of insanity, for example, and why not in other minor forms of want of power and so forth?

5705. (*By Col. M'Hardy.*) Do you think the medical and scientific mind of the country is prepared for legislation to restrain these people?—From conversations I have had, I think they are quite disposed to adopt the view that some such step as I have suggested is advisable.

5706. From your position as medical officer to the Prison Commissioners, you are familiar with the various classes generally confined in the prison?—Yes.

5707. And you see there specimens of other habitual offenders besides the pure drunkard and person who commit breaches of the peace?—Yes.

5708. What, for instance, would you do with habitual prostitutes?—I think it would be a very proper thing to treat them as the other offenders—lock them up. Of course that infers that you must have another establishment for them.

5709. In regard to the period of their detention, would you make any difference between them and the others?—No; I would not have a short period of confinement for them any more than for the others.

5710. What would be your minimum period?—What is the use of the minimum? They would just go back to their old life. I think it is more difficult to overcome that evil than drink.

5711. What would you do with the confirmed vagrant?—If he is not doing any harm, but is a quiet, peaceable fellow, going about mending pots and pans, I don't know what you would do with him, except to get his children put to school.

5712. Would you provide shelter along the road for him?—That is a question of public economy which is rather serious.

5713. (*By Miss Stevenson.*) You say you would have a man shut up on evidence of having been frequently convicted of drunkenness?—Yes.

5714. But in Edinburgh, under the Edinburgh Police Act, a man can be drunk and incapable a hundred times in the year, and not come under the notice of the police, so long as he has a friend to take care of him?—I think that Police Act would require to be modified. I would take away his friend, and then you would see whether he was capable or not.

Sir Douglas Maclagan. 29 Nov. 1894.

5715. (*By Dr. Sutherland.*) Do you think that inebriety should be in any way identified with lunacy? That is a very nice question.

5716. Would not a drunkard prefer to be thought a drunkard, rather than a lunatic, owing to the social and civil disabilities which attach to lunacy?—I have no doubt of it.

5717. So that it would be a mistake to identify inebriety with lunacy?—There unfortunately still remains in the public mind, some idea of vice in connection with lunacy, and that it is something to be ashamed of. There is nothing more to be ashamed of in it than of a relative suffering from typhoid fever.

5718. Regarding those cases of habitual drunkenness that do not come under the cognisance of the police, but which sometimes culminate in murderous assault, who should take the initiative?—The Act should be amended, so as to allow the police to haul such persons up before the magistrate, seven times or so, and then they could be dealt with like the other cases.

5719. But in fixing seven, ten, or twelve times as the number of convictions, you would have some regard to the period of intermission between the different offences?—Yes; the judge would decide that on the rules of common sense. You would hardly call a man an habitual drunkard who had been found by the police incapable twice in a twelvemonth or two years.

5720. Is prostitution not closely identified with habits of inebriety?—There is a great question there. I have a strong opinion that inebriety in connection with prostitution, is not a cause, but an effect. That these girls get into drunken habits to drown their own wretched lives. A young girl does not begin to tipple and then become a prostitute, but having begun as a prostitute, she is then easily induced to drown her cares in liquor.

5721. But the end is the same, whether from prostitution or liquor?—Yes.

5722. Do you think inebriety is more common among women than men?—I cannot answer that. I have seen it in women among all classes of society, but very little in the upper classes.

5723. Regarding vagrants, you think many of the nomadic tribe are picturesque objects in rural life, and as such you have no desire to put them into confinement?—If he is a thief he comes out of the category of honest people, but if he is an honest fellow he is doing no harm.

5724. In regard to the severity of punishment, you simply look upon it as seclusion, and not otherwise?—Yes, simply to keep them under the thumb of the law.

[Witness then withdrew.]

MRS. LOCKHART, called and examined.

Mrs. Lockhart. *Mrs. Lockhart.*

5725. (*By the Chairman.*) What position do you occupy?—I am honorary-secretary of the Brownsland Home, Peeblesshire.

5725A. How many inmates have you?—We can receive 12 women.

5726. And the object of your Home is the treatment of inebriate women?—Yes.

5727. How long has the Home been in existence?—Since March 1876.

5728. And how many people have you passed through it in that time?—We have had altogether 190 people.

5729. And with what result. I mean do you trace your patients after they leave the Home?—Yes, we try to keep up correspondence with them as far as possible. So far as our information goes, there are 78 women who have been quite reformed.

5730. The women come in voluntarily I suppose?—Yes, we have no legal power whatever to detain them.

5731. And may we take it that the majority are sent in by friends who are the purse bearers?—Yes; the friends have to meet the expenses. But we cannot receive a woman unless she is willing to come, because, as I have said, we have no legal power.

5732. But is it not so, that sometimes friends are able to put very great compulsitor on the subjects?—That is quite true, but all the same we find it very difficult to get the patients to come into the Home. As bearing upon this, I may say that in 1891 the number of applications was 34, and the admissions 8; in 1892 the number of applications was 30, and the admissions 12; in 1893 the number of applications was 29, and the admissions were 7; and during this present year—since 1st January I mean—I have had 29 applications, and only four women have agreed to come, and one of them, that is the fourth, goes to-day.

5733. Applications may mean simply that inquiries have been made?—Yes; they get copies of the rules, and they inquire whether we have a vacancy, and whether we can take the women, giving at the same time

some details of the case. But our great difficulty is that the women won't come; in other words, they won't agree to give up their liberty for the period necessary.

5734. And what is the period that you require?—We require the women to remain with us 12 months.

5735. And do the women stay with you for that time?—Well, sometimes we fail to get them to stay.

5736. How many of your 190 cases have stayed?—We have had 12 women who have remained over a month, and less than three months; 11 for three months and less than six months; 31 for six months, and less than nine; 17 for nine and less than twelve; 56 for twelve and less than eighteen. Our largest number have come and stayed for over a year. For eighteen months and for less than two years we have had 16; and for over two years we have had seven. But these are exceptional cases, for we do not profess to keep the women for over two years, although we sometimes do so to oblige friends.

5737. When the patients are in the Home do you take them out at all—do they get out in charge of yourself or of any one?—At the Home we have a matron and her husband, and over and above, the ladies of the Committee visit the Home. The Home, as you may be aware, is in Peeblesshire, six miles from the town of Peebles, and the ladies visit it monthly, and sometimes more frequently.

5738. But I was asking about the liberty of the patient?—Yes; they are allowed to go about within sight of the Home. I should say that we have a little croft with a good bit of ground about it, and during the summer months the women sit out a great deal, for we like to have them in the open air as much as possible.

5739. How then do you employ them?—All of them must do the house work, they take their share of that, and besides they do needlework and knitting.

5740. Do they pay for their keep?—We make a charge, but it is only 7s. a week, 1s. a day.

5741. And as to your rules, have you got a copy of them?—I have, but I should point out that in the copy of the rules given in, it says that we are willing to receive a patient for six months. We have now departed from that. We find that having them for six months is of very little use indeed; in fact, they generally do very poorly, until the first six months is past. There seem to be periodical attacks of craving for stimulants. On the other hand women who have remained for a year and upwards have done very much better than the others.

5742. You have no very highly paying patients?—Well, we have lately been charging a little more for those who are not able to do their full share of the work. We have in those cases asked for a higher rate and we have received it.

5743. What class of women then do you receive?—The Home professedly is for the wives of working men, but during the history of the institution we have had in it a colonel's wife, a minister's wife, a sheriff's daughter, and frequently governesses and well-educated women.

5744. Do they all go into the Home for 1s. a day? Yes, they have done so until recently, when we have charged a little higher rate for those who are not able to take their full share of the work. Formerly we did not charge for medical attendance or expenses, or for medicines, but lately we have made a rule giving us power to make such charges.

5745. (*By Col. M'Hardy.*) Do you mean an extra charge?—Yes. I should say we did so because we found that the women were very unreasonable in their wish to see the doctor, and besides we have to bring him a distance of six miles, each visit costing us 15s.

5746. (*By the Chairman.*) I see that you require all monies to be given into the matron's charge, and letters and parcels to be examined by her?—Yes, everything by our rules is open to the matron, but she does not enforce the rules in this respect. She knows the women, and she does not enforce these provisions in cases where she finds she can trust the patients. At the same time we find the rule necessary.

5747. I see from the rules that the women are not allowed to receive or to pay visits, or to take walks outside the grounds of the Home without permission.—That is according to the rules, but if permission is asked by visitors, it is granted as a rule.

5748. Then, again, I see that each woman—I am looking at the rules—is also expected to take her part in the work of the House, washing included?—Yes, that is our rule.

5749. And there is this further rule, I notice, that smoking and snuffing are prohibited. Is there any special reason for that. The reason is that we found some of the patients addicted to these habits, and we thought there ought to be a provision of the kind.

5750. Quite so. May I call your attention to another rule—it is that 'friends are requested not to 'send in sweets to the patients'? For what object is that rule laid down?—It was formulated because we found that sweets were sent which contained alcohol and stimulants of various kinds.

5751. (*By Dr. Sutherland.*) Morphia?—Yes, morphia, and also alcohol. We found such things enclosed in letters, and that is the reason why the matron has power, should she see fit, to open patient's letters.

5752. (*By the Chairman.*) How many weeks do you require should be paid in advance?—We require that the first quarter should be paid in advance, and after that the money may be paid quarterly or monthly, as it suits the people themselves. Of course it saves a little trouble if it be paid quarterly. Our reason for liking it paid quarterly is that it gives us a hold over the women; we can tell them that if they leave within three months their friends will lose the amount they have paid.

5753. Yours is a purely philanthropic Home?—Yes.

5754. How does the matter work out financially?—Well, of course when the Home is full, it proportionately costs less than when there are not the maximum number of patients in it. Last year, for example, when the Home was full most of the year, it cost about £35 per woman.

5755. And the amount which you get—£26 is it. No; we get £18, 4s. from the friends; that is 7s. a week.

5756. So that the maintenance of the patient costs twice as much as you receive?—Yes.

5757. And how do you make up the difference?—By subscriptions.

5758. Have you any reserve property or anything of that kind?—No.

5759. Do you find any difficulty in keeping up the subscriptions?—No, we gather them from among our own friends. The ladies who form the Committee have no difficulty in raising the money.

5760. You speak of having effected 78 cures out of 190 patients? How long do you follow the women after they leave you?—Some of them we have followed right down to their death; and some of them we are at the present time corresponding with. Many of them have been entirely reformed; some of them have made a few slips.

5761. Well, take a specific case—that of the Colonel's wife we shall say?—Yes; hers was an exceptional case, because her husband was given to drinking too. They had been in India for many years, and there she had formed the habit. She came into the Home by the wish of her friends. I was very averse to take her, simply because she was a lady, and the Home was not intended for such. Her husband, however, had commuted a portion of his income, and she came for a period of 22 months into the Home. She left the institution six years ago, and she is now living in B——, and has done splendidly.

5762. She did not go back to her husband then?—Yes, she did.

5763. And does her husband still take drink?—Yes,

5764. She has held out notwithstanding?—Yes.

5765. Was she a very bad case before she came to your Home?—I believe so.

Mrs. Lockhart. 29 Nov. 1894.

5766. You told us, too, that you had among your cases that of a sheriff's daughter?—I think she is dead now. At least we have lost sight of her.

5767. Was hers a satisfactory case?—No, not very.

5768. Then you said that a number of governesses had passed through your hands?—Yes. A number of these have done well. One particular case I recall where the patient was with us for 20 months. She afterwards got a place in a family of Friends, and we know that her case was very satisfactory.

5769. How do you treat the women. Do you give them any stimulants when they first come to you?—No, we stop all stimulants when they come to the Home.

5770. You never give them any at all?—No.

5771. Do you try to induce the women to take the pledge before they leave you?—We try to show them the desirableness of their taking it. We tell them that no real friend will ask them to take stimulants if they say that they are abstainers.

5772. Do most of them take the pledge then?—A great many of them do. As to their keeping it, that depends very much on their surroundings when they get back to their own homes. I have in my mind the case of a woman from Glasgow. After doing well in the Home she returned to Glasgow. Her husband was awaiting to meet her at the station there, and the first thing he did on her arrival was to propose that they should go to the refreshment room and drink to her return. She declined, and was very indignant, and there was rather a row at the station. She would not take the drink, however, and, as a matter of fact, she remained an abstainer until her death. She did very well indeed.

5773. You mention a great disproportion between the number you receive and the number of applications made to you, and I think you say that that results from the rules which do not appear to suit many people?—Yes; we find that many women object to come for a year. They will come for a month, or for six months or so, but when we speak of a year they won't listen to us.

5774. Do you find many cases in which the husband says to his wife 'you must either go to the Home or 'you must leave my house.' We have not found many husbands who take up that position.

5775. We found in connection with another institution of the same kind, the case of an inmate who complained bitterly that her husband had got her to go in for a month, and had afterwards insisted on her remaining for a much longer time?—In our case we get them to agree before they come. We have a form of agreement, and we require them to write in the period before they come to us. We have not tried to get them to come in for a shorter period and then extend it. We did not think that was quite honest.

5776. You are aware, of course, that the agreement has no legal force?—Quite; it only acts as a moral power. We find that when we can say to an inmate who does not seem inclined to remain, that she has promised to stay for such-and-such a period, that has undoubtedly a power.

5777. Do you find that this provision requiring a sum to be paid on account of the board of an inmate, has any effect in the way of preventing them leaving without permission?—With a number it has an influence.

5778. Do you find any women coming to you and paying for their board out of their own earnings. Take the case of the governess for example?—No; I can't recall an instance.

5779. Are they all paid for by their friends, or do not women come so thoroughly of their own accord that they commit themselves to your care and themselves pay for their keep with you?—I do not at this moment remember of any woman having come to us and paid for her own board.

5780. Who paid the governesses' board?—Friends in one or two cases; in some cases the ladies in whose houses they had been. We have had several cases of servants out of noblemen's and other families where the board was paid by the families.

Mrs. Lockhart. 29 Nov. 1894.

5781. But these women, if they had been servants before coming to the Home, could hardly have been habitual drunkards?—One case I specially recall. It was the case of a woman who had been ladysmaid to a lady in London, and married the butler in the family. She took to drink years afterwards, the family kept up interest in her, and one of them came to me about her.

5782. Did this woman pull round?—She did very well indeed.

5783. Do you make the inmates of the Home work?—Well they must all take their turn at the house-work and in washing. And we supply them with needlework, and different kinds of knitting, and indeed with what we find they can work at.

5784. In fact you try to give them as much employment as you can?—Very many of them are the wives of working men, the matron tries to make them, if possible, better wives and mothers, helping them to learn cooking, and to cut out children's clothing and such things.

5785. For a working man is 7s. a week not a big contribution?—No doubt it is. But from another point of view it is little enough for us to keep the inmates on.

5786. Please don't misunderstand me, I was not finding fault in the slightest?—Quite so, I know what you mean. 7s. a week is a good deal out of a man's wage.

5787. I suppose the husband of a drunken wife often finds her such an intolerable burden that he would do anything almost to get her into a Home?—Of course when a man sends his wife to a Home it is the last resource, after he has done everything that it was possible for him to do, and possibly the house may be empty. In the case of one woman who came to us there was not even a chair in the house.

5788. You have given us a most clear analysis of the cases so far as the time each remained in the Home was concerned. Can you give any analysis of the time the 78 cases which were cured remained in the place. I take it that they would all be in for a long term?—Not all of them.

5789. Have you any analysis?—I am afraid I cannot give you these numbers; I have no note of them here. But as to the rule and the change that was made upon it, the term was altered from six months to one year, because we found that the shorter period was very unsatisfactory.

5790. I notice that of the cases, you had 56 in the Home for over 12 and for less than 18 months?—Yes, for between 12 and 18 months.

5791. That is the biggest lot you have. How do you manage to get them to stay on so long?—A great many of them sign for a year, and many of them are quite willing to remain for the year. We make them sign for a year before they come. If we think it advisable we try to persuade them to stay in for longer than the 12 months.

5792. Speaking generally, do you find better results after a stay of 18 months than after one of 12 months?—Yes, there is a great difference. Women who have been drinking for a long time require a longer period of abstention than do others.

5793. I see that you have had 23 cases for 18 months and over, and that you have had 7 for 2 years. Did these latter turn out all right?—Two of them did well for a time and then fell.

5794. Why did you keep these cases so long?—In the case of one woman her son had in the interval gone to Australia, and we kept the woman until it was convenient for her to be sent out. She went out to Sydney, and she has done very well ever since. The other case which I remember, that of a woman from S ———, who remained for about two years-and-a-half, and still she fell almost immediately on returning home. In five cases out of the seven I think the women have all stood fast.

5795. That is a very large result indeed. There is another point I should like to have your opinion on. I suppose a lot of women come in because they are themselves eager to get rid of the habit?—Yes, some do.

Mrs. Lockhart. Nov. 1894.

5796. And there is another section forced very much to come in by friends, and without any violent personal anxiety on their own part?—Yes.

5797. And do you find any decided difference between those who come in voluntarily with the wish to be cured, and those who are virtually forced to come in?—Yes, I think that there is a very decided difference.

5798. You think then that the wish is a great help?—There can be no doubt about that.

5799. What is your experience of those who come in without any wish of their own, and who are forced to come?—They just put in the time, and remain because they cannot help it.

5800. And are probably very anxious to take the first opportunity to return to their old habits?—Yes, no doubt about that.

5801. As to compulsory powers, would you say that you feel the want of further powers?—Yes, very decidedly. We feel that want continually. For instance we had two women lately, one of whom remained a year, and Sir John Cowan begged very hard that she should remain longer. But she left the home in spite of us, and she fell within a week afterwards.

5802. And what do you think became of her?—She is in Queensberry House, boarded there we believe. That woman had made up her mind that she would not stay in the Home. She came down dressed one day, and nothing would keep her.

5802A. Though you had compulsory powers in a place like yours, and a woman wanted to get out, she has only to be refractory, and then you would not care to keep her?—Yes, but I think a great many of them are refractory because they know that our powers are limited. If they knew that they had to stay, they would stay with a better grace. We have to say to a number of them who are troublesome, 'If this kind of 'thing goes on we won't keep you.' But still they know that we have little power over them.

5803. But you do not find that the women generally are refractory?—Well, we find among them some very violent women, but generally speaking, that is the result of early training.

5804. And I suppose that those very violent people you have to turn out?—We can't do anything else; we must turn them out.

5805. (*By Dr. Sutherland.*) You spoke, I think, about ladies of different grades of society being in the Home. Do they all associate together?—They all eat at the same table.

5806. The sheriff's daughter and the others you have told us of?—Yes; it was quite explained to them that we could make no difference—that if we received them at all, it must be on a footing of equality with the other inmates. We found that the class of women that we have to deal with are exceedingly jealous.

5807. But if you had the accommodation would you not be inclined to classify them?—Yes, I think classification would be better if it could be managed, but I have always thought that there was great difficulty in dealing with ladies.

5808. Have you formed any opinion as to the age at which women go wrong in regard to drink?—No; I could not say as to that without thinking of it. We have had women in the Home between the ages of 19 and 73. We do not think it right to refuse a case simply because the person is old. If there is a vacancy we are disposed to fill it, provided the case be a suitable one.

5809. (*By Miss Stevenson.*) May we assume that all the women that you receive are of respectable character so far as you know?—Yes. By our rules we do not receive a person of anything but respectable character, but at the same time we have admitted women into the Home who would not have been received had we known what afterwards transpired.

5810. In those cases, did you ever find that the women turned out satisfactory?—Yes, we have.

5811. I suppose it was not generally known among the other inmates of the Home?—No; I rather think that the matron found the circumstances out in conversation, or something led to a question being asked.

Mrs. Lockhart. 29 Nov. 1894.

5812. And had you known you would not have received any woman whose character was not good?—We do not profess to receive any one whose character is not good.

5813. In regard to the exceptional cases you told us that you received, may I ask if you obliged them to do house work and washing?—Well, the matron has that matter in her own power. The matron can give a woman the class of work that she thinks is best suited for her case. For instance, a nervous and an excitable woman would get active work as a rule.

5814. The matron then has discretion in the matter of the work to be allocated to the inmates?—Yes. In connection with the case of the Colonel's wife, I may say that she was never asked to do the washing. There was a nice feeling in the Home towards her, and the women were not jealous of her in the least.

5815. It has been suggested that any out-door kind of employment would be good for people of this sort. Have you tried that at your Home?—We have a garden attached to the House, and some of the women are fond of poultry. Then again, some of the women have taken charge of the pigs, and that too is a very good thing for them, provided they have any taste for the work.

5816. Do you try to make your poultry and your pigs remunerative?—Yes, we sell the poultry and the eggs, and we sell the surplus ham if we can.

5817. (*By Col. M'Hardy.*) I only ask you as to one point. Can you tell us what is actually done in the Home. What, in other words, is the order of the day?—The work is so arranged that all the women have to take their share in it. So many of them have the household work to do. Four of the whole number for instance, are engaged in doing out the rooms in the house, and then two of them are always in the kitchen. Then there are the cows to milk, and one of the women goes out and attends to them, and besides, the poultry and the pigs have to be attended to. But the work is all arranged by way of routine, and each takes her week about in the various departments of the work. The washing is fortnightly, and two of them go to it at a time. We find that we cannot send the same women to do the washing all through. Sometimes two will wash for a whole day, and at other times they may not wash for more than the half day.

5818. Do these women do all the service that is required in the establishment?—We have one servant in the kitchen. One paid servant I mean.

5819. And as to the out-door work?—Are there any men about the place?—The matron is married; and there are her husband, and a boy of 16 who helps him to look after the pony. We keep a pony.

5820. The staff then is four?—Yes; the matron, her husband, his boy, and the servant.

5821. Are things so arranged that every inmate is provided with work for the whole day?—Yes. Those that are doing needlework are expected to be down in the workroom by ten o'clock.

5822. Not before that?—No. They are at liberty to write their letters or do anything for themselves until that hour, and then they have after eight o'clock at night. We had an earlier hour once, but we altered it because we found that they did not make good use of their time.

5823. Their time is quite filled up between ten in the morning and eight at night?—They go out for a walk, and some of them will sit in the open air a great portion of the day.

5824. Do they go for a walk some distance from the house?—That depends on the weather and on their physical condition.

5825. But if the weather is good, and their physical condition is also good, how far might they go from the Home? I do not quite know. I think it is more for a stroll on the hills than for a walk on the road that they go.

5826. The house then is contiguous to the hills?—Yes, it is a pastoral country, and they can walk almost anywhere on the hills.

Mrs. Lockhart. 29 Nov. 1894.

5827. The matron is always with them?—Either she or her husband.

5828. The work that the inmates do during the time they are in the Home is for the benefit of the institution?—Yes.

5829. And the sewing-work?—Yes it also is.

5830. Do you give them any credit in money for what they do?—No, we do not, but at the same time we do not make much out of it. It is more for the sake of improving themselves and of keeping them engaged. The Home does not profit very much by it.

5831. Do you provide them with any recreation other than you have described, such as walks?—Well, they have a piano in the workroom.

5832. You have no shows, or lectures, or that kind of thing?—No; nothing of the kind. But there are some friends in the neighbourhood interested in the matter who go to visit them.

5833. Do their own friends not visit them?—Only by permission.

5834. Only when you think it desirable?—Yes; but permission is rarely refused except in exceptional instances.

5835. What do the women do on Sundays?—A certain number go to church. We have a waggonette, and four or five of them go to church every Sunday. *Mrs. Lockhart.* 29 Nov. 189

5836. How far off is the church?—It is four miles distant.

5837. I suppose they take their turn in going to church. And what else do they do?—There is service in the House on Sundays by the matron's husband.

5838. Is he a clergyman?—No; but he was a sort of city missionary before he came to us.

5839. (*By the Chairman.*) I see that all the ladies on the Board are Edinburgh ladies?—Yes, the committee is almost wholly composed of Edinburgh ladies.

5840. Do you have any local committee?—We have had some local ladies as members of the committee—the honorary treasurer lately lived in the neighbourhood. A number of local ladies however, visit at the Home, among them Lady Naismyth.

5841. Do the ladies belonging to Edinburgh visit the Home at all?—Yes; once a month, or about intervals such as that. [The witness then withdrew.]

Mr. Malcolm M'Neill.

MR. MALCOLM M'NEILL, Secretary to the Local Government Board, called and examined. *Mr. Malcolm M'Neill.*

5842. (*By the Chairman.*) The point upon which we wanted an opinion from the Board of Supervision—or should I say the Local Government Board—was this. We were told yesterday by a witness whom we had before us that in Berwickshire, and in Roxburghshire and Selkirkshire, there were a number of Shelter Houses maintained at the cost of the Parochial Boards, at which tramps and vagrants of all descriptions received shelter and food at the expense of the Parochial Boards. The administration of these Shelters was in certain instances, we were told, carried on by the police, who gave tickets to those who were to make use of the houses. But while we were told all this we could not get any information as to the powers that there were under the Poor Law to erect such Shelters, or how far the practice was general in Scotland, and in these circumstances we thought the best plan to get the desired information was to see you.—I may say that the Board is aware of the existence of Shelters of the class referred to in three towns. They are Jedburgh, Selkirk, and Stirling.

5843. Kelso, I think, was mentioned to us as another?—Well, there may be one in Kelso, but we do not know anything about it. It has never been brought officially under our notice. I ought perhaps to say that we have tried in every parish in Scotland, so far as lay in our power, to have Shelters established. The earliest circular issued by the Board on the subject was in 1848, three years after it was established. The object in issuing that circular was that parishes should have the means of accommodating tramps, or even residents in the parish who happened at the moment to have no residence of their own, and for the time became paupers.

5844. We understand, for instance, that in Edinburgh and in Glasgow, if a person applied for parochial relief he or she had first to be examined by the Medical Officer in order whether he or she was not able-bodied, and that the certificate of non-able-bodiedness was considered as a preliminary to relief, whereas in these Shelters relief is given indiscriminately?—That is an abuse complained often about. In some cases the Shelters—that in Jedburgh among others—are administered only through the police; and the Inspector of Poor, though he has to maintain the Shelter, has no knowledge of the cases.

5845. Does that apply to Jedburgh and to Kelso?—I think so. I have brought with me all the circulars issued by the Board on the subject, and the last which is instructive and is dated 1887. It is addressed to Inspectors of Poor in Scotland. The circular says:—

'Instances having recently occurred in which vagrants, 'suffering from disease or injury, have been relieved by 'Inspectors with money which has enabled them to leave 'the parish and to proceed to another parish where application for relief is again made, the Board deem it necessary 'to point out the impropriety and irregularity of such 'a mode of procedure.'

They were helped along from parish to parish by money doles.

5846. (*The Chairman.*) The object being, I suppose, on the part of each parish to get rid of them?

5847. (*Witness.*) Yes, we assumed so. The circular proceeds:—

'In some cases the vagrants have proceeded on their 'journey, till, wholely disabled, they have at length be- 'come finally chargeable to the parish where their final 'breakdown took place, and have even died within a 'few days. The Board desire to call the attention of 'all inspectors to the inhumanity of this practice as 'regards the applicants, and to the injustice as regards 'the parish in which the ultimate chargeability takes 'place. Cases are not uncommon in which, if timely 'shelter, food, rest, and medical attendance were 'supplied, a few days' detention would restore the 'wayfarer's health, and enable him to proceed to his 'destination.'

I may say that I have one particular case in my mind—that in which a vagrant proceeded from Clackmannanshire to Stirling, and died within two days of getting there. I ought to read the rules which in that circular the Board prescribed.

'(1) The applications must be fully recorded in the 'Record of Applications, and in column 12 of Form A '(or the corresponding line of the Alternative Form 'B) the alleged or apparent disablement must be 'specified.

'(2) If the medical officer resides within easy reach 'of the Inspector's office he must be consulted without 'delay; and in any event a certificate in the annexed 'form should, if possible, be obtained from him within '24 hours, and must be preserved.'

'(3) Meantime the applicant must be suitably 'accommodated in a lodging-house or in a casual sick 'house or poorhouse.'

'(4) No relief in money shall in any case be given.'

[Such were the rules that the Board laid down for dealing with such vagrants as alleged sickness or disablement and appeared to be in need of medical advice. Appended to the circular is a form of medical certificate such as is referred to in it.]

5848. 'You spoke of a casual sick house.' What exactly does that mean?—That is the building that the Board has been trying to have provided in every parish in Scotland.

5849. That is the Shelter spoken of before?—Yes, only it is conducted under a different system, and is only for the accommodation of the casual sick. Of course, if a pauper alleges neither sickness nor disable-

Mr. Malcolm M'Neill. 29 Nov. 1894.

ment, he is not a proper object of relief. The Inspector in such a case has no right to give relief; but, on the other hand, there are cases in which he is obliged to give relief.

5850. Can you give us any particulars as to the Shelter Houses in Kelso and in Jedburgh?—Perhaps the Committee had better let me send them a copy of the report of our inspecting officer on this Shelter in Jedburgh, which report is most condemnatory. I was aware of the state of matters many years ago, for Jedburgh was in my own district, and I then frequently remonstrated against it, but the Municipal Authorities would not give way, because, as was said, they objected to these able-bodied beggars going about the town at night.

5851. But surely the Municipal Authorities had nothing to do with the relief?—Oh no, but they had to do with the police who took charge of the Shelters and of the vagrants sent there.

5852. And is there no provision which can prevent the Parochial Boards spending money on these tramps in the way you have described?—There is not, unfortunately, in Scotland. All that the Local Government Board can do is to remonstrate. They can in Scotland spend the parochial funds in entertaining themselves to dinner if they like.

5853. Can you give us some information about the casual sick houses, and the extent to which they are over the country?—I should perhaps say that at one time I had as my district the whole south of Scotland including one-half of Forfarshire, and probably about two-thirds of the parishes in the district had that provision, while some of the rest had as accommodation common lodging-houses or Poorhouses near them. It was difficult to get Parochial Boards to build Shelters if they had a common lodging-house within their own parish. In some cases the casual sick house is a mere hut; in other cases they are really very comfortable. I saw a house not long since in Ecclefechan which was as clean as could possibly be, and quite a suitable place for an hospital for a single case.

5854. How then is the used place confined to the sick vagrant, and prevented from being made use of by the ordinary tramp?—That of course rests with the Inspector of Poor.

5855. Let us take the case of that village to which you have referred? Where did the Inspector live?—He lived in the village, and quite close. But supposing that he had lived miles away, and the application was made to him. No sickness or disablement is alleged, and the man looks perfectly well. In that case the Inspector would say that he could do nothing for him.

5856. But take the case where the Inspector lives ten miles away from the village, and a tramp comes to the village pretty well used up, and wants shelter?—In that case probably the medical officer may live in the village, or some other person may be authorised to deal with individual cases. If that was the centre of the parish they would act probably just as the Inspector himself would have acted.

5857. But the practice of dealing with those people and providing them with shelter varied very greatly. For example, we were told in Glasgow that 5,300 people obtained shelter in the police offices of the city during the year?—I was not aware of that, but of course I was aware that there were such things as municipal lodging-houses.

5858. But are they not very largely filled by people who live in them permanently?—Yes; quite so.

5858A. Was Glasgow ever in your 'beat'?—Yes, for five-and-twenty years. But I never had anything to do with vagrancy in Glasgow.

5859. You were not then aware of this large number of vagrants who secured shelter at the Police Offices?—No; not in the least. The Inspectors of Poor in Glasgow never complained of vagrancy at all.

5860. But as I have mentioned we found 5,000 (odds) people were ready to sleep in the Police Office?—Of course, they would not come under my notice unless they had applied for relief as paupers. I expect that these people were never through the hands of the Poor Law Authorities at all.

5861. But as to the object of these Shelters. You do not suggest them as any substitute for the English system of casual wards?—Not at all.

5862. But simply as a provision for the sick and infirm poor?—Yes. And where we find the Inspector in the habit of using them for other ends, we always remonstrate with him, and point out that the system tends to promote vagrancy. I remember a case which occured about two years ago. In the village of Kirkpatrick-Fleming in Dumfriesshire, the Inspector said he did not know how to deal with cases of infectious disease. The village had no hospital, and the Parochial Board had no sick house. In this case the Board sent a letter which acted as a guide in similar cases. The letter runs:—

'R. B. Barclay, Esquire, 15 Inverleith Gardens.
'Sir,—With reference to your letter of the 28th ult.
'(enclosing a private communication from the Inspector
'of Kirkpatrick-Fleming), which has been carefully
'considered by the Board, I am directed to inform you
'that the Board are unable to accept the suggestion
'that the occurrence of infectious disease in the case of
'an applicant for relief, whether vagrant or resident,
'removes any part of the responsibility which rests on
'the Inspector of Poor. It is not enough that he
'should draw the attention of the Sanitary Officers to
'the case, but it is his duty to provide, or cause to be
'provided, food, lodgings, and medical attendance.
'When the Sanitary Officers possess the means of
'isolating the case, they will, no doubt, use them in
'the interest of the public health, and will thus enable
'the Inspector to deal in the best possible manner with
'the case under his charge; but the Inspector is
'primarily responsible, and cannot be permitted to evade
'the performance of his duty. I am, Sir, your obedient
'servant, MALCOLM M'NEILL.'

5863. And the Inspector would besides be criminally responsible if anything happened, and therefore we pointed out to Parochial Boards that they ought to have some kind of Shelter at command.

5864. Have you any definite information about the numbers of Shelters that do exist?—I have no possible means of giving it to you. But it occurs to me that we might get it on the 1st January in this way. Each inspecting officer gets a return from his own district for his own purposes, and I can get them to add in the return a question to this effect, 'Have you a casual sick 'house'? But perhaps the Committee's report will be made long before we can get our replies.

5865. Not at all. The evidence won't be finished then. When will you get in such a return?—The returns are due on the 1st January—practically, they come in about the middle of January, and they are all tabulated about the middle of February.

5866. I think it would be desirable that we should have such information, and probably you desire it for your own information?—Yes, I should like to know it myself. In the case of Selkirk I think the Board has already got a report on the Shelter House there.

5867. (*By Miss Stevenson.*) We have had very conflicting evidence as to the powers of the Parochial Boards to detain children whom they had under their care, whether boarded-out or in the poorhouse. One thing we were told was that, under the Act of 1891, Boards had ample powers to detain children whose parents were not, in the opinion of the Board, suitable persons to act as guardians for them. But, on the other hand, we have been told that Boards have no such power, unless in a case where, the parent having claimed the custody of his children, the Board resisted that claim successfully, and brought evidence that the parent was an unsuitable person to have charge of the children.—I should not think that was right. My opinion is that the parent can claim the custody of his child from the Board at any time he chooses.

5868. Under the 1891 Act the Board can appeal to the sheriff?—No doubt under the Industrial Schools Act a child may be committed; but I think a parent

Mr. Malcolm M'Neill. 29 Nov. 1894.

can claim the child from the custody of the Parochial Board.

5869. Under the Custody of Children Act 1889 I understand that a parent can appeal to the Court of Session—I think it is—for the custody of his children, and that, in order to resist that appeal, the Parochial Board must also appear before the Court?—We have had no experience of that Act yet.

5870. Then as to the Act of 1891. In Glasgow we had evidence from one of the Inspectors of Poor, that about three months ago the Inspectors received a circular from the Board of Supervision telling them what their powers under that Act were?—I do not recollect such a circular; but then there have been so many circulars lately.

5871. (*By the Chairman.*) Would it be too much to ask you to have a brief memorandum drawn up showing what are the rights of Parochial Boards in the matter of the custody of children as against the rights of parents, including the powers under the clauses of the Custody of Children Act of 1891?—Yes, I shall have that done.

5872. (*By Dr. Sutherland.*) Is it the fact that the poorhouses are emptying in Scotland?—Undoubtedly and naturally so. Parochial Boards have learned and are learning the use of the poorhouse. They do not use it for all and sundry cases as they used to do. Now-a-days Boards use the poorhouses for selected cases as suggested by the Local Government Board.

5873. Is there a tendency on the part of Parochial Boards to board-out the respectable poor?—Most unquestionally there is. Of course the Poor Law in Scotland is one of out-door, not of in-door relief, and the paupers in Scotland have always shown the greateat indisposition to use the poorhouse.

5874. Do you think the system of classification of the inmates of poorhouses—I mean speaking from your experience as an inspecting officer of the two Glasgow poorhouses, the largest in Scotland—might be extended and improved upon?—Immensely; but both the Glasgow houses are old buildings, and the construction of them does not permit of it.

5875. Do you favour a suggestion thrown on that by one of the Poor Law Inspectors that they should have power to detain for beyond three days dissolute and restless people?—That is, I think, very much required. We have cases where 50 times a year the whole thing—clothing and so on—has to be gone over again.

5876. (*By the Chairman.*) In Queensberry House here we came across some cases where the inmates were boarded there by parishes which had no poorhouse. Is that a common practice, or is it one that the Board approves of?—I don't think there is any objection to it. The practice is probably adopted in the case of old people who cannot find more comfortable residences. But it is purely voluntary on the part of the pauper. *Mr. Malcolm M'Neill.* 29 Nov. 1894.

5877. But would it not be a more homogeneous arrangement to require Boards that had no poorhouses to make use of the poorhouses of the Boards that had sufficient accommodation, and even spare accommodation?—We have no power to do that. No doubt there is a class of cases, the respectable friendless poor, who would be better in the poorhouse if they only knew it, but who still are content to live in the parochial lodging-house where they can come and go as they like.

5878. I do not know the extent to which this boarding system extends in Queensberry House?—Of course if any restriction is put upon these inmates it is perfectly illegal.

5879. It is said, that in the case of many inmates they are told that they must either submit to what they look upon as so long a term of imprisonment, or take 'the door' as they call it. In other words they must either stay in the house for so many months or clear out?—Yes; but let us go one step further. A man says that he won't submit any longer. He takes his discharge, and he goes to the Inspector of Poor of the City Parish here. That Inspector is bound to relieve him if he is disabled, and has to claim repayment from his own parish. The Inspector, in fact, has to go through the whole form just as if the man did not come from Queensberry House at all.

5880. That is no doubt a safe-guard. But are the paupers boarded in such an establishment as Queensberry House subject to any inspection?—No; unless there is any special complaint. The Inspectors of the Board have not the necessary time. I do not suppose that at this moment the Inspectors are aware that there are any paupers in Queensberry House. I was not aware of the fact myself until you mentioned it.

5881. We went through Queensberry House, and we discovered nine or ten of them, and I wanted to get some information as to the number of paupers boarded-out in this way, and as to the parishes that so board them out?—I am afraid I cannot be of assistance. I presume the paupers are voluntarily there.

5882. No doubt they find themselves in the position that they cannot better themselves by rebelling. We met one old lady who was very frank in her complaints.—She has only to go to the Inspector of Poor of the parish in which she is living, and he is bound to relieve her. [The witness then withdrew.]

Mr. J. Campbell Irons.

MR. J. CAMPBELL IRONS, S.S.C., called in and examined.

Mr. J. Campbell Irons.

5883. (*By the Chairman.*) You are a Solicitor before the Supreme Courts of Scotland?—Yes, I am.

5883A. You have, I think, made a special study of Municipal and Police Law, and have written two treatises on the subject?—That is so.

5884. You, have been for many years a member of the committee of the Association for Improving the Condition of the Poor in Leith, and have for the last eight years been a member of the Edinburgh City Parochial Board?—Yes.

5885. And for the last six years Chairman of the Law Committee of the Board?—Yes.

5886. And you have during that time taken an interest in social reform questions, including the treatment of habitual drunkards and offenders?—Yes.

5887. Your attention has been called to the fact that there is a considerable and an increasing class who spend their time between the prison and the poorhouse, with an occasional holiday on tramp?—Yes. In my last work on Police Law, in the introduction, I say: 'In dealing with the suppression of vagrants and 'habitual offenders, much greater and more effectual 'remedies are urgently and immediately required. 'There is a considerable, and, it is feared, increasing 'class who spend their time between the prison and 'the poorhouse, with an occasional summer holiday 'on the highway or village common. How to deal 'with such efficiently is one of, if not the most pressing 'problems of modern times. At present, the Police 'and the Poor Law are perfectly powerless to deal 'with such a class in any remedial manner, and the 'protection which the Poor Law affords only acts 'as a sanitorium to fit such persons for becoming the 'recipients of such punishment as the Police Law 'provides.'

5888. You know that we have heard evidence about the frequency with which those vagrants go to the poorhouse and the prison?—Yes.

5889. And, with regard to habitual offenders, you hold the opinion that short sentences of imprisonment do no good?—None whatever; they are absolutely useless.

5890. In regard to vagrants, you say in your précis that 'vagrants may wander about and sleep in a barn 'or behind a hay stack, and all the police could do was 'to warn them off.' We had evidence yesterday from a police official that, under the Prevention of Crimes Act, it was quite possible to deal with vagrants for such offences as that?—Yes, when once the police have established the fact that they are vagrants; but that

Mr. J. Campbell Irons.

29 Nov. 1894.

is the difficulty. And what after all is the definition of a vagrant? Unless you have the Police Law remedied in some manner, whereby you have a record kept by the police of the vagrants passing through a district, you never can tell whether a man be a vagrant or an industrious working man travelling from place to place in search of work. You must discriminate between these two classes.

5891. Well, it was a Chief Constable who yesterday told us that there was no difficulty in the matter?—He must be stretching his powers under the Act then.

5892. Have you specially studied the Act in question?—No, but I am quite familiar with its terms.

5893. (*By Col. M'Hardy.*) Is the word vagrant in it at all? I don't think so.—No; I don't think the word vagrant does occur in it.

5894. The question is rather one of trespass and lighting fires and such like things?—Yes, but that is a totally different thing from simple vagrancy.

5895. (*By the Chairman.*) It was trespassing you think that was referred to?—Well, that is a totally different point.

5896. But you have not paid any attention to that special point?—No, not specially.

5897. You think that with regard to beggars short imprisonment is no good?—None whatever.

5898. We found in Edinburgh prison two beggars doing 60 days?—I think that is no benefit at all, for they just do their 60 days, come out, and begin their former practices again.

5899. You say, that with regard to the offenders classed under A and B, 'the police should have greater 'powers, and the magistrate should be entitled, on being 'satisfied that they fall within the class, to sentence 'them for a lengthened period—say two or three years—'in a house where they would be compelled to work.' Do you then propose any new institutions?—I would propose ultimately to have new institutions; but I would utilise, for example, wards in existing poorhouses, where the cases can be kept until such institutions are actually provided.

5900. And do you think it would be cheaper to support them in this manner than it is at present?—I have no doubt about it—very much cheaper and more advantageous.

5901. Then as regards habitual drunkards, do you think Retreats should be provided for them at the public expense?—Unquestionably.

5902. And who would put up the building—the rates locally or the Imperial Exchequer?—I think the rates.

5903. In the locality?—Yes, the local rates.

5904. And you would give power to the sheriff or the police magistrate on the application of friends, or on satisfactory evidence as to the habitual drinking on the part of the person, to send such person to a Retreat?—Yes, I would.

5905. For two years?—Yes.

5906. Do you not think that a shorter term would do?—Two years is the maximum that I propose.

5907. You think, too, that the property of the persons sent to a Retreat should be made responsible for his maintenance?—Yes, where the person had any estate, I think it ought to be made liable.

Mr. J. Campbell Irons.

29 Nov. 1894.

5908. And that a factor should be appointed in that case to manage the estate?—Yes, I think so, in a case of that kind.

5909. You say that you have made inquiries as to the mode of treating these classes of offenders in foreign countries? Have you been provided with information as to results yet.—No, I have not got satisfactory returns yet. I made a number of inquiries in some of the American States, and the American Consul has promised to send on the replies when he gets them. He has written asking for the information. Of course the treatment in Holland is well known from Mr. Wilkin's report.

5910. I think you said that you were familiar with it?—Mr. Wilkins went to Holland and made an investigation into the treatment of habitual drunkards and vagrants. There, they have a free colony, where they send these classes to for periods from six months to three years.

5911. Is it compulsory? Yes; I shall be glad to send you the pamphlet issued by Mr. Wilkins, who went to Holland to report in connection with the charity organisation in London.

5912. Do you know of any places similar to these in Holland in other countries?—No; but I think there are similar places elsewhere. I have been making inquiries, but have not been able to get the information in time.

5913. (*By Dr. Sutherland.*) You propose that the taxation for the maintenance and detention of inebriates and vagrants should be local?—Yes.

5914. But would there not be a danger of the vagrant class making forced marches into the district where the Homes happened to be established?—But, if you have Homes established, they must be estabilised by a General Act applicable to the whole country, and then that difficulty would not arise. I do not propose to establish such a Home in any one place without it being done under a general statute.

5915. Would that not raise once more a fresh crop of litigations in regard to the settlement of paupers?—With regard to that you may say that now there are very few—hardly any indeed—questions to settle.

5916. But the present state of matters has only been reached after a very long and a very costly system of litigation?—But now the law is fixed once and for all.

5917. Would the difficulty of settlement not be greatly felt in regard to vagrants?—I do not think so.

5918. Would there not be much difficulty in establishing a settlement?—But we must remember that a vagrant has a settlement already. Take for example a vagrant who comes in to Edinburgh. He gets his relief here, and if he stays, or if he happens to turn sick, then the Edinburgh Parish has to find out his settlement; so that you are not increasing any difficulty in the least.

5919. You think that the difficulty would not be increased?—No; in point of fact I think you would be doing away with it. [The witness then withdrew.]

Lord Kincairney.

LORD KINCAIRNEY, Senator of the College of Justice, called in and examined.

Lord Kincairney.

5920. (*By the Chairman.*) You are one of the Lords of Session, and a Senator of the College of Justice?—I am.

5921. You have taken a great interest in the subject of vagrancy?—Yes.

5922. And especially you have studied the question in connection with a sub-committee of the Police Committee of the County of Perth in 1888, appointed to consider and report on the subject of vagrancy generally, and the proposal to have a Mendicity Society in particular?—Yes.

5923. Is Perth a county that is much frequented by vagrants?—It is very much frequented.

5924. You do not know if there are any reliable statistics as to vagrancy?—There were none at the time of which I speak.

5925. There is of course a census taken by the police now?—There was not one taken at that time; but I made inquiries during the time this sub-committee was sitting of Chief Constables in various counties.

5926. In Perthshire there are, it seems, two classes of vagrants to be dealt with—the vagrant pure and simple, and the 'tinker' class, each quite distinct from the other?—Yes; that is so, I think.

5927. In this report of the sub-committee of Perth County Police Committee, I see that vagrants are designed as tramps or wayfarers who travel from town to town, chiefly along the main roads connecting Edinburgh and Glasgow with Dundee. Some of them the report says, 'may be workmen out of employment, and 'legitimately in search of work; but these are rare 'exceptions,' and much the greater number of these

vagrants are mere impostors and sturdy beggars? Does that agree with your own opinion?—That is from information received from the Chief Constables. Personally I have no knowledge of that.

5928. We were told that a very considerable percentage of these tramps were *bona fide* workmen?—What is stated in that report is derived from replies by Chief Constables to questions put to them. But it may be that a considerable percentage of the tramps are working men.

5929. Well then, according to this report—or rather according to the Chief Constable's report—5,973 vagrants of the first class, that is the vagrant 'pure and simple' class, of whom 502 were children, and 2,997 vagrants of the second class, tinkers, of whom no fewer than 1,148 were returned as children, were challenged within the year preceding the sitting of the sub-committee. Did you inquire what exactly 'challenged' meant?—For anything the police could tell the persons might have been challenged several times. I think that is remarked upon in the report.

5930. In the report, you mention the hardship suffered by the women and the children of vagrants, and I suppose that is especially the case among the gipsies of Perthshire. Have you made a special study of these gipsies?—Scarcely; but I know about some of them. I know about the Townies and the M'Donalds who are not mentioned in the report. I only know about them; I hardly know them. They are not very pleasant people to approach.

5931. That was not exactly what I meant. What I meant was whether, as a resident in Perthshire, you had heard many complaints as to depredations committed by these gipsies?—No; certainly not. We would be glad to have your testimony as to that, because we have been told by one witness that the gipsies were a perfect nuisance in the place, and this witness to whom I have referred conceived that it would be necessary to adopt the most stringent measures to get rid of them. I am speaking now about the gipsies?—Yes, I myself mean the gipsies. I think that the great objection to them is mainly connected with the way they bring up their children to habits of idleness. They are also objectionable because they are very much given to drink, and also because they prey upon the smaller cottars.

5932. That is a very important point. Any other ground of objection?—They are also objectionable in so far as they may be the means of carrying and spreading infectious disease. I may in that connection mention one particular case that came under my notice, where one of them went to a poorhouse suffering from typhus fever. His disease turned out to be that and the matron's daughter took it—and that is a disease almost stamped out. But further, I may say that I do not think that these gipsies are altogether idle. The Townies, for example, make baskets, and they seem to work a good deal, and most of the other ones do a considerable amount of farm work at various times; and I think it requires to be considered that they afford cheap labour to farmers when labour is not to be had otherwise, and in these depressed times of agriculture that requires to be taken into consideration.

5933. You have not heard complaints to the effect that the farmers had to afford the gipsies cheap hens?—No; not of the people that I heard about. I just heard of a case the other day in which a farmer allowed them to camp upon his place, and his daughter went down and saw them, and lent them books.

5934. You mentioned, however, that they preyed on the smaller cottagers?—I meant by begging, not by stealing.

5935. Not masterful begging?—No; by their importunity.

5936. There is a power, is there not, which provides for getting rid of them if they encamp on any place without the consent of the tenant?—Yes, under the Vagrancy Act.

5937. Would you say that the Act is sufficient to deal with these cases?—I do not think that it is very much applied to these people. It is applied a great deal to tramps who go about and sleep out at farm steadings and the like. I doubt if it is applied much, if at all, to the case of those gipsies who encamp in various places in considerable numbers. At least I have not observed that it is.

5938. You say in your report that those connected with the police are generally agreed that it would be very beneficial—and in fact, the most effectual measure against vagrancy—if the clauses 331 and 332 of the General Police and Improvement (Scotland) Act 1862, were extended to counties, thus giving the police powers to apprehend all persons conducting themselves as vagrants, and having no means of gaining a livelihood, and also beggars, and in the case of young people, those who sent them out to beg?—Of course the Act of 1862 has been superseded by a General Police Act, passed since 1888?—Yes, and the report would require to be corrected in view of that.

5939. You say in this report that the possession of such powers in burghs and not in counties, must aggravate vagrancy in the counties by driving the vagrants into them from the burghs. Did the police complain much in Perth of the want of powers?—I found it almost the unanimous opinion of the Chief Constables that additional powers were required by counties.

5940. That is exactly the point where the value of your opinion would come in. One Chief Constable wanted the extension of these Burgh Police Act powers in the case of drunkards and of vagrancy in counties; and the next county Chief Constable we examined told us that they had at present ample powers to deal with these vagrants under the trespass clauses of the Prevention of Crimes Act. Did you take simply the dictum of the Chief Constables that you consulted, or did you form your own opinion on the matter?—I took the opinion of the Chief Constables as they had practical experience, and I rather agreed in that, although I think it might be harsh to apply these regulations to the gipsy class, for the reasons I have given.

5941. Yes, quite, but in regard to persons conducting themselves as vagrants, and having no place of residence or means of livelihood. Gipsies have a lawful means of livelihood if you take the making of baskets and so on?—I think that rather goes too far. Of course it is not regular, but only occasional employment.

5942. I will refer you to the corresponding provision in the new Act to section 408 of the Burgh Police Bill of 1892, which provides that a person found begging, &c., shall be liable on a first offence to a fine of 40s. with the option of imprisonment. Is that not pretty stiff?—Yes, I think it is.

5943. Do you think you would like to entrust country magistrates with powers such as that, or would the law be administered by the sheriffs?—I think it would be mostly administered by the sheriffs according to our practice. Of course it could competently be administered by the Justices of the Peace, but usually Justices of the Peace do not interfere very much in such matters.

5944. But would it not be rather a dangerous power to give to Justices of the Peace, the power to inflict sentence of imprisonment for a period of 60 days. Would it not tell against a man who might have given personal offence to the Justice by lounging about his own grounds?—I said that I should not like to extend that provision to the gipsy tribe who encamp, but to the tramps who go along the highway.

5945. You mention here that the County Police are not without powers, and that the Trespass Act 28 and 29 Vict., C. 56, is strictly enforced in Perthshire, but that the Act has no operation when the occupier does not object to the vagrant camping out. To-day, or yesterday, we heard of a lot of gipsies who encamped on the ground of a man who let out ground specially for gipsies, and other classes of that kind camping out.

5945A. You cannot, I suppose, prevent that?—No, I should think not.

5946. Unless you prove that there is something unsanitary. Do you suggest that this class should be

Lord Kincairney. 29 Nov. 1894.

dealt with and treated as criminals?—No, I do not think so.

5947. In this report the sub-committee goes on t say that the 15th section of the Crimes Prevention Act 34 and 35 Vict., C. 112, extends to Scotland, the 4th Section of the English Vagrancy Act 4 Geo. IX., C. 83. It authorises the punishment of persons 'wandering 'abroad and lodging in any barn or out-house, or in any 'deserted or unoccupied building, or in the open air, or 'under a tent, or in any cart or waggon, not having any 'visible means of subsistence, and not giving a good 'account of themselves,' the paragraph concludes. The Chief Constable, however, says that this section is of no value, because it does not authorise the apprehension of beggars, and experience in other counties seems to confirm this opinion?—Yes, the Chief Constable there means the Chief Constable of Perthshire.

5948. *(Col. M'Hardy.)* The Chief Constable of Berwick and Roxburgh said he worked upon these powers and found them quite sufficient.

5949. *(By the Chairman.)* Would you propose that these should be supplemented by some powers authorising the police to apprehend beggars, or is that necessary?—Yes, that seems to me to be desirable, in the interests more of the children than of any one else. There is a clause in the Prevention of Cruelty to Children Act that is worth noticing I think. Section 2, I think it is, of that Act provides something like this, that if any person causes a boy under 14, or a girl under 16, or allows them to be in any premises, or in any street for the purpose of begging or receiving alms, they may be summarily convicted and imprisoned.

5950 And that applies to counties too?—I think it does.

5951. That power would enable you to deal with people for letting their children beg, but that would not enable you to deal with a tramp begging himself?—No.

5952. Does the Common Law of Scotland not enable you to deal with begging?—I do not know that it does; I do not know that the old Vagrant Act does. I don't think so.

5953. Will you please explain the system of the Mendicity Societies, to which during that inquiry in Perthshire you devoted your attention?—These societies were formed on the principle of furnishing tramps—people wandering about from place to place—with tickets for which they obtained bread and lodgings. The system was thought to serve two purposes, both to prevent indiscriminate charity, and to bring this class of people more under the notice of the police.

5954. But how did the police come to deal with them at all?—The tickets were worked through the constabulary, and the tickets were presented at houses and at baker's shops, and the police know of their being so presented.

5955. Societies of that kind have been established in Ayr, Stirling, and Clackmannan?—They were, I believe, first established in Ayr.

5956. Are they still going on?—I do not know. I do not think that they are at all applicable to the case of the gipsies.

5957. No; the gipsies although they are a very prominent form of vagrancy in Perthshire, have not to be dealt with over the greater part of Scotland. We wish, if possible, to know if these Mendicity Societies are still in existence?—I cannot say; I don't know.

5958. These societies do not appear to be very expensive. £100 was subscribed when the Ayrshire Society was formed, and no more?—They are not very expensive I think.

5959. Did you start a Mendicity Society in Perth then?—I think not. In fact, nothing was done on that report.

5960. Did you get much information about the working of these other societies—in Ayrshire, Stirlingshire, and so on?—Yes, at the time we did. But all my information was got from the Chief Constables through whom the societies were worked. The opinion of the Chief Constables was that they could not be worked except through the constabulary, and with the assistance of the inhabitants, through their abstaining from giving charity in other forms. And the chief difficulty, it seemed, was that they did not abstain from giving help in other forms.

Lord Kincairney. 29 Nov. 189

5961. Did the societies not encourage vagrants to the counties where they were worked?—No; I think, on the contrary, it had the effect of driving them away. It was a rigid system, and they did not like it at all.

5962. The only advantage was that provision was made for them getting bread, and some arrangement was made for their shelter, whereas in other counties there was no such provision?—Yes; but they got more than bread from charitable people.

5963. Do you think the societies prevented people giving other forms of charity, and tended to decrease the numbers of tramps?—I was told that the system reduced the number by driving the tramps to the neighbouring county where there were no such rigid rules.

5964. We were told that the institution of Shelter Houses administered by the police at which a small supply of plain food could be had, had largely increased the number of vagrants in certain counties?—I do not know that.

5965. You say that these societies are rather police schemes than charitable societies?—Yes.

5966. Do the County Authorities make any contribution to them in Ayrshire?—I am not quite sure of that.

5967. On the subject of dealing with vagrant children; can you offer any suggestions?—It is a very difficult matter. I have really no suggestions to make, unless something can be done in the way of preventing them begging. These vagrants, as much as the tinker class, live a great deal by their children, whom they send to beg. If these children could be sent to Industrial Schools it would undoubtedly be better for them, though it would certainly not be so good for the parents.

5968. In this report the Chief Constable's statement is given to the effect, that within the year referred to as many as 1,148 children belonging to tinkers or gipsies, and 502 children belonging to the ordinary vagrant class had been challenged? That is a big lot; over 1600 in all?—Yes, but of course these numbers represent the children challenged, and the same ones may have been challenged a dozen times. The numbers are not obtained from a census. I observe from the census that these numbers vastly exceed the number of vagrants and children brought out by it, so that must be taken simply as the numbers challenged, and as affording some rough means of comparison between one county and another.

5969. Are the Industrial Schools Acts utilised in Perth for the purpose of dealing with those children?—No, I think not.

5970. But the children are not so numerous as is here stated?—No; not nearly.

5971. According to the census it would appear that in the county of Perth there were 106 children connected with vagrants, and 114 connected with the gipsies?—Yes.

5972. Do you think that the Education Acts, and the Industrial Schools Acts, or other existing legislation, requires strengthening in order to enable these children to be dealt with?—Yes, I think so.

5973. In what direction?—Well, I think that the children cannot well be got at under the Education Act, because they move about so much, or under the Industrial Schools Act, because it is nobody's duty to send them to an Industrial School; and further I do not think there are any funds provided under the Prevention of Cruelty to Children Act. But I remember that I was informed in reply to the inquiries that I made, that sending these children to Industrial Schools was not very successful, and, moreover, there is always a great objection to taking children from their parents.

5974. There is a proposal before Parliament for dealing with the children of the dwellers in vans going about the country? Was the attention of your committee called to that class of children at all?—I cannot

exactly say at this time. I know my own attention was, and I had some correspondence with Mr. Smith of Colville about it. But the great objection lies in the separation of the children from their parents, and Mr. Smith, I know, thought it highly objectionable to do that.

5975. He proposes to deal with the children in each school district that they entered. Do you think that is feasible?—I would not like to venture an opinion upon that.

5976. You say in the report. 'That it is desirable 'that the provisions of the Industrial Schools Act, in 'regard to vagrant children, should be put into force to 'a greater extent than they are at present, and that 'for that purpose the power and duty of bringing 'vagrant children before a magistrate under that Act 'should be vested in some particular person or 'authority?—Yes, that is the finding of our committee on the subject.

5977. You say that you reported that it would be very beneficial if the powers contained in the 331, 332, and 333 sections of the General Police Act were conferred on the constables in counties?—Well, I had a worse opinion then about the gipsies than I have now. I think it is matter for somewhat serious consideration that they do afford to agriculturists and to farmers cheap labour when it is very much wanted.

5978. And in regard to the children, you recommend that powers to put the Industrial Schools Act into operation in the case of vagrant children should be vested in some person or authority. But is that power not vested at present in the School Board Authorities?—I do not know that it is. I do not think so.

5979. (*By Dr. Farquharson.*) Did I understand you to say that the vagrants and tramps are increasing in Perthshire?—No, I do not say so; I do not know.

5980. But at all events Perthshire is more infested with them than other counties?—I should think that Ayrshire would be worse. At least I thought so at that time.

5981. (*Dr. Sutherland.*) Yes.

5982. (*By Dr. Farquharson.*) Do you think the gipsies lead necessarily unhealthy lives?—I do not think that they lead unhealthy lives. On the contrary, I think they lead rather healthy lives, except a newly born child for instance.

5983. Healthy because exposed to the fresh air?—Yes.

5984. Then the unhealthliness would come in occasionally with respect to the epidemics you spoke of?—I did not say that they were unhealthy, but only that if they took an epidemic there was the danger of them spreading it.

5985. If the burgh powers in regard to beggars were extended to the counties, do you think that the present police force would be fit to cope with the new duties, or would a large addition to the force be required?—I think that the present police force would be sufficient.

5986. Therefore there would be no increased expense for apprehension thrown on the rate-payers?—No, not for apprehensions; but for dealing with the children there might be a considerably increased expense.

5987. (*By Col. M'Hardy.*) These tramps, I suppose, are more numerous in summer than in winter?—I think so. Do you believe that a considerable portion of them reside in towns in the winter, and then march through the country in the summer season?—I think it likely.

5988. They have been seen along the main roads going northwards from Perthshire marching in the summer?—So I understand, but the main roads north from Perthshire do not lead to any large place except Aberdeen.

5989. These wandering migratory persons divide themselves into various classes. We have been told that while some of them are chronic vagrants, others—and sometimes a very considerable proportion—are men tramping in search of work from one centre where work has ceased, to another centre where it may have commenced?—I have no doubt about it, but it does not come within my knowledge.

5990. Allowing that a very considerable proportion of these wandering people are actually men searching for work, it would, I suppose, be a right thing to help them on their way?—In the case of the people you mean, I suppose so.

5991. You think it would be right that some proper arrangement should be made for assisting them with shelter at night, and by providing food which in other circumstances they would be forced to beg?—Yes; I think so, if they are in large numbers.

5992. Would you be in favour of providing a resting house for men whom the police believed to be men honestly in search of work?—Yes; if it were thought worth while to incur the expense necessary for doing that.

5993. I suppose that these migratory people really live upon the county in which they are for the time?—Yes; but not necessarily in a bad sense.

5994. But somehow or other they provide their support from the county?—Yes; partly by work and partly by begging.

5995. The average from the last census of Perthshire seems to be about 488, and the maintenance of them—for they have all to be maintained—at the cheapest rate would apparently come to between five and six thousands a year, so that there appears to be already a large sum spent in a more or less irregular way for their support?—As you say it seems to be so. As I have said, however, a number of them bestow work for their pay at certain times.

5996. Yes, at certain times, but you do not seem to question that the majority of them are more or less beggars, and live by that alone?—Oh no; as regards the tramps that may be so, but as regards the vagrants or the other class, I think that they all do some little work at times.

5997. The chronic vagrant?—The ordinary vagrant I mean; but they beg also.

5998. I am not talking about gipsies; I am talking about the ordinary tramps or vagrants?—I am not aware that the ordinary tramp or vagrant does work.

5999. So that for their support the community have to subscribe a large sum of money when it is all added up?—I presume so.

6000–1. (*By Miss Stevenson.*) There would be a difficulty in regard to School Boards enforcing the provisions of the Education Act in respect of these wandering families, as these Boards can only proceed by giving the parent statutory notice warning him of his neglect, and stating that subsequently he would have to be summoned before a meeting of the Board. On that notice being given, the party would probably proceed to another place?—Undoubtedly that is one of the difficulties.

6002. In regard to the Industrial Schools Acts, so far as these children are concerned, one difficulty is that the clauses of these Acts do not exactly define the position of the children who are wandering about with their parents. Under the 16th section of the Industrial Schools Act a child might be sent to an Industrial School if he were found wandering about without proper guardianship?—Yes, that is so.

6003. Under the 14th section of the Industrial Schools Act the child must be first convicted of begging before being sent?—Yes.

6004. And the difficulty would be to get a case brought before the magistrate, if it was a country place, and there would also be the difficulty of getting the child sent, if convicted, to an Industrial School, which are generally situated in large towns?—Yes. There would be a difficulty in getting any person to perform all the duty necessary in bringing the case forward.

6005. Of course the School Board Officer of a district could do it, but it would probably involve him leaving his own particular district for a day or a couple of days at a time?—Of course he can only do it as an individual I presume, I do not know that he has powers as a School Board Officer.

6006. I think under the new Act of last year he is?—It may be.

Lord Kincairney. 29 Nov. 1894.

6007. But the great difficulty of enforcing the compulsory provisions of the Education Act, in the rural districts, is that in some cases the authority before whom the parent must be brought is at such a distance that these compulsory powers of School Boards have been a 'dead letter'?—Yes, so far as the Education Act is concerned.

6008. And the same would apply to the Industrial Schools Act?—Yes, but there is the further difficulty, that when the children are admitted to these schools without conviction it is rarely successful. They just return to their original habits again.

6009. But the managers of Industrial Schools have now power under the amended Act to supervise children until they are 18?—Yes.

6010. Do you know any distinction between vagrants and gipsies in that report?—No. *Lord Kincairney.* 29 Nov. 189

6011. (*By Dr. Sutherland.*) While you were Sheriff of Perthshire did you know of any boys sent to the 'Mars Training Ship' belonging to the gipsy class?—I do not know of any, but there may be some of whom I have no knowledge.

6012. And is there any way of ending the gipsy race as such except by taking forcible possession of the children and sending them to Industrial Schools and Training Ships?—I think not, but whether that is a very humane or moral ending of the race I do not know.

6013. They are not being dealt with in that way at present?—No, not at the present time. I do not know whether the children are being vaccinated or not.

[Adjourned.]

THIRTEENTH DAY.

Edinburgh, Friday, 30th November 1894.

Present:—

Sir Charles Cameron, Bart., M. P. (*Chairman*).
Col. A. B. M'Hardy, R.E.
Dr. J. F. Sutherland.
Miss Flora C. Stevenson.

Mr. Alexander Robertson. 30 Nov. 1894.

Mr. ALEXANDER ROBERTSON, Agent of the Prisoners' Aid Society, Edinburgh, called in and examined. *Mr. Alexander Robertson.* 30 Nov. 189

6014. (*By the Chairman.*) You are, I understand, Agent for the Discharged Prisoners' Aid Society, Edinburgh?—Yes, I am.

6015. Please explain to the Committee the object of your work, and the assistance that you get from the Government in connection with it?—In the first place the object of our work is to give a little assistance to prisoners when they are discharged—destitute prisoners I mean. Very often that class of discharged prisoner has no home to go to, and those who have a home often have no means of support. Moreover, we assist those who require to be sent home to a distance. We give them clothing, and food, and lodgings, and what they may require in that sort of way while they are looking for employment. We do not profess to find employment for discharged prisoners, but we stand behind them while they are looking for employment.

6016. You are the gentleman who meets them on their leaving the prison?—Yes.

6017. Do you see them before they come out?—Yes; I visit the prison and I see them before they come out. I converse with them before they leave the prison, and I get to know their antecedents and their future prospects, and then I deal with them, each case on its own merits.

6018. What do your funds consist of?—Generally of private subscriptions.

6019. What revenue has the Edinburgh Society from private subscriptions?—I think about £200.

6020. How many prisoners pass through your hands?—From 250 to 300 per annum.

6021. You get some indirect assistance from Government?—Yes; but that does not come through my hands, but through those of the Treasurer.

6022. But you can explain how it is made use of—how, in fact, it works?—I am sorry that I cannot explain that very well.

6023. (*By Col. M'Hardy.*) The assistance which is given by Government is, I think, that of subscribing as much as is given by the Discharged Prisoners' Aid Society to any one prisoner?—Yes, I understand that is so.

6024. Only there is a provision that the total amount given to such prisoner shall not exceed £2?—Yes, that is so. The provision is that if the Aid Society expend £1 upon a prisoner, the Government will refund 10s. of it, or something like that.

6025. (*By the Chairman.*) You may go to the extent of expending £4 on a prisoner—that is the limit to which you can go—and for that payment they will receive £2 from the Government? Is that so?—Yes. But of course the society itself may go any length it pleases. For example, the society may give the prisoner as much as £10, but then it only gets back £2 from the Government.

6026. Yes, quite so. And is there some arrangement also with regard to the prisoners' earnings?—Do you mean gratuities.

6027. Yes. And do not the Prison Authorities give you some control over them?—The society has, up to this time, not been doing that.

6028. You do not take any charge of gratuities then?—In the case of convicts who are selected to receive the aid of our society, the governor of the convict prison sends the gratuity on to us, and it is paid through me to the prisoner. That is in the case of convicts.

6029. And in the case of the ordinary prisoners?—The gratuities are all paid at the prison here.

6030. Is that the practice with Prisoners' Aid Societies in other districts?—I understand not. believe in other districts the Aid Societies have charge of the gratuities.

6031. Do the Prison Authorities desire that a similar arrangement should be made here?—I believe so.

6032. What then is the objection of your society to falling in with that proposal?—I do not know.

6033. What sort of aid do you generally give to the prisoner? You have told us that you do not assist him to get a situation.—We provide food and lodging for them and for those who require them, we provide tools or materials for work.

6034. You have a building of your own then?—No sir. We send them to a model lodging-house, or even in some cases pay private lodgings for them. In

Mr. Alexander Robertson.

30 Nov. 1894.

mostly every case we provide clothing of some sort. Nearly all of them want clothing.

6035. You say that you send them to a model lodging-house. What are these institutions? Are they corporation property or private property?—I think they are public places.

6036. Private lodging-houses do you mean?—Yes; that is what I mean.

6037. And do you not think that to send them there is to put them in a position where they are very apt to be tempted into a relapse of crime?—Yes. I believe they often in these places meet with their old associates and relapse into crime.

6038. Do you send them out with a fresh suit of clothes and with their old clothes too?—They get their old clothes with them, but in many cases the garments are not fit to be seen. If they went out to seek work in their own clothes no one would employ them. Our object is to make them presentable.

6039. Do you never find cases where the people sell your suit of clothes, it may be in the lodging-houses, and get drunk on the amount they raise?—In a great many cases they have pawned the clothes.

6040. Have you no lien over the clothes then?—No, we have not.

6041. Then do you assist in sending them back to their homes?—Yes.

6042. What is the duty of the Prison Authorities in the matter. They send them, don't they, back to the place where they were convicted?—Those who come through Courts in distant places are sent back to the place where they were tried.

6043. You sometimes give them some money to keep them above water?—To those who have to go to a distance we sometimes give a few shillings.

6044. Do you try to get them to go back to their homes, or in some cases do you try to keep them away from their old surroundings?—If they are married men I try to get them to go home.

6045. But if they are without any tie, so far as you are aware, what do you consider the best course of dealing with them?—Well, I have sent them to other places on various occasions, where they would have a better chance of work, and less likelihood of falling in with their old acquaintances. I have in many cases sent them to distant places for that purpose.

6046. Are you at the prison gate every morning?—No.

6047. Has your society an agent there then?—No; we have nobody at the prison gate.

6048. Do you then see every prisoner about to be discharged?—No; only those who apply to see me.

6049. I understand that in many places an agent of the Prisoners' Aid Society attends at the prison gate when the prisoners are discharged for the day. That is done in Glasgow, is it not?—Yes, I believe there is a Prison Gate Mission in Glasgow, but there is nothing of that sort in Edinburgh. I have to do the whole thing myself.

6050. You help you say about 250 prisoners in the course of the year. Are they long or short sentence people?—Well, I should think the bulk of them are prisoners of from 21 to 60 days. In some cases they are three month prisoners; in a few six months; and so on. Sometimes the sentence may have exceeded that. In the main, however, they are not very long sentence prisoners.

6051. What fellows apply to you most. Have you a larger number of the long sentence prisoners or of the short sentence prisoners?—Short sentence prisoners.

6052. How do the prisoners learn of the operations of your society?—There is, I believe, a notice placed in every cell. They see it and inquire for me.

6053. Say that a man in for seven days wishes to see you?—That is a sentence that we scarcely ever have applying for help in Edinburgh.

6054. Say five days then. Say you have a man in for five days.—No; they do not apply very often to me. There are very few cases indeed of individuals doing a five days' sentence applying to me.

6055. Well, then, let us take a 14 days' sentence?—Yes; there are a great many of them.

6056. Would you give a man coming off a 14 days' sentence a suit of clothes?—I have done it.

6057. He would make rather a good thing out of his 14 days then?—Yes; if he pawned them immediately on getting them.

6058. But I do not mean putting the matter in that way?—No, quite so. He is benefited by being in prison because he gets a fresh suit of clothes.

6059. And he may get more out of that suit of clothes which you give him than he might get during the 14 days when he was out of prison?—Yes.

6060. And probably you also give him some assistance besides that, without having a lien over the clothes, and without any machinery for seeing that the greatest advantage was taken of the assistance by its being properly utilised?—That is so.

6061. Do you select the cases in which your society gives grants? Just tell us what you do?—I go to the prison and converse with the prisoners who have desired to see me. I find out as much as I can about them, and then I make a report to the secretary of the society, who decides whether they are to be assisted or not; but, of course, that question entirely depends on the nature of my report.

6062. What do your clothes cost?—We usually give second-hand clothing, and I can get it very cheap.

6063. How much money assistance will you give then—take an average good case?—I take the average all over at less than 10s.

6064. And what is the average price of your clothing?—About an average of 10s. a suit. That is for the old second-hand clothing.

6065. So that you give them on an average 10s. in money and 10s. in clothing?—Oh no; 10s. altogether.

6066. That then does not allow much for the lodgings?—4d. a night.

6067. Do you pay the man the money, or pay it to the lodging-houses?—We pay the lodging-houses by tickets. For food 8d., and for lodgings 4d., in all 1s.

6068. How do you give this assistance then?—There is a store at each of these lodging-houses, and our ticket covers food and lodging for so many days, and at so much a day.

6069. And the ticket is not transferable?—No.

6070–71. And do they try to transfer it?—Yes; and they try and sell the food also.

6072–73. What do you do with the women?—I have nothing to do with the female department. There is a lady appointed for the purpose.

6074–75. But you can describe the operations in connection with that department?—Up to within a year ago I should say there was a laundry to which the women were sent, but that laundry has now been disposed of.

6076–77. Was that the Grove Laundry?—Yes. Now I believe that the cases are dealt with in the same way that I deal with the men.

6078–79. They are not sent to the Magdalene Asylum or to any of these places?—I do not know how this lady does with them.

6080. Have you a report of the society for last year. I have not one with me, but I can get it in a few minutes.

6081. What is your idea of the good, so far as reclamation is concerned, that is done by your society?—There is not a great deal to be said for that.

6082. Is it your opinion then, from your experience, that anything can be done to improve the present state of matters?—There is great room for improvement; but what is the best thing to be done I do not know. Still I am of opinion that there is certainly great room for improvement.

6083. I suppose that the gratuities of prisoners coming from the Calton Prison are not large?—Well, in some cases they may be about £1, that refers to instances of 12 or 18 months imprisonment.

6084. And with the 'habituals' you do not trouble yourself, do you?—Oh yes; we have a great many of them through our hands.

Mr. Alexander Robertson.

30 Nov. 1894.

6085. But with people who have been a dozen or a score of times convicted. Do you select such cases for assistance?—We try to give them a help and to encourage them to do well.

6086. What help do you give them?—We give them the same help as the rest; we just deal with them the same way.

6087. Do they form a large percentage of your 250 or 300 cases?—Yes; they do indeed.

6088. (*By Col. M'Hardy.*) We are anxious to get at some idea of the results of your work. Can you tell us of any good that you have done? Do you know some cases in which your benevolence has been successful in setting men on their feet again?—Yes; I can lay my hands on a good few very encouraging cases. There is one man in particular from whose case I have great encouragement. A man from Peterhead; a convict.

6089. What percentage of the number that you deal with do you think have been attended with really permanent good. The number of cases I mean?—I do not think more than a third.

6090. And in the case of that third, you have known that the men have started work, or set themselves out for a start in a better way?—Yes. But I should say that you will understand that the most of the prisoners who come here are all right while I am giving them this little help, but so soon as they find that there is to be restraint, and that the thing is to be drawn in, and that they are to rely on their own resources, they become invisible to me. I lose trace of them; and I may say that these fellows do not care to be followed up. But others, again, do wish to be followed up, and are pleased when I pay them a visit at their homes, which I frequently do. The generality of them, however, do not want to have any connection with me, and those are the fellows who get back to prison again.

6091 (*By the Chairman.*) In other words, as soon as they see that there is no more money to be got out of you, they cease to be visible to you, and to be amenable to your remonstrances. But if you had the doleing out of their gratuities would that not give you a hold over them?—For the length of time that their gratuity lasts.

6092. (*The Chairman.*) Yes, certainly.

6093. (*By Col. M'Hardy.*) Do you think that with the great majority—or rather, put it this way, with a good many—of the men who pass through your hands that a very slight supervision or restraint would suffice to keep them straight?—Yes, I do think that they can be kept sober for a time.

6094. But you think that in some cases it would be very difficult to keep them sober?—I think that they could not resist the drink.

Mr. Alexander Robertson.

30 Nov. 189

6095. And that in other cases a very little amount of looking after would probably suffice?—Yes.

6096. (*By the Chairman.*) You mentioned several cases which had encouraging results. You gave us the case of a man from Peterhead. How long did you trace his career after he was out of prison?—For two months, or for a little over that.

6097. He was one of those cases in which you had a gratuity to look after. Is that so?—Yes, I think so; but I do not remember very well about that man's gratuity in particular. But at all events, he was through my hands, and I gave him assistance several times, and kept him afloat while he was going about seeking for work. He was knocked out of one place because it was known that he was a returned convict, and he went through great hardships. At length, however, he managed to get a place in Fife, and he was doing well there. On account of the late miners' strike, however, he got thrown out of a job, and being only a labouring man, he was very hard up indeed. He then wrote to me, telling me his circumstances, and I sent him a loan of 10s. He wrote back then thanking me for the loan of the money, and I heard no more about him till about a fortnight ago, when I had a letter from him with a postal order for the 10s. He is now working at Broxburn, and doing well.

6098. Did you ever get loans returned from any other one?—No; that is the only case of the kind that I can remember at present.

6099. But you say that you know a number of cases where the results have been encouraging. How do you proceed with them?—We find employment for the men, or rather they find employment for themselves, while we are keeping them afloat. We have had many very encouraging cases in which employment has been obtained.

6100. We have been told over and over again that prisoners, when they come out of prison, can get any amount of drink from friends, at no expense to themselves, within a few yards of the prison gates?—Yes, that is so. I have known them to get drunk between the prison and my office of a morning.

6101. And when they have no money of their own?—Yes; when they have no money.

6102. Does that not show the necessity of looking after them when they come out of the prison—of trying to prevent them falling into the hands of their old friends?—Yes; certainly it does. [Witness then withdrew.]

Rev. Robert Henderson.

The Rev. ROBERT HENDERSON, called in and examined.

Rev. Robert] Henderson.

6103. (*By the Chairman.*) You are, I understand, Honorary Secretary of the Association for the Reclamation of Habitual Offenders, Vagrants, Beggars, and Inebriates?—I am. May I be allowed to make a request. I would much rather that you allowed me to make a statement. If you allow me to get through that then you will have before you all I wish to say.

6104. Well; but do not make it long, please. Please remember, also, that we understand all about the general nature and the detrimental effects of drink.—I shall not touch upon that. I shall proceed. I understand that the present inquiry is into the extent, the causes, and the cure of the evils that we are all suffering from. Now, in regard to the extent of these, we know from statistics how that stands——

6105. We know all about that. Please proceed.—Well, I need not go into that, but it is important to what I am leading up to. In regard to the causes, you are also, I daresay, very familiar with these, and I shall not enter into that, important, undoubtedly, though it be, except to make this remark, without going into the subject, that the causes, I believe, cannot be speedily removed. We have not then to deal at present with the removal of the causes, but with the treatment of the persons suffering from these causes. Now, there is a very large body suffering from them, referred to in this statement connected with the number of apprehensions. We have a residuum, and it is the problem of society at this time—how is this residuum to be dealt with? My contention is this, that we must have new aims and methods in dealing with them, and further that the methods in use have entirely failed. I have looked into the Scottish Acts——

6106. Perhaps we had better go on in the usual way. You say in your précis that severity has been tried and has failed, that leniency has been tried and has failed, that improved administration has been tried, and has failed, and that short sentences have been tried, and have failed. That the radical cause of failure has been a defective aim and defective legislation. You further say that a higher aim is essential—'that the aim hence-'forth must be the reformation of the offender'?—That is the higher aim, I think, that we ought to set before ourselves.

6107. And you say, too, that you think new and compulsory powers are needed for its success?—Scotland is unanimous in the opinion that compulsory powers are essential to reformation. I say so because I have corresponded with the whole of Scotland—at least with all those entitled to speak on this question; and they are unanimous on this point, that these compulsory

powers must be obtained, otherwise no scheme will be of any avail.

6108. But what powers do you mean?—Powers to seize habitual offenders and habitual inebriates.

6109. Well, supposing that you do seize them. But in the first place have you thought of how you would define habitual offenders?—I have definitions in my possession—definitions given by Dr. Norman Kerr, London, and others, but not with me.

6110. Yes, but we want your own opinion?—That they must be convicted so many times. How many I am not prepared to say. The same thing applies to inebriates and to the other classes.

6111. Well, supposing you had these habitual offenders in custody, and had your powers, what do you propose to do?—I would send them to Reformatories. There is a unanimous opinion as to that in Scotland.

6112. You speak of a unanimous opinion. How do you know?—From official correspondence with Chief Constables, the Convention of Royal Burghs, Parochial Boards, and chief of the Town Councils such as Edinburgh, and from the unanimous resolution of a representative Conference held in the City Chambers, Edinburgh.

6113. Yes, but we know all about the Convention of Royal Burghs, and these other bodies. How would you have the Reformatories of which you speak supported?—In regard to support, I think that they should be supported on the same principle as assessments are made for lunacy purposes, and the distribution of the burden should certainly be on the same districts that the Lunacy Acts have control over.

6114. And do you propose that the contributions should come from the State?—I think that if the scheme were to be successful, and Scotland were to reap the benefits, that Scotland should certainly bear the burden. I am perfectly clear on that point. I do not think it should be from the Imperial revenue that the contribution should come. The Imperial Revenue would refuse to contribute, and justly so, I think.

6115. And how long would you have these offenders to be resident in your Reformatories?—I would do away with time sentences.

6116. You would keep them until they were reformed. And how would you employ them?—Industrially. Just as they are employed in the institutions in America. There they are employed in making shoes, and brushes, and clothing, &c., and also in farming.

6117. You propose that these Reformatories should have ground attached to them?—I do; they should be rural Reformatories. But it would be necessary to make a distinction between inebriates and the other classes of habitual offenders, because inebriates must be dealt with on medical principles.

6118. You say in your précis that General Booth's system is good, but is defective?—Yes; there are, in my opinion, two great defects. The first is that it can only deal with those who are willing to be dealt with, now that is a fatal objection, because only a very few come voluntarily considering the multitudes who require to be dealt with. The second fatal objection to General Booth's scheme is that those who come can only be kept so long as they are willing to stay.

6119. But General Booth's scheme does not profess to deal primarily with habitual offenders? The object was to deal with those who could not obtain work?—Yes, that is so; but many of them are habitual offenders.

6120. In your précis you mention the Elmira Institution, United States. Where is it situate exactly?—In the State of New York.

6121. And how is it supported?—By the State principally, though not wholly.

6122. And its object is?—The reformation of offenders. All the parties with which this Committee is concerned come within its influence.

6123. What are they?—Short sentence criminals, and those who are willing to be placed in it from the State prison.

6124. (*Dr. Sutherland.*) Juvenile criminals under 30.

6125. (*By the Chairman.*) If they go out they go voluntarily, if they enter voluntarily—and who are the class who go there, and how are they detained?—They are detained there at the will of the parties and of the Board. The time sentence is not in existence.

6126. Can you tell us anything about the results?—The results are 75 per cent.; and not merely is the quantity satisfactory, but the quality also, as testified by the Board itself, and by letters which I have seen, written by discharged prisoners.

6127. Can you tell us anything about the expense. Have you any reports?—Yes. I have the report at home, and I am afraid that without it I cannot go into exact figures.

6128. You go on in your précis to say that 'Industrial Reformatories, backed up by compulsory 'powers, essential,' and that this has been proved. Have you any other instance to give us except that of Elmira Institution?—In this case we have no compulsory powers at all.

6129–30. But I mean other cases from abroad?—There are institutions, though I have not copies of the reports with me, in France, Belgium, Berlin, Holstein, and other places.

6131. They work satisfactorily in the majority of cases.

6132. You have not been in any of the labour colonies there?—No.

6133. And you do not know about them?—I only know from the reports, which are perfectly reliable. I am relying on them.

6134. But we do not rely on them; for none of the reports are concerning compulsory labour colonies. We have the reports, but none of them have regard to compulsory labour colonies, and I thought that you might be able to tell us about compulsory labour colonies?—No, I can't do so.

6135. You have not made any difference in your statement between cases of inebriates and cases of habitual offenders?—I shall do so if you wish it.

6136. No, I do not suggest it. What, may I ask, is your view? Would you deal with them all through one sort of Reformatory?—No; certainly not.

6137. You would have inebriate institutions?—Yes, most unquestionably.

6138. And how do you think they ought to be supportd—by rates levied upon the lunacy districts?—Yes; if the people are poor. If the inmates are poor the State must support them, and ought to support these institutions.

6139. And you would have the incidence of taxation for the support of the inebriate and the purely criminal Reformatory institutions the same?—Yes, the same.

6140. And are we to understand that you wish the State to employ female labour in the female reformatory institutions?—Yes, just as women are employed in institutions of a similar kind. I have seen the work that they can do. I went very carefully over the whole of the female as well as the male departments of General Booth's Institution in London, and saw women in rooms larger and smaller than this one, sewing and knitting, under the guidance and influence of the system acted upon. I saw them sewing useful needlework, and the things they sew and knit are disposed of, and become part of the income of the institution.

6141. (*By Col. M'Hardy.*) What difference do you propose to make between the habitual offender, and the habitual inebriate in treatment?—My opinion is, certainly, that the treatment of the inebriate should be treatment under medical guidance.

6142. Is it not the case, that most of the habitual offenders are practically habitual inebriates?—A very large percentage are.

6143. So large a percentage that there is scarcely anything left—there is something no doubt, but very little?—That is so.

6144. So that the necessity of having a different system, which would entail considerably increased expense, seems to be consequently justifiable. Is that your view?—Inebriates, I should say, are certainly divisible into classes. I do not see the necessity of dealing with the whole of the inebriates under the same rule.

Rev. Robert Henderson. 30 Nov. 1894.

6145. The whole of the offenders you mean?—No; I am speaking just now of the inebriates. You have a class of inebriates who are thoroughly bad, whom nothing can restore except this new system, and the time and the influences you, under it, bring to bear upon them. But there is a second class not so bad, and there is another class still, a third class, not nearly so bad in the earlier stages, who can very properly be drafted into Reformatories. Judgment, again, may be used in dealing with the second class, who may be drafted into Reformatories too, but the purely bad inebriate ought to be treated separately and medically.

6146. (*By Dr. Sutherland.*) What do you mean by lunacy districts for rateable purposes?—I mean this, that I understand there are districts assessed for the lunacy expenditure.

6147. But why lunacy?—It is simply the fact that under the Lunacy Acts there are districts. I think that the same districts might be assessed for these new institutions' support—they being local institutions.

6148. But do you associate lunacy with inebriety?—No, by no means. It was only to save expense in the collection of the assessment that I suggested these districts.

6149. You do not associate lunacy with criminality?—No.

6150. But why ask the Imperial revenue to contribute for the maintenance of these people?—I do not ask them. I guard myself carefully from doing that. *Rev. Robert Henderson.* 30 Nov. 189

6151. You are aware that the Imperial revenue now contributes a fair proportion for the maintenance of these people in the shape of the prison and of the police grants?—You refer to Scotland. Yes; that may be.

6152. Why should the proportion borne now by the police and the prison vote, not be borne still under the altered circumstances?—That is matter for consideration. I think that in order to get this new movement a footing within the legislature we should be very careful how we raise up English opposition.

6153. Do you see any objection to the money, now contributed by the Imperial Exchequer, being spent in another form for the cure of these people?—In regard to prisons, do you mean?

6154. I mean taking these people out of prisons and other places of that kind, and putting them into Reformatories; do you see any reason why the money still required for their maintenance should not continue to come from the Imperial Exchequer?—No; I do not see any reason, and I told you why I thought the institutions should be separated. [The witness then withdrew.]

Mr. William Todd.

Mr. WILLIAM TODD called in and examined. *Mr. William Todd.*

6155. (*By the Chairman.*) You are the Secretary of the Edinburgh Total Abstinence Society?—I am.

6156. In the first place I must tell you that our remit does not involve any questions of licensing reform; that it refers solely to what means can be adopted for dealing with habitual offenders and people of that class. I suppose, in connection with the work of the Edinburgh Total Abstinence Society, in your reformation efforts, you come across a good many habitual drunkards especially?—With a good number.

6157. Have you any idea how they can be dealt with apart from putting down the manufacture of spirits, and closing the public-houses?—Well, my first idea was of course in that direction.

6158. But apart from that aspect of the matter—we can take up, however, the other aspect—the administration of the law against supplying drunken people with drink?—I think these clauses of the Act are entirely inoperative.

6159. Do you endeavour to enforce that provision?—We never do so far as I know.

6160. But why not?—Simply because we thought it was a matter for the police, and not for us. I have drawn up a summary from a historical point of view of the question, and in the Report I now give in, at pages 29, 30, and 31, there is given an account of the evolution of the temperance movement in Edinburgh.

6161. About the 'drunks' that have come through your hands. Tell us something about them?—I may say that I drew up a statement showing what we have done in the matter of pledging.

6162. What have you done then?—Since 1836 we have pledged nearly 200,000 individuals.

6163. And how many have relapsed?—I estimate, that so far as I can judge from the tables, I have made up, over 75 per cent. of that number have kept the pledge for three months; 50 per cent. have kept it for six months; and 25 per cent. have kept it permanently. The reason why I divide them up in that way is simply this, that during a year you have three or four distinct periods of temptation. For example you have the New Year holidays. Then you have the Spring Fast, something in the same line about midsummer, and then the Autumn Fast. These periods are periods of great temptation, so much so that you find men who have taken the pledge, and got safely over the New Year holidays, looking forward to the time of the trades' holidays, as the period of the next strong temptation.

6164. Some, I suppose, having broken the pledge, come back to you to be repledged?—Yes.

6165. Do they come back to the society?—Well, of course, they are scattered all over the city.

6166. You work with the Good Templars don't you?—We are a separate society altogether. The Good Templars, the Rechabites and the Sons of Temperance, are what may be termed benefit societies, the two latter eminently so.

6167. In the matter of pledging. A man who was pledged with you, and broken it, would probably go to the Good Templars, or the Rechabites, or Sons of Temperance to be repledged?—Well, they might. But sometimes they have pledged as many as six times with us. And from past records we find that some who have pledged oftenest have turned out the strongest workers in connection with our body.

6168. Take the case of a man who had pledged, say six times, or rather take the case of a man who had held off for a good long time, do you find that he is much better than the man who has broken down sooner, and has repledged? Do you find that total abstinence for 12 months, for example, is frequently followed by a break-down?—Not so frequently in cases over the 12 months. I think the great temptation lies in the first year. When they come to me to pledge I tell them in two lines what I would like them to do. To trust God and to keep their mouth shut, to avoid the temptations of old companions, and also to avoid highly seasoned meats. I believe that has something to do with the matter.

6169. You have no statistics, I suppose, showing the number of relapses at different periods of abstinence?—I have not such statistics with me, and besides, that would depend entirely upon the party's word who gave the information. Sometimes I have even heard people say that they were keeping the pledge when they actually smelt of drink. I drew up, however, what may be called a summary in regard to pledges, and for that purpose I went into a number of figures and other things, and I condensed the whole as much as possible. I can submit these statistics to you if you like.

6170. Yes; we shall be glad to see them.

6171. (*Witness.*) Then I took and condensed these pledges into as small bulk as possible. I now hand in a number of these pledges which represent the principal pledges in actual local use, including those of various churches.

6172. Yes; I see that this pledge runs 'I voluntarily 'promise that I will abstain from all intoxicating 'liquors, except as medicines or wine in a religious ordinance.' Have you not changed the original pledge

Mr. William Todd. 30 Nov. 1894.

a good deal?—No; that is the original pledge of 1836, kept the same until to-day.

6173. And you have the same thing to-day?—Yes; you will notice that the same promise is required in the pledge of to-day that is required in the original pledge of 1836.

6174. You take still a pledge against spirits only?—No; the original Temperance Society, between 1830 and 1836, went against ardent spirits. In 1836 it was our present pledge, and it was for total abstinence. Some of those which I have handed in are the old Temperance Society pledges.

6175. There is a more recent pledge. It says 'I 'promise, God helping me, to abstain from all intoxi- 'cating drink as a beverage.' Do you use that pledge to-day?—That is the pledge of another Society. The pledges of a number of societies are there. I think the last pledge among those which I have handed in is the soldier's pledge from Piershill Barracks, or the Soldiers' Home.

6176. Yes, I notice that it runs very much in the same way as the others. They are all for the same purpose, and, I suppose, equally well adhered to?—Yes; among the number of pledges which I have given in are those of the Edinburgh Total Abstinence Society; the Church of Scotland; the Free Church of Scotland; the United Presbyterian Church; Carrubber's Close Mission; and the Soldiers' Home. That I think represents a few of the pledges which are in the parcel that I have handed in.

6177. Does that mean that there are something like 14 different societies?—No; nine or ten different societies, with three or four pledges each. For example, the Carrubber's Close Mission have only one pledge.

6178. What then is the difference in the pledges. I see that your Society has three or four?—The difference in the pledges is this: Our large engraved card costs 6d. That is sold, and we also give a little pocket pledge for the persons to produce to an employer, &c. There is another thin paper pledge, those which we give for nothing; and for the little pocket pledge alone we charge 1d.—the large engraved card, as I said, being charged 6d. In the Church of Scotland the Temperance Society was a dual society, that is, it was established on the dual basis. The peculiarity of the leading Churches is that they have family pledges. The Carrubber's Close pledge is just a little ticket about the same size as one of the Music Hall tickets. On the other hand, the soldier's pledge is of a peculiar kind; a sort of religious society to which they pay in so much a week. I shall leave them all with you if you think they are of any value.

6179. (*By Col. M'Hardy.*) Have you tried any of the empirical cures for drunkenness?—I can only speak of the Tyson cure. But we did not try it at all because they did not come up to the scratch.

6180. Tell us how that was?—Well, the Tyson people applied to us, and we got together 20 individuals whom we thought to be thorough-going habitual drunkards, and they were willing to go in for the Tyson cure. The Tyson people said that they would give the cure for nothing, while we offered them the use of our rooms in Nicolson Street for the purpose. They agreed, but after a delay of six months they backed out of the business altogether, and left us with these people on hand whom we had brought together for the 'cure.' The last thing we heard from the Tyson people was that they were prepared to go in for the cure at £5 a head; but long before that we had told the parties who wished to be cured that the cure would be effected for nothing. We had a bottle of mixture, and we tasted it as a committee without committing ourselves at all. On our part we were quite willing to go in for the experiment.

6180A. (*By the Chairman.*) Did any other Temperance Society in Scotland receive a similar offer?—I could not say.

6181. You got together 20 habitual drunkards for the purposes of the Tyson cure?—Yes. Mr. Waterston has the whole correspondence in the matter.

6182. Has he any letter from the Tyson people offering the cure?—He has the whole correspondence. I put the correspondence in his hands, and being a private correspondence it remains in his hands. We did not want as a committee of the society, to have to say that the cure was a perfect cure, or anything like it, till we had ourselves seen the result of the experiment. [The witness then withdrew.]

Rev. J. D. Robertson.

The REV. J. D. ROBERTSON, M.A., U.P. Clergyman, North Berwick, called in and examined.

6183. (*By the Chairman.*) You are an M.A. and a D.Sc.?—Yes.

6184. And you appear as a delegate from the Edinburgh Presbytery of the United Presbyterian Church?—Yes, I appear as a delegate from that Presbytery, and I should say that I have specially to deal with the inebriate part of the remit. I sent out to all the ministers of the church within the bounds circulars containing a number of queries as to the number, circumstances, &c., of habitual inebriates not coming under the cognisance of the police.

6185. Yes. Please let us know the results of your inquiries?—The first query in the circular is to this effect—'What is the number of habitual inebriates 'known to you who have not passed through the police 'court'? That is the question; and in answer to it the returns state 1 per cent. The second query is—'What 'proportion of these are of the well-to-do classes—able 'to pay for their own maintenance in Retreats chosen 'by themselves'? The returns state in reply about a tenth of the 1 per cent. Query three is—'Is the number 'of habitual inebriates increasing or diminishing within 'the period over which your observations have extended'? It seems, from the returns, that most of the ministers think that there has been an increase, especially among women in the wage earning classes, and among habitual drinkers. The next query is—'Of 'these persons, how many are there whose indulgence 'may be regarded as periodic, recurring, that is, at 'more or less fixed intervals'? About two-thirds it would seem; they would be more or less continuous were it not for the fact that there was want of means, or some other hindering cause of an ordinary kind. Of the 'periodicals' a number may be described as constitutionally so, some from a hereditary trait or otherwise. The fifth query ran thus—'Do you consider 'that the existing methods and institutions for dealing 'with habitual inebriates have been successful in im- 'proving their character and condition, and affording 'relief to others concerned, or do you think that these 'require to be supplemented by new enactments and 'agencies'? There was a certain amount of agreement that the existing institutions were so far effective, but on several grounds there was a desire that they should be increased and supplemented.

6186. How many then were in favour of a new class of inebriate institutions?—They were all except one. And they also stated that the existing institutions were far too few, and were badly distributed, and inadequately supervised. There seem to have been instances, according to the returns, in which in institutions for reform it was possible for an inmate to die of *delirium tremens*, showing evidently that there was a want of supervision. Such a statement was made to me by a minister in the Lasswade district. The opinion of the ministers, I should add, was that in these institutions there should be provision for compelling the inmates to work, and that regular work should be part of the method of reform adopted. A general complaint was that the institutions are far too dear for the majority of those who need them, and that there should be in all of them a medical man—or at least a medical man connected with each—who knows something of the injury to the brain, and the nervous system, and of the method of strengthening the will power. There ought to be also religious influences, and moral training, together with in-

Rev. J. D. Robertson. 30 Nov. 1894.

struction in the scientific aspects of indulgence. Query No. 6 was—'Are you of opinion that such habitual inebriates should be under some form of compulsory control'?—There was unanimity on that point—absolute unanimity with the exception of one. There were many qualifications and safeguards suggested as necessary. One of them was that there should be the medical officer of the county (who might be conjoined with the man's own medical adviser), and that some magistrate should be consulted before anyone could be confined, to guard against any use of the power for illegal purposes. Some of the returns said that after a second conviction in the Police Court the party might be dealt with.

6187. Do the members of your Presbytery really think that a man should be looked upon as an habitual drunkard if he be twice convicted?—No.

6188. But what is this you say about a second conviction then?—The majority do not say that, but one or two do say so; say that if there be a second conviction there should be an inquiry, and that if considered advisable by the proper authorities it should be possible to deal with the parties. Personally, I think two convictions far too few. The seventh query in the circular is—'Have you any further suggestions as to the better treatment and reduction of the numbers of those who may be classed as habitual inebriates'? They think that the present laws should be more strictly enforced against those who sell drink to minors.

6189. Was it generally thought by the members of the Presbytery that there was much adulteration of spirits, and that the amount of drunkenness had a good deal to do with the adulteration?—The opinion was that, in certain districts and upon special occasions, a great deal of the drunkenness was due to the spirits being adulterated, and that the laws which bear upon adulteration should be enforced much more stringently than they are at present; and especially that the sale of liquor to children should be prevented.

6190. Have they no specific recommendations to make as to the sale of liquor to children. Do they mention any cases—specific cases I mean—where the sale of liquor to children has been the cause of drunkenness and crime?—No; not specially. They were simply suggestions made by the members. They think that the law is not enforced in certain districts—that there seemed to be a considerable liberty; and they thought also that there should be a reduction in the number of grocers' licenses as well as of public-house licenses; and that some modification of the Norwegian system, adapted of course to our own country, could be run along with that of local option as a means of diminishing the production of drunkenness. They think that a publican who has supplied drink to a customer publicly convicted of drunkenness more than once should be deprived of his license, or that his license should be 'marked,' if the man was known to be a drunkard or had committed a crime while under the influence of drink. There was also a valuable opinion that the members of the police force, engaged in this work, should be men who professed or were considered total abstainers—that then, to some extent, the administration of the law would be better enforced in certain districts if the policemen were teetotalers, and not only the policemen, but the members of the Inland Revenue, who have to do practically with the trade.

Rev. J. D. Robertson. 30 Nov. 189

6191. I think that is hardly within the scope of our inquiry—we have not to deal with the licenses. We wish to see how far the public opinion of your Presbytery is prepared to support compulsory dealing with the classes in question?—On the question of the compulsory control of the institutions and other agencies, the members seem to be, practically unanimous. As to the support of these, they think that it would be advisable, if possible, and of considerable advantage, to couple the voluntary element with the Government grant as it is at present in connection with juvenile institutions. The opinion of many seems to be that, along with the Government grant, there might be a means of appealing to the benevolent.

6192. Well, that is a suggestion; but we cannot give effect to it by law. Is there anything else?—Further, I might say that the treatment in these institutions should be very elaborately graded, according to the actual development of dypsomania in the person. Some of the members of the Presbytery propose to make the publican pay for any expense to which the ratepayers are put.

6193. I presume the majority of them do not think that feasible?—No; many of these things are only suggestions thrown out. But there is a decided preponderance of opinion that there should be some control over the habitual drunkards.

6194. And you know that a great many people outside the clergymen—that, in fact, public opinion in Scotland would go the length of your Presbytery?—Yes, I think so. Public opinion might not—I mean outside opinion—be quite so strong as the church opinion, because it would scarcely be so pronounced, but it would be quite strong enough to support the proposal.

6195. You mentioned about a case of *delirium tremens* occurring in a private institution; have you any details of it?—Only this, that one minister reported to me that he knew a case personally of a man who was sent to one of these institutions to be restrained, and that he died of *delirium tremens* while he was there.

6196. And was that a Scottish Institution?—Yes, I was led to believe so. [The witness then withdrew.]

Dr. John Sibbald.

JOHN SIBBALD, M.D., F.R.C.P., Commissioner in Lunacy, called in and examined.

Dr. John Sibbald.

6197. (*By the Chairman.*) You are a Commissioner in Lunacy for Scotland?—Yes.

6198. The points that we wished that we might have your opinion on are two. In the first place we were told that there are a number of lunatics boarded-out with people who receive not more than four in their houses, and that these houses are under the control of, and are licensed by your Board?—That is so.

6199. We want to know, in the first place, what power the keepers of these houses have?—That is a question which one would require to answer with considerable caution; because there is no statutory provision which defines their power.

6200. How does the law work out then?—Well, the sole function of our Board, when a pauper lunatic is intimated to us—that is to say when a poor person becomes entitled to relief from the Parochial Authorities on the ground of insanity—is to consider how the case may be disposed of. I take the case of pauper lunatics because private patients constitute a very small proportion of the patients boarded in the way referred to in your question. The duty of the Parochial Board on such a case occurring is to place the pauper lunatic in the District Asylum, unless he gets the sanction of our Board for disposing of him otherwise; that sanction is never granted without careful consideration of a statement as to the position of the lunatic and as to the position of the people with whom it is proposed to place the lunatic. This statement is accompanied by medical certificates showing the condition of the lunatic and that the circumstances in which he is to be placed are suitable for his proper care and treatment. The Board does not, as the sheriff does, give an order that so-and-so is to be placed in that house and kept in that house; we merely, as a Board, grant the sanction for the person being kept there. I should not like to be supposed to give an opinion as to the exact legal position of the person. I should think his position would be very much the same as that of a child in the house—that if the question was raised, the guardian would have to show that any control which he exercised over the patient was such as would be justifiable in regard to any member of his household in the patient's condition.

6201. For instance, take the case of a patient who is boarded-out in the country in the manner you

Dr. John Sibbald. 30 Nov. 1894.

describe, but thinks that he would like to return to Edinburgh? Has his guardian in that event any powers of detention?—Such cases sometimes occur, and what happens is this. The guardian, as we call the person with whom the patient lives, reports the matter, if he loses sight of the person, to the Inspector of Poor, and the Inspector of Poor follows the patient, or writes to the Inspector of Poor of the parish to which he has gone. If a patient goes away in that fashion, he is brought back as a man who requires to be watched and taken care of, and in regard to whom the guardian or the Inspector of Poor might be held to be doing his duty in taking care of him. If a patient resists, and force has to be used, the case is not suitable for a private dwelling, and steps would be taken to place the patient in an asylum.

6202. And the only cases you would sanction being boarded-out in that way are those of harmless or imbecile lunatics?—Well, yes; but that can only be taken as a very general answer, for every case is considered quite on its own merits.

6203. Our reason, I should say, for wishing particular information on the point is this. We may have to suggest some similar boarding-out system in respect of certain classes of habitual offenders, and we want to know the legal analogy. It is because we wish to get a definite statement of the legal analogy that we have consulted your Board. Take this case. Supposing a man is sent with your sanction to one of these houses to be boarded-out, and he gets excited, wants to go out, and ultimately becomes violent. The man with whom he is boarded, on the other hand, wishes to restrain him, there is a struggle, and the patient knocks his guardian on the head and kills him in his effort to get free. Now, what would be that man's position?—Of course, if, when tried for the crime, he were held to be a lunatic he would be detained during Her Majesty's pleasure; but if he were held to have been sane, and entitled to escape, he would be guilty of homicide.—He would be liable to be tried, but he would be in the same position as a patient in an asylum. A patient in an asylum who has committed an assault on another patient, or on an attendant, has been on more than one occasion brought up and tried.

6204. Who is the legal officer of your Board?—We have two legal commissioners, Sheriff Guthrie Smith, and Mr. John Cowan, W.S., the present Crown Agent.

6205. Probably I am springing a very difficult question on you, and we do not wish to do that. What we wish is to have some enlightenment on this which is very germane to our inquiry. If you have any doubt upon the matter we can have the thing looked into, and any legislative enactments bearing on the subject put down on a memorandum. If you could have such a memorandum drawn up, settling the existing powers on these two points, we shall be very much obliged by your sending it to us?—Yes; I shall do so. (Appendix xxiii.)

6206. Thanks. Now the second point is this. Two experts gave evidence before us, and referred to a process that takes place in Scotland in the case of persons threatened with lunacy, or in the early stages of lunacy. These cases are of a kind that can be better dealt with at a private home than in an asylum, and by some machinery or other which we do not understand, the Inspector of Poor gets the sanction of your Board to have these persons sent to a private house to be kept by some trustworthy people. By-and-bye the patient gets tired of the place; wants a change of scene. Now we want to know whether the guardian, as we may say, has any powers to detain the patient?—A private patient of that kind is in exactly the same position as the pauper patient of whom I have been speaking. The sections of the Act I can refer you to, so that you can see exactly how the thing stands. There is one thing that can be done with a person who is suffering from what is believed to be curable insanity—insanity not of long duration, and which it is hoped will not be of long duration. That person can be placed in the house of anyone—of a medical man for instance—boarded there, and kept there for a period not exceeding six months.

6207. You have used the same phrase 'kept'—what power of detention has that party?—Nothing more than the power he would have under common law of detaining a patient in *delirium*, or suffering, say, from typhus fever.

6208. Take this case. A man suffering from curable lunacy is sent to a house for six months to be boarded. After a month has passed, he believes that he is sane, and he wants to go out. His friends don't want him out, and his guardian attempts to restrain the man. Have there been any cases of actions being raised for false restraint in circumstances of that kind?—Nothing of the kind has occurred. There have been no cases of that sort. I cannot tell what would happen were an action raised. A person keeping a lunatic under a six months' certificate could not be punished for keeping a lunatic for profit, without the order of the sheriff or the sanction of the Board. Otherwise he would be in the same position as any person having a lunatic boarder.

6209. These technical points may not appear to be of great moment, but in the contingency of any extension of the system to the case of habitual offenders, they would become of great consequence. That is the reason that I wish to have reliable and accurate information about these technical points, and if you can include the second point of which we have been speaking in your memorandum we shall be further obliged?—Yes, I shall be glad to do so.

6210. In the case of paupers boarded-out, how are they employed? By the person who takes them in?—The treatment of the pauper is carried out under the Board's regulations and supervision. But there is a great deal that can be done that is not laid down in written regulations. The paupers are treated as much as possible as members of the families with whom they are boarded-out.

6211. And I suppose these cases will be sent to working men, or to crofters or small farmers?—Yes.

6212. And they work for these men?—Yes; and sometimes they are the best workers in the family. But we should take steps to have the pauper removed at once if he were driven to work in any cruel or unkind way.

6213. What is your system of inspection in regard to the lunatics boarded-out in the manner that you have described?—In the first place, the inspection of pauper lunatics and of private lunatics are different things.

6214. Take them in groups not exceeding four?—The groups are of smaller numbers; generally speaking, the cases are single cases. We, as a Board, do not grant a license to a house to receive more than two pauper lunatics at a time in the first instance. When an application is made for a license, it is only after the guardian has shown that he or she is well fitted for a position of that kind, that a license is granted to receive more than two patients. And the general rule is that we never extend a license beyond two without referring the case specially to the Deputy Commissioner who visits within that particular district. Then a duty rests with the medical officer employed by the parish of chargeability. Sometimes it is not the medical officer of the parish in which the patient is resident. We do not draw any hard and fast rule, but generally speaking it is the medical officer of the parish in which the patient is resident who is paid by the parish of chargeability to make four visits a year. These visits need not be made at stated times. Indeed, it is considered better that the visits should not be made at stated times. Besides that the Inspector of Poor visits the case twice in the year.

6215. What are these people paid who are willing to board pauper lunatics?—They are paid according to circumstances. If they are strangers to the patient they are paid on an average 6s. or 7s. a week, and besides that there is clothing supplied by the parish. But a large number of patients, especially in the Highland districts, are not boarded with strangers, and the allowance that is given in such cases is only contributory—it may be only 1s. per week, or 1s. 6d. per week, or

it may be nothing except clothing. The payment would depend on the circumstances of the relatives, and on their capability to bear the burden.

6216. In this latter case, the presumption is that there is only one lunatic lodged in the house?—There is only one except in a few instances. In one case there are four unfortunate imbeciles who are brothers.

6217. Take a single case. That house would not be licensed by your Board?—The expressions 'license' and 'sanction' have come to have two different meanings in our office—you won't see just at first the distinction perhaps. Where there are more than one lunatic in a house we license the house to receive them, but the reception of each patient requires to be separately sanctioned, even into a licensed house. In the case of a single patient only sanction to the residence of the patient in the house is required.

6218. How long has this system of boarding-out and of detention in private families been practiced in Scotland?—It began almost immediately after our Board came into operation in 1858; but it has grown. You could not mark any particular point at which the system may be said to have come into operation actively, but it was in full operation ten years after the passing of the Act—say in 1868.

6219. Assume that the Committee were to make any recommendation for the detention of habitual inebriates. Do you think that system of boarding-out could be adopted?—No; I do not. If I could have said otherwise I would have volunteered to come before you and tell you so.

6220. In the case of habitual offenders, do you think that there are cases of people who really relapse into crime because they cannot get anything to do? Do you think that in such cases the persons might be sent off to board with trustworthy people in districts where there were not many opportunities for drinking or falling into crime?—You refer to weak-minded people do you?

6221. No. Take the case of prostitutes who have done a number of times in prison, and whom we find working for practically nothing in laundries and so on for a couple of years in order to pull them round. Others won't enter these places, and won't face this laundry work. Assume that we were to recommend central institutions such as the Reformatories that are suggested to us. Do you think that would be a satisfactory method?—Really I don't think our experience throws much light on that at all. A person with a strong proclivity to intemperance or vice would not be regarded as suitable for boarding-out.

6222. But you do not find that there is any class of lunatics who are regarded as contributing very much to their own support, and whom persons would be willing to take to board for such a sum as is paid in the case of a lunatic asylum?—There are a few cases which are free from parochial relief, or rather which do not require parochial relief, because the patients have practically been accepted as members of tne family, and their work more than remunerates the guardians for their keep.

6223. You speak about 7s. a week and clothes. That would not be less than is paid for a pauper lunatic in a lunatic asylum?—It is less than that.

6224. What are the ordinary rates?—It is about 9s. just now, exclusive of the cost of the asylum buildings.

6225. Does the Government contribute to the maintenance of pauper lunatics boarded-out in the way you have described?—Yes.

6226. At the same rate as for those in lunatic asylums?—The Government contributes one-half of the cost of the maintenance of persons boarded-out in private houses.

6227. And in lunatic asylums, what is the contribution?—It is nearly one-half. That is to say so far as the fixed sum which is applicable will go. If it be not sufficient to pay one-half, then it is allocated in proportion.

6228. And if it is more than sufficient to pay one-half?—In that case my impression is that it is repaid to the Local Taxation Account. I brought with me a book to show you what kind of a record is kept in one of these houses where persons are kept, and I also brought copies of the forms of application, and of things of that kind. I shall be glad to hand them in.

6229. (*The Chairman.*) Thanks. These can go into the appendix along with the accurate technical statement, which, in order to be drawn up, will entail access to the books of your Board.

6230. (*By Miss Stevenson.*) I understand that in those cases, where you sanction a home for the reception of persons suffering from incipient lunacy, there is no visitation or inspection on the part of the Board?—In the case of a six months' certificate, which I presume you allude to, the patient does not become registered as a lunatic, and it is not necessary to intimate to our Board the fact of his being received into a home.

6231. And there is therefore no official supervision?—There is no supervision, so far as we are concerned, at all.

6232. (*By Col. M'Hardy.*) You spoke about inspection within six months in the case of persons boarded-out. Were these not Board Inspections?—These are inspections by the medical officer of the parish. The Deputy Commissioner in Lunacy, who is an officer of the Board, also visits once a year, or he may visit at any time, if he doubts whether things are going properly. We have a record of every one of the somewhat over 2,500 lunatics in private houses.

6233. (*By the Chairman.*) How many private dwellings have you in which persons are so boarded-out?—They will be something like 2,000 in number.

6234. Do you differentiate between the dwellings of friends and those of strangers—of the cases where the patient is boarded with friends, or in their own family, and where the residence is with strangers?—Yes; certainly we do. It would not be easy to tell how many of the whole number are single patient houses, and how many are houses receiving more than one—from two to four. But we can tell at once how many of the guardians are relatives, and how many are strangers. On 1st January of this year 991 pauper lunatics were boarded with relatives, and 1574 were with strangers. [The witness then withdrew.]

MR. JOHN MARTIN, called in and examined.

6235. (*By the Chairman.*) You are a missionary in Edinburgh?—Yes.

6235A. We were told that you had been present at a meeting of drunkards, or reclaimed drunkards, at which the question of the confinement of habitual drunkards was discussed?—Yes.

6236. Tell the Committee please what you know. An expression of public opinion from such a body is very interesting?—Well, a week last Monday night, I was in our Reading and Recreation Rooms in the Canongate. I went there about half past seven o'clock when there would be close upon 100 men present drawn from model lodging-houses, &c.—either drunkards or likely to become habitual drunkards—and I asked them if they would give me half an hour to discuss with them the best method of treating habitual drunkards. At first there was a little resentment which arose out of their thinking that they were to be treated as criminals. But when I explained to them that they would be treated from a medical stand-point, they at once started to discuss the question, and after a good deal of discussion I put it to the meeting that habitual drunkards be treated irrespective of their own wills; and at once it was unanimously agreed that this would be a great blessing to habitual drunkards.

6237. Was there a discussion on the subject?—Yes.

6238. Was there any amendment moved?—No, no amendment was proposed. There was one point raised, however, which I may mention. One of the audience stated that the cause of a great deal of drinking,

Mr. John Martin.

30 Nov. 1894.

and the making of many habitual drunkards, was the credit given by publicans and licensed grocers.

6238A. But how does that pay. The debts would not be recovered?—I have had 14 years' experience—for seven years I was employed in a public work where 2000 men were employed—and I never knew one of the men who got credit from a publican but looked upon it as a debt of honour; and with them the first thing paid was the publican's bill.

6239. That is a matter which the man must judge for himself. But you are aware that the publican cannot recover the debt?—No, but it would be a good thing to make it illegal for publicans, and especially for licensed grocers, to give credit in this way. After the meeting, one of the men followed me, and stated that he had a wife who was an habitual drunkard, and that his wages had been arrested for a licensed grocer's debt which included an item of 11s. 5d. for 'sugar,' which meant drink. I think that if this system of credit could be made illegal, then it would be the means of stopping, to a great extent, habitual drunkenness.

6240. What was the amount of the man's wages?—30s. a week. He was a slater.

6240A. If they had been a little less they could not have been arrested, so that, practically, everything the law can do in that direction has been done. A man or woman cannot be imprisoned for debt, and the wages cannot be arrested, below an alimentary amount?—Still it might be made illegal for publicans and licensed grocers to give credit with the risk of losing their licenses. That would stop the practice.

Mr. John Martin.

30 Nov. 18

6241. I am afraid you cannot make that illegal. But to return to the meeting of which we were speaking. Did any of the speakers in the discussion admit having had any experience of detention in prison or in places of that sort?—No.

6242. Was it an intelligent audience?—Yes.

6243. (*By Dr. Sutherland.*) You stated that you made the proposal at the meeting first of all. You were the first to speak of compulsory detention, and then you added that this was unanimously adopted at once. Did the men adopt that before the discussion took place?—No; it was after the discussion that the motion was put to the meeting. I may explain that I have had nearly 3000 pledges within the last 12 months, and the feeling amongst the habitual drunkards of that number is that it would be a good thing if something were done to have them removed for some time from their source of temptation. I have made that question a particular point of inquiry. [The witness then withdrew.]

Mr. W. Kinnaird Rose.

MR. W. KINNAIRD ROSE, Advocate, called in and examined.

Mr. W. Kinnaird Rose.

6244. (*By the Chairman.*) You are a member of the Scottish Bar?—Yes.

6244A. You have been out in the Australian colonies?—Yes; I am a barrister also of the Queensland Bar.

6245. When in Queensland, you were, I think, appointed a Commissioner to inquire into the treatment of prisoners and convicts?—Yes.

6246. Will you tell us the exact nature of the remit to that Commission?—It was to inquire into the condition of the penal establishments, jails, and lock-ups in Queensland, and into the general condition of crime throughout the colony, and of the prisoners who were incarcerated in the penal establishments and jails there.

6247. Our remit extends to habitual offenders, especially vagrants, beggars, and inebriates?—Our remit covered them also. One branch of the inquiry which I specially made was in connection with what are called therethe *recidivistes*—persons within the penal establishments, jails, and lock-ups who had been convicted more than once, not necessarily of drunkenness, but of crimes and offences.

6248. What sort of sentence for petty offences do you give these people in the colonies as compared with the sentences in this country—longer or shorter?—I should say that they are much the same as here. But in first cases and light offences, the tendency, I think, would be to make the sentences rather lighter than in this country, especially in the case of drunkards.

6249. You know the state of the Scottish law, and you will know also the state of the law in Queensland. Mention please to the Committee any striking differences, as regards petty offences especially? You have got no such elaborate Police Acts as afford ground for the discovery of so many prisoners that we have in this country?—There is a very elaborate Justices' Act which refers to the detention and punishment of petty offences—petty thefts and the like—also offences against the person and against society—by that I mean social offences. Drunkenness may be taken as an instance of that class of offences. I may say that the experience, so far as the problem of dealing with habitual drunkards there is concerned, is a very striking and a very important one.

6250. Did you report on habitual drunkenness?—No; not specially on habitual drunkards. But there are special laws dealing with them. For example, in 1885 a law was passed in Queensland, which provided that "upon proof being made to any police magistrate, or any two justices, that any person by, or in consequence of the excessive use of liquor, misspends, wastes or lessens his estate, or injures or endangers his health, or injures or endangers the health of any other person, 'such police magistrate or justices shall by order under 'his or their hand, published twice in one or more news-'papers usually circulating in the district, forbid all 'licensees and dealers in liquor and all other persons with-'in the district to give, sell, or supply liquor to any such 'person,' for such period to be specified in the order as the magistrate or the justices may think fit". In so far as its effects on habitual drunkards are concerned, the operation of that law has been very striking.

6251. Before we leave that point. You say that applies to persons not only 'injuring or endangering 'their own health,' but 'injuring and endangering the 'health of others.' Yes, that refers in effect to the wives and children of this class, who may be habitually ill-treated especially, or persistently neglected. And the second sub-section of the clause is—'Any person 'who knowingly gives, sells, or supplies any liquor, to 'or for the use of a person in respect of whom such 'an order has been made, shall be liable to a fine not 'exceeding £20, and not less than £5, and shall be 'further liable to make good any damage done by the 'person with respect to whom the order was made 'while he is in a state of intoxication consequent upon 'being so supplied with liquor.'

6252. Any imprisonment provided for?—No; there is no imprisonment. For the second offence the maximum is £20, and the minimum £10, and on the third offence the party, if he be a license holder, loses his license altogether.

6253. The provision you have read of the Act applies not only to a licensed person but to any person?—Yes; but so far as the former person is concerned repeated offence against the laws entails the forfeiture of the license.

6253A. But do the habituals not manage to get round the law in some way?—In large towns such as Brisbane, which is the capital of Queensland, they do manage to get liquor by going to a distant suburban part of the town where they may not be known.

6253B. Could the thing not be managed by the 'habitual' giving a small boy a shilling to go and get him liquor at the publican's or the grocer's. In that case the small boy would be liable to a penalty of £5 or £10, and you cannot get at the man?—That just opens up another point. By the same Act, no licensee dare, under a penalty of £5, supply *any* liquor to *any* boy or girl under fourteen years of age.

6253C. Yes; but there is some similar enactment in our own law, is there not?—Yes.

6253D. And it has been rendered futile because it

has been contended that it does not apply to a boy or girl who has been sent as a messenger?—But it does not matter in Queensland in what capacity the boy or girl acts. And further, the Queensland law makes it an offence punishable by a fine of £5, to supply any kind of liquor whatever to a youth or girl for consumption on the premises, where they are under 18 years of age. When this law came into operation in 1886, it had a most remarkable effect. People who had opposed the Bill when it was passing through Parliament, testified to me all over the Colony their conviction that it had resulted in a most remarkable benefit.

6253E. What was the date of your Commission?—1887.

6253F. That was the year after the passing of that Act?—Yes.

6253G. So that you would hear a great deal about its effects?—Yes.

6253H. Have you any statistics bearing upon that, or are there any in the report of your Commission?—We had no statistics for that particular year. The statistics that I went through did not bear upon that law. But the statistics of the Colony now-a-days will show the effects of its passing.

6253I. The Police Authorities were strongly in favour of the passing of that Act?—Yes; the general evidence from the police magistrates, from the Justices of the Peace, and even from the licensed victuallers, was in favour of the legislation. I may say, however, as to the licensing system in the Colony, that in the first instance, no person can sell liquor at all, unless as a first condition he has five bedrooms, and serves three hot meals a day.

6253K. Is it something of the Gothenburg system merged into the Colonies?—Only so far as the supply of food is concerned. I may say that immediately before the passing of the Act, on account of the facilities that were given for the supply of liquor, especially to women—very much like the system of grocers' licenses that we have here—the proportion of habitual offenders committed to prison rose to one in five of the total number of prisoners; and the proportion of female recidivistes to males was as one to two, which is very much higher than either in the United States or this country.

6254. Did you find that you had a number of habitual offenders who had been in jail 100, or it might be, 200 times?—Well, up to a great many times at any rate, and those were met with in the large towns especially.

6255. These were for petty offences, otherwise the sentences would have been longer, and they would not have been before the Court so often?—That is so.

6256. Take the case of these very frequent convictions—did your Commission make any proposal to deal with that class?—We did not make any special recommendations in our report for dealing with them; but at a later period I impressed upon the Government, both in the capacity of a Commissioner, and also as the editor of the leading daily paper in the Colony for some years, the absolute necessity of the establishment of an Inebriate Home or Asylum, and Sir Samuel Griffith, who was Premier—he is now Chief Justice of the Colony—entertained the proposal very warmly, and business only prevented a Bill for the purpose being passed. But I believe, in fact I can say that I know from the newspapers I have had from the Colonies, that a Bill has been introduced this session for the establishment of an Inebriate Asylum.

6257. I am not speaking about the inebriates, but of those who are committed for being drunk and incapable, for petty assaults, for disorderly conduct, for petty breaches of the peace, and so on, and who are constantly going back and forward to prison. You did not on the Commission have to deal with their cases?—No, not specially.

6258. In the Colonies, does such a class exist to such an extent as to be a nuisance.—Yes. The police magistrates in the metropolitan towns of Sydney, Melbourne, and Brisbane, are continually complaining of the nuisance that these people are, and they have long desiderated the power to commit them to an asylum where they might be treated from a medical point of view. In Queensland old friendless inebriates are frequently sent to Dunwich—a state benevolent asylum on an island in Moreton Bay where they are cared for, and of course saved from every temptation. They are, however, not detained there wholly against their will.

6259. You have in the Colony a great field for experiments. Have you ever tried, or did you recommend in connection with the prisoners generally—discharged convicts and so on—the provision of any intermediate Reclamatory Institution between the time of their being discharged from prison and their being let loose on society?—We did not take up that aspect of the question, or recommend anything, because we scarcely thought that it was within the scope of our Commission. But I can give you some information regarding that. We have a system in the Colony, when a prisoner is discharged, of giving him a gratuity. We recommended, that a system of earnings a species of wages for good conduct and for industry—a gratuity on the work overtaken in prison—should be adopted. That is now acted upon. Previously it was a simple gratuity, very much at the option of the Visiting Justice, who was a man of known philanthropic feeling. But he found, and Col. Ross, the Honourable Mr. Morton, and I myself, for I made inquiries, found that the payment of this gratuity personally to the convict on his discharge was a mistake, because, unless it was seized and taken care of, the gratuity very frequently disappeared that same day, and possibly he might be landed in the police office that night.

6260. And what then did you recommend?—We did recommend that the gratuity should be paid, not directly to the convict on his release, but through a Prisoners' Aid Society.

6261. That was a recommendation based upon the practice then existing in England?—That is so. I may say that the Salvation Army established a Prison Gate Brigade, and the amount of good they did was something marvellous. So striking was it, indeed, in the Colonies, but more especially in Queensland, that the Government have come forward voluntarily and subsidised the Salvation Army. The Brigade takes charge of the men and the women on their discharge. The Army has Homes out in the country; and in one district they have established a Farm Colony to which they send these men who may be willing to trust themselves to them.

6262. Let us be accurate. Does the Government subsidise the Salvation Army as a Salvation Army, or in respect of this Prison Gate work?—I suppose the Government subsidises it as a Discharged Prisoners' Aid Society.

6263. So that it is subsidised on precisely the same footing as any other society of the sort?—Yes; but they have been specially successful in their efforts.

6264. Yes; but what I wish to know is whether it was any special grant to the Salvation Army, or a development of the system of developing Aid Societies?—Certainly, the subsidy was given to the Salvation Army *qua* a Salvation Army because they had shown their phenomenal success in dealing with released prisoners, and taking charge of them in a common-sense way by taking them away to this farm in the country. And moreover, they secure for the men after they are perfectly reclaimed, situations. I have known cases myself in which men have become honoured members of society after passing through their hands—men who have been prisoners in St. Helena.

6265. Of course in the Colony men have a better chance of getting on their feet again than in a country like this?—Yes; but bearing on that, I may state that while here a discharged prisoner gets out under the First Offenders Act, in the Colony we have what is known as the Offenders Probation Act; and if a man is discharged under the Offenders Probation Act he has to report himself to the Chief of Police once in three months; but, and this is the point, he need not so report himself personally, it will do if he report himself by letter. And that is a great advantage I think,

Mr. W. Kinnaird Rose.

30 Nov. 1894.

because, if he does it personally, the fact gets known some way or other that he is a discharged prisoner, and he is shrunk from.

6266. That refers almost exclusively to convicts—the same as our ticket-of-leave, is it not?—No, not altogether. It also refers to first offenders released under the Offenders Probation Act and who therefore escape the prison stamp.

6267. Had you, during your inquiries, the matter of vagrancy brought under your notice?—No. We have, I may say, no vagrants; unless the class known as 'Sundowners.' The climate is so beautiful that half the population are in a sense vagrants.

6268. Do you happen to have a copy of the Commission's report?—Yes, and I shall let you have it.

6269. Is there any other point that occurs to you?—I only wish to emphasise the benefit that has followed the giving of this power to magistrates or justices to make an order prohibiting any licensee or any other person giving liquor to an habitual drunkard. The provision is contained in the 70th and 71st sections of the 1885 Act.

6270. (*By Col. M'Hardy.*) Have you got statistics, or can you get hold of statistics, showing the practical result of the passing of that Act?—I have not them, but they can be got by application to the Queensland Goverment Office.

6271. What would the paper be that contained them?—The paper would be 'the statistical returns of the Commissioner of Police from 1885 or 1886.'

6272. Have you any idea of the police force in the Colonies?—I mean as to their numbers and the average population to each constable?—I knew, but I could not say now offhand.

6273. In the large towns of Queensland is there anything like the proportion of police that we have in this country?—The police in the capital of the Colony, and in the large towns, are quite equal to what we have here. My general recollection is to that effect.

6274. There is no legislation in the Colonies giving the authorities power to take care of the habitual petty offender, and to confine him in a Retreat for some time?—No; but there is a demand for such powers by the Police Magistrates.

6274A. I understand, so far as your statement goes, that in regard to petty offenders Queensland is in much the same position as this country is?—Yes, in regard to petty offences. But as to habitual inebriates a Bill has been introduced this year setting up public establishments with two departments—one to which people of respectability can be sent on payment, and the other where the police magistrate can send these inebriates rather than to jail. The Act to which I refer is the Inebriate Asylums Act (Queensland).

6275. (*By Miss Stevenson.*) You spoke of the subsidy given by the Government to the Salvation Army in respect of its work among the discharged prisoners. Is that subsidy given in any particular proportion. I mean is it paid in respect of the separate amount spent on each individual prisoner, or is it simply an annual contribution?—It is an annual contribution to the funds of the Salvation Army to enable them to conduct their prison gate work.

6276. It is not in proportion to what they spend on each prisoner as the Goverment allowance in this country is paid to the Discharged Prisoners' Aid Societies?—No, it is an addition to the government allowances or gratuities to the prisoners.

Mr. W. Kinnaird Rose.

30 Nov. 1894.

6277. (*By Dr. Sutherland.*) Have you, in the Colony of Queensland, put any restriction on pawnbrokers in their dealings with an habitual drunkard, as well as on the publicans?—The pawnbroker is prohibited from receiving anything from a certified drunkard—one about whom an order has been issued. You see the magistrate's order as to an habitual drunkard is published in the newspapers, and the pawnbroker must take note of these orders, and give no advance on anything that such a person or anyone representing him brings.

6278. I suppose we can get from the Agent General the police reports for the last eight years?—I suppose so.

6279. Do you know anything about the Tyson or such 'cures'?—No.

6280. Do you believe in any of these nostrums?—No; a stay in the bush is the best.

6281. (*By the Chairman.*) Do you employ whipping for juvenile offenders?—The birch? yes, they employ it very frequently; and the lash for other offenders very frequently too. We recommended its abolition on the ground that it simply brutalised the prisoners without doing any good whatever; or its administration by order only of the Supreme Court and under very special circumstances and due supervision.

6282. Did you make any recommendation about the birch?—No.

6283. How do they deal there with juvenile female offenders?—There are Reformatories to which they are sent, but I am no great believer in Reformatories myself. I believe in sending children away from the influences of their vicious parents, to the country, where they can be put on farms. A boy, unless vicious from heredity, gets into mischief only through high spirits; if you take him away he becomes in the end a respectable member of society.

6284. But the problem is to deal with the boy who has done something that can't be passed over in such a way that permanent injury will not be done to him. They have no particular mode of treating such offenders in Queensland?—No, except sending the boys to the boys' Reformatories, and the girls to theirs.

6285. (*By Dr. Sutherland.*) Are you, from your colonial experience, a believer in inebriate Retreats?—Yes.

6286. Have you, in Queensland, Retreats for the poor as well as for the rich?—None existed while I was there. We had then no compulsory Retreats. I remember the case of a woman of good standing in society who fell into the inebriate habit. Her friends sent her to several Homes, but it was no use. They had no power to detain her, and she left the Homes to get drink.

6287. What kind of Homes or Retreats were these? They were voluntary Retreats.

6288. Were they licensed?—No; there are no licensed Retreats in Queensland.

6289. What is the mode of employment for people in such Retreats?—There is no employment for the well-to-do, except to attempt to keep them in lively society and make life interesting for them. They ride about too in the bush.

6290. Do you believe in work for them?—Yes; I do. [The witness then withdrew.]

[ADJOURNED.]

FOURTEENTH DAY.

Perth, Monday, 10th December, 1894.

PRESENT :—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman*).
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

r. John lexander war.) Dec. 1894.

MR. JOHN ALEXANDER DEWAR, Lord Provost of Perth, called in and examined.

Mr. John Alexander Dewar. 10 Dec. 1894

6291. (*By the Chairman.*) You are Lord Provost of Perth?—Yes.

6292. Have you had any experience in trying these offences into which we are inquiring?—No; I have not been a bailie.

6293. But you know the system?—Yes.

6294. You work under the general Police Act?—Yes.

6295. Can you give us any information about vagrancy?—We have a great many vagrants in the county, as it is on their way from Glasgow to Dundee. We have a Shelter in the town, where we provide for female tramps.

6296. Is it a municipal institution?—No; it is maintained by private subscription.

6297. Is it largely utilised?—I do not know, it may have perhaps six or eight every night.

6298. As to the male tramps?—I think the chief constable has power to send them to the model lodging-house, if they are absolutely destitute.

6299. Is it a municipal institution?—No, it is managed by a committee.

6300. Are these people permanent residenters in the county?—Some of them are, but the Chief Constable will be able to tell you better about that.

6301. Are you much troubled with the vagrants in Perth?—It seems to me there are a good many, but I am not acquainted with the facts. From personal observation, however, in driving on the road between Perth and Dundee, I have passed a great many tramps—quite an abnormal number.

6302. Do they give rise to much complaint on the part of the inhabitants?—No, I think not.

6303. There is one feature about Perth which seems remarkable, and that is that there has been a very large increase of apprehensions for breach of the peace, disorderly conduct, petty assault, and drunk and incapable, between 1880 and 1893. In Perth that increase has been no less than 80 per cent. How do you account for that?—The attention of the magistrates has never been drawn to it. It may be due to the fact that we have got a new Chief Constable—a younger man than the last.

6304. In 1891 the number of apprehensions was 650, and in 1893 it was 943?—That just covers the time of the change in the Chief Constable.

6305. Coincident with this increased number of apprehensions, have you noticed any marked improvement in public order?—It is not very marked, but I think it is better under the present Chief Constable.

6306. Have you cells here?—Yes, but only for prisoners until they are tried, and then they are sent to the General Prison.

6307. Have you many juvenile offenders?—An average number.

6308. Another peculiarity about Perth is that the percentage of apprehensions for the crimes enumerated is rather high—being 31 per thousand of the population, while in Edinburgh it is only 24. Can you explain that?—No, I cannot explain it.

6309. You have a good many public works in Perth;—No; very few. The principal one is Puller's, but they are a very good class of workers. We have a considerable agricultural population. To-day, for instance, at the Police Court, there was a case of six men who had been at a wedding on Friday night, and had got drunk. They were taken up, but it was their first offence, and they said it would be their last.

6310. What was done with the case?—They left a pledge of 15s. on Saturday night, and they were fined 7s. 6d. this morning. If they had not turned up, the pledge would have been forfeited.

6311. Do you think that system of forfeiting pledges a sufficient punishment?—Yes, for cases of that kind.

6312. (*By Dr. Sutherland.*) Can you suggest any remedy for the evils associated with drunkenness in Perth?—No. I may say that I am a distiller, and may not perhaps be thought an impartial witness on this subject, but I think the supplying of liquor to habitual drunkards should be severely visited upon the publican.

6313. You think that if a man were certified as an habitual drunkard, the vendors of liquor should be prohibited from supplying him?—Yes.

6314. Would you deal with the pawnbroker in the same way?—I have been talking with the Chief-Constable on the subject, and he thinks pawnbrokers should be prohibited from taking small articles, such as clothing, in pledge.

6315. (*By the Chairman.*) Would it be feasible in a town like Perth to get at the publican who, knowingly, supplied a habitual drunkard?—I think it might be feasible in the smaller towns.

6316. Would it not be difficult to prevent a prescribed man from being supplied?—It would, for of course he could send for it.

6317. (*By Dr. Sutherland.*) As a distiller, do you think there is anything in the age of whisky?—I was always of opinion that new whisky was more poisonous than old. It is certainly less palatable; but at the recent Commission which sat on the subject, it was said that they were both much alike in their effects.

6318. (*By the Chairman.*) What would you do with habitual drunkards?—I am quite of opinion that habitual drunkards who came before the Police Court ought to be locked up, and that is the opinion of the whole of the magistrates.

6319. How would you work that out?—Through institutions for their confinement.

6319A. How would such institutions be maintained?—By the same bodies who maintain the police—the municipalities and the Government.

6320. Would you not find it difficult to divide the expense between the municipality and the Government?—We find it very difficult to get the Government to do anything.

6321. Another party interested is the Parochial Board?—The funds of the Parochial Boards are provided much in the same way as the police funds.

6322. To simplify the matter, you would require to have a retreat in each place for these people. If you had a central retreat how would you allocate the expense?—So much per head charged against the locality. I think the public are bound to provide for derelicts and these people who go wrong, and it would be a saving in police expenditure. One bailie said to me that, if he had the chance of locking up 30 or 40 people in Perth, there would be no Police Court needed at all. [Witness then withdrew.]

MR. JOHN MACPHERSON, Chief Constable of Perthshire, called in and examined.

6323. (*By the Chairman*). How long have you been Chief Constable of Perthshire?—For 8 years, and I have been 32 years in the police force of the county.

6324. You have always been in the county?—Yes, and I have been through all the grades in the service.

6325. According to your report, the number of habitual offenders in Perthshire is small.

6326. Do you think that drunkenness is always the cause of repeated offences?—Yes.

6327. You think that the short sentence system is useless for dealing with that class?—Yes; that is my opinion.

6328. And you recommend cumulative sentences for these offences?—I do.

6329. I observe from the statistics before us that there has been a great rise in the number of apprehensions for breach of the peace, disorderly conduct, petty assault, and drunk and incapable in the burgh of Perth. Can you explain that?—I cannot speak for the burgh, but only for the county.

6330. You have a lot of vagrants in the county?—A very large number.

6331. And of that class a large number are tinkers?—Yes.

6332. Are they gipsies?—Well, quasi-gipsies.

6333. And they are distinct from the ordinary tramping vagrant?—Quite distinct.

6334. Are they migratory, and do they vary in numbers from time to time?—They do.

6335. How many gipsy families are there living in the county?—Forty-four families. There are 49 adult males and 47 adult females—a total of 96 adults; and of children under 14 years of age there are 63 boys and 51 girls—a total of 114 children.

6336. Making a grand total of 210?—Yes.

6337. Do you know anything about the state of the education of these children?—They have no education whatever.

6338. Do they not profess to attend the schools?—No, they make no real home in any parish.

6339. What districts of the county do they chiefly frequent?—The Highland districts.

6340. And they are always in Perthshire except when they make short expeditions into the neighbouring counties?—Yes.

6341. Describe their mode of living?—They live principally by begging, and dwell in small primitive tents.

6342. Do they move about?—They probably stay a day or so in one place.

6343. Do they annoy the inhabitants?—Very seldom.

6344. Do they steal?—No, they have seldom been known to steal, and as long as they keep away from strong drink they are, leaving begging aside, well-behaved, quiet and orderly. They are affectionate and fond of their children, and do not ill-treat them, but when they get drink they quarrel, and the police have to interfere, and arrest the ringleaders for breach of the peace.

6345. In connection with these rows, have you ever any serious crime?—No, very seldom.

6346. How do they fight?—Just with their fists.

6347. In your experience, have there been any serious results from the quarrels?—Two years ago we had one case of culpable homicide; but, generally speaking, they do not hurt each other much. They are generally too drunk.

6348. You do not think anything can be done in the way of reforming the adults?—I think it is hopeless.

6349. What do you suggest?—I think their condition would be vastly improved were the present system of camping-out prohibited, and something in the way of parochial shelters provided instead. I would also prohibit the sale of intoxicating liquor to them, unless prescribed by a medical practitioner.

6350. But you have power at present to deal with the system of camping-out?—Yes, if they have not permission. But, if the occupier of the land gives permission, we are powerless; and permission is always given.

6351. Would you propose to make it illegal for a proprietor or tenant to give the use of his land for such purposes?—Yes, for these small tents.

6352. If a man had a gipsy cart, would you allow the tenant to draw up his cart and live in it?—I would; but, as a rule, tinkers have no carts.

6353. What about the children?—I think the only way of dealing with them is, after having them compulsorily educated, to send them away out of reach of their tribe. I am certain that, if allowed to join their friends, even after spending some years in an Industrial School, they will just relapse into their old habits.

6354. Do many of them find their way into Industrial Schools at present?—Comparatively few.

6355. I suppose they are only sent there when their parents get into trouble?—That is so.

6356. You have used the word 'tribe.' Are they different families?—I mean the family groups.

6357. What are the principal names here?—Reid, Townsley, Macgregor, M'Callum, White, Macdonald, and Johnstone.

6358. Do you think the gipsy is quite a different race from the ordinary vagrant?—Yes; it is ingrained in him, and it will take about a couple of generations to tame down his roving spirit.

6359. Have you many complaints from the inhabitants about the gipsies?—They complain generally, but not against any special person.

6360. What sort of begging is it they pursue—soliciting alms or masterful begging?—Soliciting, and not masterful begging.

6361. Have you any complaints of their invading farms, and smoking, and that sort of thing?—No, not of the tinkers.

6362. As to the ordinary tramp, is the county infested with them?—Yes, particularly in the summer months.

6363. To what do you ascribe that?—One thing is, that I think the Perthshire people are a little soft-hearted towards tramps and tinkers, and that encourages them to a certain extent.

6364. The Lord Provost told us that Perth was visited on the way between Dundee and Glasgow?—That is so.

6365. Do they work?—Some of them may be workmen out of employment and in search of work, but the great majority are simply sturdy, able-bodied persons who live by begging, under the plea of looking for work; the real fact being that they don't want work, and won't work when they can get it. They prefer to live a lazy, idle, vagabond life.

6366. How do you think vagrancy should be dealt with?—I think it should be dealt with as in itself criminal, and its punishment made certain and severe.

6367. But have you not powers under the Trespass Act for dealing with them?—That Act does not cover the case. It only applies when they are found camping without permission.

6368. Have you a little book which the Chief Constables of some other counties have?—Yes.

6369. There is a clause which applies to 'any person 'who lodges in any premises without permission?'—We always enforce that clause.

6370. We were told by one Chief Constable that that conferred ample powers for dealing with vagrants?—No, because if the farmer gives authority to lodge him, the tramp is all right. My experience of them is that they do not lodge without permission.

6371. Do they go about stackyards?—Very little, but when they do the police always arrest them.

6372. How many vagrants have you arrested during any period for which you have statistics?—The number of tinkers arrested in 1893 was 60, and of vagrants 123.

6373. How are they dealt with?—By very small fines. The usual fine for begging is 5s. or three days.

6374. I suppose they generally take the three days?—Almost always.

6375. What is your punishment for drunkenness?—For the first offence, 10s. or seven days; for the second offence, 15s. or ten days; and for the third offence, 20s. or fourteen days.

6376. What was the total number of your apprehensions in 1893?—736 males and 279 females—a total of 954.

6377. Do you think that vagrancy gives you an undue amount of trouble?—There is no doubt of that.

6378. You made a pretty considerable number of arrests of vagrants. I suppose a number would be under the Trespass Act?—No, none of them.

6379. You suggest that it would be necessary to make some provision for the honest workman on tramp in search of work?—Yes.

6380. In what way would you do that?—By having special certificates made available whereby the honest workman could be identified and employed.

6381. Has anything of that kind been attempted here?—Nothing.

6382. I believe that some arrangement of the sort prevails in Ayrshire?—I believe there is a Mendicity Society there, but I don't think they give certificates for respectable workmen.

6383. How would you work that certificate?—The man would call on the Inspector of Poor of the parish where he was last working, and would get a certificate, by means of which he would be passed on by the other inspectors of parishes to where he had reasonable hope of getting employment.

6384. And meantime he would be relieved?—Yes.

6385. But, if he was able-bodied, he could not be relieved under the Scotch Law?—Not unless provision was made for it.

6386. Then you contemplate legislation for that purpose?—I hope so.

6387. You also suggest that provision should be made for the care of the aged and infirm vagrants, and for the care and education of children whose parents are unable to maintain them without resort to begging. Do you mean more provision than exists at present?—Yes.

6388. Have you not provision for the aged and infirm vagrants in the poorhouse? The inspector of each parish is bound to supply his wants?—Well, he does not do it.

6389. What becomes of them?—I cannot tell.

6390. Do you know instances of such vagrants applying for assistance to Parochial Inspectors and being refused?—No.

6391. Then, if these vagrants do not wish to give up their children, do you propose to have them compulsorily taken from them?—If they could not support the children except by begging, I would certainly do so.

6392. Your census of the number of vagrants and beggars from 1889 to 1893 shows that the tramps are on the increase?—No, I think they are about stationary.

6393. In June 1889, you say that the total number of tramps was 496, while, in the same month of 1893, the number had risen to 538. In December 1889 the number was 465, and in December 1893 it had fallen to 439?—Yes. The summer census is always about 100 over the winter census.

6394. You mention that in June 1893 there were 106 children embraced in the number of tramps?—Yes.

6395. That is a larger number than in December of that year?—Yes, in 1893 there were 106 children in June against 83 in December.

6396. I suppose these children received no education while their parents were on the tramp?—None whatever.

6397. And you suspect that in a number of cases the parents are permanent vagrants?—Yes.

6398. And that their children receive no instruction?—None whatever.

6399. In your table of arrests the number in 1865 is given as 256; in 1875, 628; in 1885, 825; and in 1893, 1086. Is the rise from 825 to 1086 in the course of eight years not very considerable?—Yes.

6400. To what do you attribute that rise?—In this county we have a number of burghs in which Police Courts have been established, and the minor cases are all prosecuted now, and they swell the returns.

6401. Has the number been much increased since the recent Police Act came into force?—Nothing to speak of.

6402. Are you familiar with the Burghs Police Act?—Generally.

6403. A recommendation was made to us that the powers of the Burghs Police Act respecting drunkenness and vagrancy should be applied to the counties. Do you agree with that?—I would strongly recommend it.

6404. There is a special clause about drunkenness in that Act and another about vagrancy. Do you remember what they are?—Yes. Our bye-laws contain practically the clauses of the Burghs Police Act.

6405. And you have had no difficulty about these bye-laws?—None whatever.

6406. We were told by another Chief Constable that their bye-laws were thrown out by the Court of Session as *ultra vires*?—Yes, I know that decision of Lord Young's.

6406A. Was it before or since you made your bye-laws?—Our bye-laws were passed before the decision.

6407. And they have never been challenged as *ultra vires*?—Never.

6408. Would you please read these bye-laws?—They are 'bye-laws for the prevention of vagrancy made by 'the County Council of the County of Perth at statu- 'tory meeting on 13th October 1890, in terms of 'powers under section 57 of the Local Government '(Scotland) Act 1889,' and they enact:—

(1) 'All persons found begging, or exposing wounds 'or deformities, or exposing children of tender age to 'the inclemency of the weather, or placing themselves, 'or otherwise acting so as to induce, or for the purpose 'of inducing, the giving of alms, and all persons con- 'ducting themselves as vagrants, having no fixed place 'of residence, and no lawful means of gaining their 'livelihood within the county, shall be guilty of an 'offence punishable, as hereinafter provided. (2) 'Parents of young persons, or other relations to whose 'control they are subject, by whom they have been sent 'or suffered to go out to beg, and also any other persons 'by whom such young persons have been so sent out to 'beg, shall be guilty of an offence punishable, as herein- 'after provided. (3) Every person who commits any 'of the said offences may be apprehended by any 'constable, and shall on conviction be liable to a 'penalty not exceeding five pounds, and, failing payment 'thereof, with expenses, shall be liable to be imprisoned 'in terms of sub-section B of section 6 of the Summary 'Jurisdiction (Scotland) Act, 1881. (4) It shall be 'lawful for any constable to apprehend and bring before 'the sheriff or any two justices of the peace all such 'beggars, vagrants, and idle poor persons, men, women, 'or children strolling or wandering or seeking relief, or 'found lying in any out-house, stair, close, or area, or 'other place within the county, and it shall be lawful 'for the sheriff or justices to direct and cause all such 'persons as may not at the time be convicted of begging 'and vagrancy, as hereinbefore provided, to be handed 'over to the Inspector of the Poor, or other official of 'the parish within which such person shall have been 'found, in order that their claim as paupers may be 'investigated and disposed of according to law.' These bye-laws were approved of and signed by Lord Lothian as Secretary for Scotland.

6409. Have you ever compared the first of these bye-laws with the one which the Court of Session held to be *ultra vires*?—Yes.

6410. Wherein does it differ?—I do not think it differs at all. But in the case in question the decision turned upon bill-sticking rather than begging.

6411. But the judge said the County Authorities must frame their bye-laws in order to be reasonable?—I am not aware of that. We have made no change in this county to bring the bye-laws up to what the judge indicated.

6412. Do you find your bye-laws to work well in practice?—Yes.

6413. They should give you control of the children of vagrants?—No, they only refer to children when not

Mr. John Macpherson. 10 Dec. 1894.

a companied by their parents. As a general rule, the children are not sent out to beg. The tramps are very careful not to allow the police to get hold of the children under these regulations.

6414. Then, do you think these powers are sufficient?—They are very well, so far as they go, but, unfortunately, the people of Perthshire are too kind-hearted, and, although they complain about beggars, they won't complain about any particular case, and the beggars escape.

6415. How many of the tinkers and vagrants would be arrested for begging?—There were 18 in 1883.

6416. What do you do with your prisoners in the county, if a constable picks up a drunk man?—He is taken to the nearest police office.

6417. If it is on a Saturday night, what do you do with him?—He is locked up till Monday morning, and is then conveyed to Perth, where he is tried before the sheriff.

6418. Do you deal in pledges?—Yes, if they can raise them.

6419. If a drunk farm servant were brought up, and the officer on duty should find 5s. in his pocket, would he be released?—Yes, when sober, and he would be cited there and then to appear on a certain date.

6420. You do not consider the offence purged by the pledge?—No, we always cite them.

6421. Has it a good effect?—It has.

6422. Are you aware that it is the practice in Burghs to allow men to forfeit their pledges and say no more about it?—Yes; but that is not the practice in this county.

6423. And you think the citation has a good and deterrent effect?—I do.

6424. (*By Dr. Farquharson.*) Have you more gipsies in Perthshire than in other counties?—I cannot say.

6425. Do you think they are increasing in numbers?—No, I think not.

6426. Or diminishing?—I think they are diminishing.

6427. Why?—I cannot answer that question.

6428. Have the gipsies any other means of livelihood except begging?—The men do a little tinkering, and the wives go about selling the pots and pans.

6429. One witness in Edinburgh told us that the gipsies were very valuable at harvest time in doing a little work?—They do some harvest work in this county and some potato lifting.

6430. And in that way they make themselves useful members of the community?—To a certain extent.

6431. You say they have a moral code of their own?—Yes. They stick to each other as man and wife, and among them illegitimacy is almost unknown. They are very kind to their children and to each other when sober.

6432. Then you think that, within their own code, they are moral people?—Yes.

6433. Does that code of morality extend to stealing?—They very rarely steal.

6434. Or poach?—I never heard of them poaching.

6435. Then, the sole charge against the gipsy is that he gets drunk?—He always gets drunk when he can raise a few coppers.

6436. Is he more violent when drunk than the ordinary labouring man?—No, I do not think so.

6437. I suppose if people did not give him money, and were to boycott the gipsy, the begging would cease? Is it not the fault of the people themselves that the begging goes on?—Yes.

6438. Then, on the whole, the gipsy is not such a very formidable pest of society after all?—Certainly not, except that he is a persistent beggar and lives on the charity of the public.

6439. Is he a more persistent beggar than others?—I think the tramping vagabond is a more dangerous member of society than the gipsy.

6440. You are not very hopeful of being able to deal with the gipsy?—Not with the adult.

6441. Don't you think it would be a very strong order to prevent a man making what use he likes of his own ground by allowing gipsies to encamp on it?—No doubt; but we will have to use strong measures if we are to do good to these people.

Mr. John Macpherson. 10 Dec. 1894.

6442. Would you not require to make out a strong legal grievance?—Yes.

6443. Have you got that at present?—It appears to me a great evil that there should be this miserable camping out of men, women, and children all huddled together.

6444. Would you say the gipsy's life is unhealthy?—No, it is healthy.

6445. And they are healthy in their morals and do not do much harm?—It is a question of the survival of the fittest. The weakest die early, and those who survive are as strong as horses.

6446. Would you make it a penal offence for a landed proprietor to accommodate gipsies on his ground?—No doubt it would be very difficult to do so. Perhaps if some strong recommendation went out against any such practice it might have a very good effect.

6447. As regards the ordinary tramp, do you think you have more in Perthshire than in other counties?—I do. Perthshire is so central that they almost of necessity pass through it.

6448. Is that on account of the soft-hearted nature of the people?—I blame them for that.

6449. Do you get many complaints from farmers about the tramps?—Yes, they complain generally; but at the same time they have no wish to be witnesses against any poor person.

6450. Do they sustain any real damage from the tramp by the theft of farm produce?—No; but still they are a nuisance by going about the place and lying out in the fields. The farmers, however, won't send for the police.

6451. We have had some evidence from other witnesses of the burning down of stackyards and outhouses by tramps? Have you any experience of that?—No doubt we must lay some blame upon the tramping nuisance for that.

6452. But you have not been able to bring any case home?—No; but there was the case of a man recently, who was drunk at a farm in this neighbourhood, and he set fire to the straw, and the farmer had actually to pour water over the tramp to extinguish his burning clothes. It ended in very little, for he only got 55 days.

6453. Have you any suspicion that that particular case was due to accident or design?—I do not think it could be called purely wilful, but rather gross carelessness, in a drunk man lying down in a straw shed and lighting his pipe.

6454. Is it ever wilful in your district?—I am not aware that it has ever been wilful.

6455. (*By Dr. Sutherland.*) At what age do gipsies marry?—They marry very young—the girls at 17 or 18 and the men at about 20.

6456. What is the average size of the family?—Some of them are large—perhaps six, or seven, or eight—and others three or four.

6457. How, then, do you account for the population not increasing?—I think a number of the weakest children die from cold.

6458. Then the infant mortality is the reason for the gipsy population not increasing?—I cannot say exactly, but that is the inference.

6459. Do any gipsies die in the county?—Yes.

6460. Do they spread disease?—Not that I know of, but they must do it tramping about.

6461. Do you know that gipsies carry ferrets about with them?—I never heard of such a thing in this county.

6462. Have you known of any boys being sent from this county to the Mars Training Ship?—Yes.

6463. What was the result?—I am not aware that many of them have done well afterwards.

6464. Do you know of any coming back after four years in the Mars?—I could not tell at this moment.

6465. You say there are 114 gipsies in the county, and 60 apprehensions were made among these in the course of the year for drunkenness? Is that not a higher percentage than the arrests for drunkenness among the civil population?—Yes.

6466. It is about one in two, while in the civil population the proportion is one in 30—so that they must be a considerable nuisance?—Undoubtedly.

6467. As regards tramps, 123 were apprehended out of a total of 780 apprehensions—that is also a high proportion?—Yes.

6468. What do you think of the gipsies failing to educate their children—should that not be made an offence?—No doubt; but they have no residence, and the School Board has no hold on them.

6469. Do you propose to take the children from them?—Yes, unless something were done in the way of getting them to settle down. I think the children ought to be educated compulsorily, if necessary.

6470. Have you any suggestions to make as to bringing the gipsies themselves into civilisation?—I think it is rather hopeless, unless something was done in the way of village shelters.

6471. Are you aware that, under the Police Act of 1892, the maximum punishment for aggravated drunkenness was 14 days' imprisonment?—That Act does not affect counties. I think the sentences should be made cumulative.

6472. What good result would you expect to get from giving a man, say, 30 days for drunkenness?—I can give you an instance of a man who has been 15 times convicted of drunkenness since 1885. He was always fined, until at last he got 30 days and was placed under £10 caution. Then he came on his good behaviour, but before that the fines did no good.

6473. (*By the Chairman.*) Are cases of finding caution for good behaviour common in Perthshire?—Yes.

6474. For how long?—Perhaps for six months.

6475. The ordinary class of habitual offenders could not find £10 caution?—Oh no. This was an otherwise respectable person. It would be utterly useless as regards tinkers, because they could not find the caution.

6476. And in the case of farm servants?—It is quite common with them, and works very well.

6477. Will you furnish the Secretary with a statement of the number of cases in which caution for good behaviour was ordered in 1893?—Yes.

6478. (*By Dr. Sutherland.*) Would you not think £10 caution for six months an oppressive piece of legislation for the offence of drunkenness among the humbler members of society?—Yes, unless it was frequently committed.

6479. But for people who occasionally go astray?—I think if a man gets drunk repeatedly the sentence should be made higher and higher.

6480. The sole effect of the sentence is to deter the men?—Yes.

6481. Don't you find from experience, that for the ordinary decent citizen or rustic, who occasionally goes wrong, a few hours in a police cell, a few days' imprisonment, or a small fine is sufficient to deter him?—Imprisonment is, but not fines.

6482. Do you not find that, for the ordinary citizen who occasionally gets drunk and noisy, one sentence is enough for him?—Yes.

6483. And therefore it comes to this—that you wish exceptional legislation for the few people who are not deterred by a brief sentence or a small fine?—That is so.

6484. (*By Miss Stevenson.*) You say there is great difficulty in having the children of these gipsies educated. Are you aware of any instance in which any School Board in the county has ever tried to enforce the provisions of the Education Act with reference to these children?—I am not aware of any single instance

6485. You know there is a provision in the Education Act by which parents are liable for the education of their children if they are within two miles distance from a school?—Yes.

6486. Would it not be possible, by an arrangement with smaller Boards, that these children should be traced from one part of the county to another?—I believe it is quite possible, but I am afraid that the parents of village children would object to send their children to schools where these vagrant children were.

6487. Do you know if any of the provisions of the various Acts which deal with the casual employment of children in selling things have ever been put in force?—No.

6488. Do you know that, under the Industrial Schools Act any parent who allows his children to beg can be fined and the children sent to an Industrial School?—Yes, but the tinkers do not let their children beg.

6489. Have you any suggestions to make as to how these children should be dealt with?—I think something should be done in the way of sending them to an Industrial School, and I do not think the parents would object if they were allowed permission to come and see their children.

6490. Do you know that any person can bring up a child for begging?—Yes.

6491. Have the police authorities of Perth ever attempted to do it?—I issued a general order a few years ago on this very question, and explained thoroughly to the police the clauses of the Industrial Schools Act, but practically nothing came of it. I may read you one reply from the constable at Alyth in 1890. He writes:—'I beg to inform you that, acting in 'accordance with the general intimation issued, I, on '15th September last, found a girl between 12 and 13 'years of age offering articles for sale and soliciting 'alms. She told me she had been sent out by her parents 'for that purpose, and she carried in her hands a few 'bread-toasters and a basket with bread and meat. I 'apprehended her, and charged her to the Procurator-'Fiscal here, as coming clearly under the two first heads 'of the intimation issued by you. The Procurator-'Fiscal had a conversation with the magistrates, and they 'declined to proceed with the case, because of the expense 'that would be incurred in sending the girl to an In-'dustrial School. She was therefore charged with a 'contravention of the Pedlars' Act, to which she pleaded 'guilty, and was admonished.'

6492. Then there is a kind of provision which, if enforced, would do a great deal?—Yes, if the children are found begging.

6493. Is there any district of the county more frequented than another by these people?—They frequent the Highland parts most.

6494. You have no suggestions to make in regard to what should be done to these children, except separating them from their parents?—I am afraid not, unless the parents settle down in one place.

6495. (*By Col. M'Hardy.*) Has the increase in the number of apprehensions been coincident with the increase in the police force?—That is so.

6496. Has it been in the same proportion?—I have not examined it, but undoubtedly it has increased with the increase and efficiency of the force.

6497. You propose longer sentences for people charged with disorder—why do you say that?—Because I think that a small fine has no effect upon a man who is able to pay it.

6498. You know a good many convicts in the county?—Yes.

6499. Do you find among convicts that long sentences have the deterrent effect you expect among minor offenders?—There can be no doubt of it, among the habitual offenders.

6500. Are there not many re-convictions?—Yes.

6501. I suppose the proportion will be nearly as great as among the smaller offenders?—Yes.

6502. Have you justification, from the diminution of re-convictions after long sentences for ordinary crimes, in proposing an increase of the present sentences?—My opinion is, that a few shillings of a fine will never stop a man from repeating the offence of drunkenness, and I think a short time in prison does. If that does not do, give him a longer term next time.

6503. How far would you go?—Well, it is a very difficult question to answer, but if, after a few months' imprisonment, a man was not better, I would treat him in some other way, as if he were almost *non compos mentis*.

Mr. John Macpherson. 10 Dec. 1894.

6504. What term would you give?—I think, after three or four convictions, he should get something like 60 days' imprisonment.

6505. And after that you would try something else?—Yes.

6506. Do you mean three or four convictions altogether, or within a year?—I think we must lay down some time; and after three or four convictions occurred in a year it would clearly show that the man was not improving, and that short sentences did not avail anything.

6507. The average population of this class of moving poor in Perthshire is something like 500?—Yes.

6508. How would you classify them?—I would say there were 200 tinkers.

6509. What do you mean by a tinker?—The gipsies we have been talking about.

6510. But the number of gipsies given in your return is only 96 adults and 114 children?—Yes.

6511. What is your next class?—The tramping vagrant.

6512. How many are there of them?—About 300, I should say, all told.

6513. What do you mean by a tramping vagrant?—A man who tramps about the country with no fixed abode, and no honest means of livelihood, and who obtains his living by begging.

6514. But are there not two or three kinds of that species of men—a sort of professional tramp, and then a large class of men travelling in search of work?—Yes.

6515. Well, I want you to split these tramping vagrants into two classes?—My opinion is that the honest workmen are comparatively small in number.

6516. Leave out the word 'honest'; how many will be travelling in search of work?—I could not answer that.

6517. But are they not a very distinct class from the professional vagrants who never work any, and who have been vagrants all their lives?—The line is not so distinctly drawn between them as between the gipsy and the vagrant.

6518. But the man who is travelling in search of work may, when he gets an opportunity to work, remain at it for a long time?—Yes.

6519. Your professional vagrant will not?—No, he never does.

6520. Cannot you separate them in your mind?—Not very well.

6521. Will they be half and half?—I really could not answer that, because the professional vagrant is always pretending that he is in search of work.

6522. At any rate, there is an increase between winter and summer of your vagrant population by a hundred?—Yes.

6523. To what class does that hundred belong?—They must be the vagrant class, because the tinkers are always with us.

6524. Are these hundred that come to you in the summer time professional vagrants, or men in search of work?—I would say the great majority of them are professional vagrants.

6525. When the numbers decrease in the winter, where do they go?—I presume they must go to the towns. *Mr. John Macpherson.* 10 Dec. 1894.

6526. According to your return, about 30 of them get into the hospitals and poorhouses in the winter time?—Yes.

6527. And 50 get into common lodging-houses and other houses?—Yes.

6528. Where are these common lodging-houses to which the 50 go?—All over the county.

6529. Are there common lodging-houses in the villages?—Yes.

6530. Are they private places?—A great number of them have no regulations and are under no control.

6531. How many are housed in each of these places?—One, two, and three of these tramps can be found there.

6532. Do these 80 people who remain in the county in the winter time, and go into quarters, not become amenable to the School Board?—Yes, if they stay.

6533. They may move from one common lodging-house to another?—That is so.

6534. The gipsies are more or less resident, I understand?—They are. They are fixed in the Highlands of the county and make small excursions into the adjoining counties.

6535. These excursions do not occupy the whole of the season?—Oh, no; they come back to their original spot.

6536. How does the professional vagrant move?—He moves forward in all directions. He is not resident at all, but simply passes through the county.

6537. Do they keep up certain fixed routes?—Yes.

6538. Are these the main roads, by Killin and Lochearnhead, going due north?—Yes.

6539. And the main Perth road?—Yes; that is an important one. And the one through central Perth, by Crieff and Dunkeld, Pitlochry and Blair Atholl.

6540. These are the main roads, which they must take if going north through Perthshire?—Yes.

6541. Is the man in search of work more of a resident?—He stays very little in Perthshire.

6542. You say that begging is not masterful, and that the people are good-natured and give them money; but does not that arise from this, that, if they do not give alms when they are asked, they run a certain risk, or have a feeling that they do, if they live in solitary houses in the country?—I agree with you.

6543. Is not that a universal feeling?—Yes, it is the feeling. I may explain that in a great many places in Perthshire—such as a cottar house—only one female may be found, and she does not like to run any risk in thwarting the desires of beggars.

6544. A lady in Glenlyon told me that she had as many as fourteen visits from tramps in one night. Is that common?—That is a very large number, but I quite believe it.

6545. She explained it by saying that a family would first send one, and after a brief interval a second, and then another, so that the takes of the family would be considerable?—That is so. [Witness then withdrew.]

Colonel Williamson.

Col. WILLIAMSON of Lawers, Crieff, and a Deputation from the Perthshire Committee on Vagrancy, called in and examined.

Colonel Williamson.

6546. (*By the Chairman.*) To Col. Williamson.—You are the Chairman of the Perthshire Committee on Vagrancy?—I represent the Chairman, Mr Grahame of Cultoquhey.

6547. When was the committee instituted?—At a public meeting in August last.

6548. Since then have you collected many details on the subject?—Yes, a considerable number. Our attention was particularly directed to the tinker families and their children.

6549. What is your estimate of their number?—We estimate that there are 210 tinkers altogether, including children.

6550. The Chief Constable has told us that the adults were not addicted to thieving or to masterful begging, or anything evil, except drunkenness, when they got a few coppers together, and that they are not more difficult to manage when drunk than the ordinary labourer—is that your experience?—I have lived in this county for 60 years, and I quite agree with that statement. I would go further and say they are more easily managed than worthless strollers who call themselves working people.

6551. The Chief Constable also says they do not poach—is that your experience?—My gamekeepers would rather manage the tinkers than any of the loafing communities of the village.

6552. Do you think they poach?—I do not think it.

Colonel Williamson. 10 Dec. 1894.

6553. What about their children?—I think their life is an extremely hard one, and they deserve more pity and commiseration than any children we have in the country.

6554. What about their education?—They are devoid of education.

6555. What steps do the School Board take?—They find themselves absolutely paralysed in that direction.

6556. In consequence of the gipsies moving about?—Partly because of that; but the law gives the School Board no power to deal with these children.

6557. The Chief Constable mentioned the case of a child of one of the tinkers who was brought up, and the Fiscal and magistrates of Alyth refused to deal with the case, because of the expense that would be entailed on the town if the girl were sent to an Industrial School. So that, in the view of the Chief Constable, the law does give power?—It gives power, but the power cannot be applied. I believe that you could take these children, and educate them, but you cannot apply the law to catch them.

6558. Have you any remedies to suggest?—Yes, I have. Our committee and myself think, first of all, that we ought to insist upon these families locating themselves in some particular parish, and, if they won't do that, the sheriff should be called upon to give them a location. Secondly, we think that a certain number of Homes should be provided for these tinker families in different districts of the county. Thirdly, we ought to insist upon all their children being educated, either at the public schools, or in some special school provided for them. And fourthly, that the expense incurred in providing these Homes and educating the children should either fall upon the county generally, or be borne by the Imperial funds. Speaking for myself, as an individual, I think the law ought to step in and declare that camping out or living in camps is an illegal form of life.

6559. You say they should be given a locality in some parish—that the sheriff should name a district where they must reside?—(*The Rev. Dr. Henderson Crieff.*) We think the first thing to be done is, if possible, to bring the existing statutes to bear on that class, and that, in order to do that, each family should be required to select a parish, in which they would be registered, without being bound to live in it. The Local Authority of that parish would then look after them, and be responsible for any relief that might be needed for them.

6560. I presume every gipsy must have a legal settlement?—(*Dr. Henderson.*) It is impossible to find out these birth settlements. The family as a whole cannot be dealt with, because one child is born in one parish and another in another.

6561. If you have a gipsy family, say, in the parish of Crieff, and some burden is incurred in respect of a member of that family, the inspector finds out that the child was born somewhere else—it may be in Glasgow?—(*Dr. Henderson.*) The present Poor Law would settle that. We want to get hold of them in a way that the present law does not touch.

6562. (*Col. Williamson.*) I would insist upon their living in some sort of habitation in a special parish.

6563. (*Mr Miller, one of the Deputation.*) We saw that a difficulty would arise between parishes as to paying the expense, and we therefore recommend that it should be borne either by the counties or by the Imperial Exchequer. We think such a class as tinkers should be dealt with, not as domiciled in any parish with regard to payment, but that the county or the Government should provide the funds.

6564. If the Government provide the funds, it would not matter whether the gipsy belonged to Perthshire or anywhere else?—(*Mr. Miller.*) No.

6565. But you think you have a sufficiently well-defined population of gipsies to ask the county to make provision for them?—(*Mr. Miller.*) Yes.

6566. How could you fix the gipsies in these localities? I am told you have had some notable examples of the hereditary tendency of the gipsy to remain a gipsy and a wanderer?—(*Col. Williamson.*) Yes; I had a very striking example of that last night. Yesterday was an extremely cold day, and the frost was succeeded by pelting rain. It happened that two gipsy families had returned to the district of which I am speaking, and I had provided a shed for their shelter. I also gave them something to eat, and material for a fire, and hoped they would take advantage of the shed. They pretended to do so, but they did not, and they remained out in the pouring rain all night, simply because they love their life of independence and outside living. I had another story of a child not being allowed to be born in a house but in a shed. I had a little christening money raised for her, and put in the Savings Bank, but, after she had grown up and been to a situation, she returned to her former life.

6567. (*The Chairman.*) I was told of a murder in this county, where two of the sons of the murdered man went into the army, and afterwards returned to their tribe?—(*Col. Williamson.*) Yes, I knew all the members of that family.

6568. How do you think you will get people with such ingrained roving propensities to settle down?—(*Col. Williamson.*) In my young days those people never worked, but now they work at the hay-making and harvest time.

6569. Do they do good work?—(*Col. Williamson.*) They do very good work when at it. They work at our oak-peeling, at turnip-shawing, and at harvest. When I was a boy the gipsies would not eat 'baker's bread,' but now they all eat it and buy it; so that there is a great advance in their method of living.

6570. But they would not go into the house you had provided for them?—(*Col. Williamson.*) No, because they knew I had started a movement for sending a missionary among them to collect their names and the number of their families, and they thought I was acquiring too much power over them.

6571. Do you think they would go to homes?—(*Col. Williamson.*) I think so, in time. I think that should be the first great step.

6572. I suppose they make a living by mending pots and pans?—(*Col. Williamson.*) Yes.

6573. If they were located in fixed houses they would find a considerable amount of their present trade cut off?—(*Col. Williamson.*) I do not think so.

6574. But they would have to rove about the country, and come back?—(*Col. Williamson.*) If we had six homes in the county, which I think would be sufficient, work would be taken to them.

6575. But the community who forced them to settle down in these homes would have the responsibility of maintaining them. Do you propose that?—(*Col. Williamson.*) I do. I think we can do nothing less.

6576. (*Dr. Henderson.*) The majority of us are of opinion that the chief work is to get hold of the children and bring them under educational influences, and we think it will not be possible to do that without, in the first place, making some one responsible for seeing that it is done. If, for instance, a School Board was to try and get hold of them just now, they would just slip away to some other place, and we would not have the *locus standi* for a prosecution.

6577. But, if the family went away ten miles from that parish, the children could not attend the school there?—(*Dr. Henderson.*) The first thing we would do would be to bring to bear the existing law, by applying for an attendance order, and we could get the children sent to an Industrial School.

6578. As to the matter of expense?—(*Dr. Henderson.*) We think it necessary to face some expense at present as a temporary outlay, with the view of getting permanently rid of this difficulty.

6579. That would involve the relief of the 96 families of the care of their 129 children, and at the expense of the ratepayers?—(*Dr. Henderson.*) That would be very little over all Perthshire.

6580. But I wish to get at the strength of your case. You relieve these people at the expense of the ratepayers, who are compelled to support their own children?—(*Dr. Henderson.*) At present all children can be

Colonel Williamson. 10 Dec. 1894.

educated at the expense of the ratepayers, and it would just be a slight extension of the present law.

6581. The magistrates won't enforce the Industrial Schools Act at present against these children, because they are with their parents. Through sympathy or sentiment they make the Act which is in force at present quite powerless. But you think that, if the parents were in a fixed home and within range of the Board Schools, and you got that attendance order, the children would attend the school?—(*Dr. Henderson.*) It is very much what we desire, because they are very fond of their children, and that might serve to make them a resident population.

6582. It would be applying to them a disability you do not apply to anyone else, that they could not move from one place to another. Would you not, after certain formalities, allow them to move about?—(*Dr. Henderson.*) Certainly, if they informed the School Board Officer that their children were attending school.

6583. (*Col. Williamson.*) In regard to our submitting to the cost of educating and partially feeding these children, from my experience of the county, I feel perfectly satisfied that all would cheerfully pay any tax for the benefit of these children.

6584. Do you think, if these children were educated in Board Schools up to 14, that they would become ordinary settled-down members of the community?—(*Col. Williamson.*) If they did not, I think their descendants would. It has taken a very long time to make us all good Christians, and it will take some little time to make the gipsies or tinkers good members of the community.

6585. Are they ethnologically the people called the Romany?—(*Col. Williamson.*) I think not. I know the Hungarian gipsies, and they are a different race.

6586. Have they a different language from the Romany?—(*Col. Williamson.*) Yes. Some of them boast of being able to speak five languages.

6587. On what grounds would you have camping-out made illegal?—(*Col. Williamson.*) On account of cruelty to the children.

6588. Do you know anything about the mortality?—(*Col. Williamson.*) I think one very great peculiarity is that the male children outnumber the female children.

6589. That is more or less the case in all populations?—(*Col. Williamson.*) I do not know, but it is to a very marked degree among the tinkers.

6590. You do not know anything about the mortality?—(*Col. Williamson.*)—I do not think any of the Deputation does.

6591. (*The Rev. Mr. Mackenzie, Little Dunkeld.*) I have spoken to several of the tinkers, and, so far as I know, it is about one-half.

6592. At what age?—(*Mr. Mackenzie.*) Before they reach the age of one year.

6593. Have you seen a Bill proposing to deal with van-dwellers and nomads of that description?—(*Mr. Mackenzie.*) I have not given it any attention.

6594. (*Dr. Henderson.*) As to why they should be put under a disability as compared with other people, at present they are in the peculiar position of being exempt from the operation of a great many of the laws which apply to other people. They are living practically in defiance of the law by which they can be got hold of.

6595. The Chief-Constable of Roxburghshire told us he was quite able to deal with vagrants under the present powers of the Trespass Act?—(*Dr. Henderson.*) The gipsy population with which he has to deal is quite different from the tinker population we have floating about in Perthshire.

6596. In what way?—(*Dr. Henderson.*) They have their settlements in Yetholm and Morebattle, and are a distinct class, moving among themselves.

6597. Have you heard many complaints about begging in a masterful manner?—(*Dr. Henderson.*) Not in the district in which I live, but I have heard of a great many complaints in the district of Pitlochry.

6598. (*Mr. M'Lagan, Lochtayside.*) I can certify that a tinker woman will not go out of the house when told, and I have had to come from my study to put them out. We may have two, or three, or four camps at one time, and, if you give a little food or clothing to one child, the same day, from morning to night, the kitchen door is continually being knocked at, with a request for this thing and another.

Colonel Williamson. 10 Dec. 1894.

6599. Have you known of many complaints made to the police under the bye-law against begging?—(*Mr. Stewart, Schoolmaster.*) I have four or five times reported tramps for begging, and they have been convicted.

6600. (*Mr. Phillips, St Fillans.*) We have a good deal of experience of begging in a masterful way among the tramps, but not among the tinkers. The tramps will not go away till they get something, and if there are only women in the house they persist more strenuously.

6601. Have you ever had any damage done to your crops by tinkers or tramps?—(*Mr. Phillips.*) No.

6602. Have you ever known any one suffer in that way because of their refusing alms?—(*Mr. Phillips.*) We refuse them many a time, but they won't go away. We are a few miles away from the police.

6603. Has any one present made any complaint that has not been attended to?—(*Mr. Mitchell, Pitlochry.*) No; but in my district in summer, or from July till the end of October, it is not possible to walk on the roads without seeing groups of women and children begging from day to day. They are present in dozens and scores.

6604. (*The Chairman, to Dr. M'Callum.*)—I believe you have published a statement with regard to the great cruelty with which gipsy children are treated, in consequence of the drunkenness of their parents, and you have related some facts that came under your observations, of women about to be delivered of children, or recently delivered, being exposed, with their infants, to great dangers and hardships?—(*Dr. M'Callum.*) My experience is that directly they get money they go to drink, and when drunk they give way to disorder and brawling. I know two cases of women with young children who got drunk and left their children untended on the roadside during the night. One of them would have died if it had not been found by the police and taken care of.

6605. Dr. M'Callum then asked and was allowed to make the following statement:—

'The class on which I wish to give evidence is that 'of the tinkers, consisting of small bands of human 'beings, travelling over a definite area, and living all 'the year round in tents, with no ostensible means of 'livelihood. These bands consist, as a rule, of one 'family of three generations. Their tent is rudely 'made of stakes, bent so as to meet in the centre, and 'over this is stretched a covering. Under this shelter 'the whole family sleep, without, as far as I know, any 'division. In case of sickness, straw or dried ferns 'form the mattress, covered with an old blanket. The 'privilege of fixing this tent is accorded by the tenant 'farmer, who, in return, gets help during harvest, 'potato, and turnip-lifting, and tree-peeling. Of 'course, the tinkers get paid, and this is the only useful 'work they do. The money thus earned is seldom 'spent in bettering in any way their condition, but 'nearly always in drink. Amidst surroundings such 'as these the children are trained from year to year, 'from generation to generation. They never attend 'school, and are ill-used and ill-cared for from their 'birth. I am scarcely in a position to speak of the 'morality or immorality of these people, but one thing 'has struck me, and that is, that the same couple live 'together, year after year, as man and wife. I don't 'think many of them are married according to any 'rites but their own, but I would here like to point out 'that their children are entered by the Registrar as 'illegitimate, and I consider it is this that swells the 'percentage of illegitimate children in our rural 'districts, and not, as is so often stated, the immorality 'of the Scotch. No efforts are made to educate the 'children of these people, and herein lies the backbone 'of the whole case. Philanthropic efforts, however

'well-meant, can never be of service as long as the 'mode of livelihood, training, and surroundings remain 'as they are. Eradication, in my opinion, is the only 'cure, but how this is to be brought about is a difficult 'problem. A great deal of nonsense (if you will excuse 'my saying it) has been talked about breaking family 'ties. Family ties should be measured by the amount 'of affection in the family circle, and, judging from 'this standpoint, it will not be any great hardship, 'considering the ultimate amount of good, for these 'people to be forced either to educate their children or 'that it should be done by the State from a central 'position. These people neglect every duty of parents, 'and then get claimed for them parents' rights. My 'idea is that all children above five or six should be 'placed in an institution devoted to them, and my 'reason for this is, that in rural districts the parents of 'ordinary children would not consent to allow their 'children to sit side by side with those coming from 'tents, who, in nine cases out of ten, would be covered 'with vermin. I know it is said this plan would never 'answer, and that on dismissal from a State Institution 'the people would drift back into their original state, 'but I have better hopes of the results of education 'than this. For the elder branches of the tribe I fear 'there is no hope, and the only thing I can see is to 'make it an offence for any person to allow another to 'fix a tent on their land without the proprietor of the 'tent having first obtained a certificate from the 'sanitary officer of the district, or, failing one, from the 'police, that it is a habitable dwelling for the season of 'the year in which it is proposed to use it. Where a 'certificate could not be obtained, they should be passed 'on as casual paupers and treated as such. I am 'afraid I may appear rather hard-hearted and callous 'in the few remarks I have had the honour of address-'ing to you, but I am firmly convinced that the only 'effectual treatment is eradication. For the children I 'have only pity. For the grown-up members, knowing 'them as I do, I feel sure that all philanthropic efforts 'based on sentimentality are useless.'

6606. (*The Chairman.*) You say the children are registered as illegitimate?—(*Dr. M'Callum.*) Yes.

6607. But the parents undergo some form of marriage, although it is an irregular marriage?—(*Dr. M'Callum.*) But they are all entered in the registrar's books as illegitimate, and go to swell the illegitimacy returns of the county.

6608. Then it does not depend on the Scotch Law, which says that, if they take each other as man and wife, they are married?—(*Dr. M'Callum.*) I know that the children are registered as illegitimate.

6609. The Chief Constable says the tinkers are rather fond of their children?—(*Dr. M'Callum.*) I am afraid he bases his opinion on what they say. I speak from what I have seen.

6610. But Col. Williamson told us the same as the Chief Constable?—(*Col. Williamson.*) And I spoke from what I have seen.

6611. (*To Dr. M'Callum*). You spoke of these tinkers spending all their money which they get from the farmers on drink?—(*Dr. M'Callum.*) The whole living of these tinkers is almost entirely obtained by begging.

6612. And you do not believe in their mending pots and kettles and so on?—(*Dr. M'Callum.*) I have never seen them do it.

6613. (*The Rev. Mr. Mackenzie.*) I spoke to the Registrar about these children being registered as illegitimate when the parents had taken each other as man and wife, and he said these were his instructions, unless they had used the words at the marriage ceremony, 'till death do us part.' I think it is a great hardship, and the people themselves feel it to be so. I think the marriages should be declared Scotch marriages, and all the children registered as legitimate, for the tinkers are very fond of their children and of each other.

6614. (*Col. Williamson.*) I have asked one or two of these gipsies if they would like to have their children baptised, and they have cheerfully assented.

6615. Were you aware of the fact of their children being registered as illegitimate, or have you spoken to them on that subject?—(*Col. Williamson.*) No, I would be very shy of speaking on that subject, even to a gipsy girl.

6616. But you could tell them that they could have their marriages declared valid before the sheriff?—(*Col. Williamson.*) I think that would give them another link to civilisation, and I will certainly impress that upon them.

6617. (*The Rev. Mr. Hardie, Fowlis Wester.*) Having known the tinkers intimately for upwards of 40 years, I cannot help thinking that the sketch of their lives, given by Dr. M'Callum, is rather too dark. There are frequent occasions when they get drunk in a town or village, and quarrel among themselves; but these opportunities are comparatively few. The greater part of their life is spent in country districts, and they are a thoroughly honest set of people, with great affection for their children, and extremely kind to them, except when they get drink. I have frequently baptised their infants, and have known them in many ways, and I think a little brighter view should be taken of their lives.

6618. Do you know anything about their marriages?—(*Mr. Hardie.*) I hold that they are *bonâ fide* marriages.

6619. But they do not go to ministers to get married?—(*Mr. Hardie.*) No, they have a form of their own, but it is a solemn and binding one.

6620. (*Mr. Mitchell.*) Judging from our experience of what we see in Pitlochry, whatever their affections may be for their children, a more wretched and emaciated set of children are not to be seen anywhere. I cannot conceive the possibility of parents who had any real, true affection for their children allowing them to grow up as they are doing.

6621. (*By Col. M'Hardy.*) To Col. Williamson—Could you divide these wandering poor into separate classes? There are an average of 500 of these migratory gipsies and tramps going about the county. The gipsies have a sort of residential tie. Then there are professional vagrants, and then men travelling in search of work. Could you get at the numbers of these different classes, and which class is really the objectionable one?—(*Col. Williamson.*) My answer to that is that I happened to have been connected with the railway recently made through the upper part of Strathearn. Two distinct classes of people were working on the railway, but, as a rule, almost the whole of them were tramps. There are two classes of beggars or tramps in the country—one ready to do a certain amount of work, and another class of absolutely idle and loitering people who live on those who are a little better than themselves. Among the better sort of tramps are a great many men who have been in the army for a short number of years. They are men who cannot settle in any kind of work, and they wander about the country seeking work at new waterworks, railways, and similar employment as common labourers.

6622. (*Dr. Henderson.*) We started suppers in Crieff a few years ago, during a severe winter, and we found in the lodging-house one class who would not look at the ticket which only enabled them to come to a hall where they would get bread and meat. Another class were exceedingly thankful for it.

6623. Would you be prepared to suggest that those men who are moving through the county in search of work should have some provision made for them at night?—(*Dr. Henderson.*) For myself I have a very distinct feeling that there ought to be a proper lodging-house in every village—in fact, a greater number of lodging-houses than there are villages in the county—for the accommodation of these men. I am sure that my opinion will be strongly supported by every constable in the county. Instead of such a house detracting from the comfort and happiness of a village, it would be to their benefit.

6624. The moving population would then come much more under the notice of the constable?—(*Dr. Henderson.*) Yes.

Colonel Williamson. 10 Dec. 1894.

6625. It might be objected that this system of shelters would cost a good deal, but I suppose this moving population of 500 costs a good deal of money?—(*Dr. Henderson.*) Yes. In the town of Crieff we are terribly taxed by these people flocking to us while our summer visitors are with us. If a small tax were put on to provide these men with one night's lodging and supper and breakfast, on the understanding that they would not tarry, but would move on next day, there would be no room for their plea that they could not get food or lodging, and the payment of that tax would be the peoples' answer to appeals for charity.

6626. A tax of 8d. a head would be £4000 a year for the county of Perth?—(*Dr Henderson.*) I do not think that, as a rule, it costs them less than 2s. at present.

6627. (*Col. Williamson.*) I believe these Homes would be largely self-supporting.

6628. (*The Rev. W. Tait, St. Madoe's.*) In my parish there is a brick-work, and I believe the kilns are filled at night by tramps who go there for the warmth.

6629. (*By Col. M'Hardy.*) Do they allow them there because of the feeling that there would be a disturbance if they were interfered with?—(*Mr Tait.*) No, I don't think so.

6630. (*By Miss Stevenson.*) The Chief Constable told us that the children were never sent to beg, but that the parents did so. Do you find that that is the case?—(*Col. Williamson.*) I think that is the case of late, but it was not so a few years ago. A few years ago the children were the principal beggars, but now they are kept in the background.

6631. (*Dr. Henderson.*) I have threatened a good many with prosecutions who have begged off me.

6632. Has any one of the School Boards of Perthshire tried to enforce the compulsory clause of the Act in the case of those children?—(*Dr. Henderson.*) No School Board has any *locus standi* as a prosecutor regarding these people.

6633. If the School Board officer warned them, would it not be effective?—(*Dr. Henderson.*) They would just move to another district.

6634. Could there not be a method of correspondence so as to follow the movements of these people? In Edinburgh, Leith, and Portobello we have a regular exchange of communications with regard to defaulting parents?—(*Dr. Henderson.*) That could be done if we had some system of registration, and could fix the responsibility for taking the initiative upon some authority. It is not like the case of Edinburgh or Leith, as these people are moving over the whole county. Before the correspondence could be carried through they would have moved off, and you could not get at them.

6635. (*Col. Williamson.*) To come to practical results, the children of the parish schools would not sit beside these vagrant children because of their condition.

6636. (*Miss Stevenson.*) Then, I suppose the suggestion of the committee is, that there should be some Industrial School in Perth to which these children should be sent till, possibly, they are 14 years of age?—(*Dr. Henderson.*) Yes.

6637. (*Mr. Mitchell, Pitlochry.*) I have repeatedly been told that in Pitlochry the other children would not be allowed to sit along with these tinker children.

6638. (*The Chairman.*) But have you not had that in Glasgow?—(*Mr. Mitchell.*) Nothing like it.

6639. (*The Chairman.*) But you would not take it as an excuse on the part of defaulting parents for not sending their children to school, that they would have to mix with other children?—(*Mr. Mitchell.*) It is indispensable that they should have food and clothes. The prime necessity is to get the tinkers ejected from their present dwellings and absorbed in the labour population.

6640. (*Mr. Stewart, Schoolmaster.*) If a tinker child, or any other child was to come to my school in a state of filth, I would turn it to the door, and the Education Act allows me to do so.

6641. (*By Dr. Sutherland.*) But, if brought into civilisation and inspected by the Sanitary Inspector?—(*Mr. Stewart.*) I could not refuse them then, and would be glad to receive them. Colonel Williamson. 10 Dec. 189

6642. Do you think there is any necessity for a central Industrial School in Perth for the education of gipsy children?—(*Col. Williamson.*) I do not think the idea is practicable.

6643. Are you aware that the Commissioners of Supply or County Council have sent children to the Mars Training Ship to be educated?—(*Col. Williamson.*) Yes.

6644. What was the result?—(*Col. Williamson.*) In some cases very good.

6645. Is it the case that one lad, who had been there four years and served in the Royal Navy, went back to his gipsy life as soon as he was free again?—(*Col. Williamson.*) I believe it is.

6646. Are the parents of gipsies very fond of their children?—(*Col. Williamson.*) I have no doubt of that.

6647. The Chief Constable of Perthshire told us that the gipsy population is stagnant, but the number of children born among them is very large. Does not that circumstance suggest a very high infant mortality?—(*Col. Williamson.*) I believe there is a very high infant mortality.

6648. Do you ascribe that to bad treatment, or the inclemency of the weather?—(*Col. Williamson.*) I cannot believe in the bad treatment, but I believe in the neglect and folly of the parents, and the hardships, to all of which I think the mortality is due.

6649. Take it from me as a fact that one out of every two gipsy parents in Perthshire has been apprehended for drunkenness during the year. Does that indicate kindness and care of the children?—(*Col. Williamson.*) I think the most degraded animal may love its offspring.

6650. We have learned from the Chief Constable that the apprehensions for drunkenness among the gipsies are 15 times more frequent than among the civil population?—(*Col. Williamson.*) I believe that is a very unfair estimate of the drunkenness between the two classes. Probably every case among the gipsies is reported, and thousands of cases of the ordinary population are not reported. I think some drunkards have very kind hearts indeed, and it is no sign of their want of love for their children because they get drunk.

6651. Do you say that this drunkenness is hereditary?—(*Col. Williamson.*) It is a disease among the gipsies and among ourselves.

6652. In the case of the gipsies, do you put it down more to heredity than the acquisition of that habit?—(*Col. Williamson.*) I cannot say whether the gipsies are specially cursed with a tendency to drink.

6653. You suggested a sort of 'reserve' to be set apart for gipsies in Perth?—(*Col. Williamson.*) I suggested that Homes should be provided in different parts of the country.

6654. Something like an Indian 'reserve' for themselves?—(*Col. Williamson.*) No, I do not think that would be suitable.

6655. You propose to bring these people, living under the canopy of heaven all their lives, into dwelling-houses. Is there any probability of their being first brought to live in caravans such as the gipsies in the south have?—(*Col. Williamson.*) I have no objection. Anything like a step towards civilisation is desirable.

6656. But, if you provide them with caravans, you would still have a greater difficulty in dealing with the children, because they would more easily escape from you?—(*Col. Williamson.*) I think the houses are a better plan.

6657. Do you look upon the Highland gipsy as a picturesque object in your rural life?—(*Col. Williamson.*) No, not picturesque. I think it is a very sad picture, and a disgrace that it should have existed so long.

6658. (*To Dr. M'Callum.*) Can you give us any idea of the amount of infant mortality?—No, I cannot; but I have often heard of families of eight and ten, with only half of them living.

Colonel Williamson. 10 Dec. 1894.

6659. (*By Dr. Farquharson.*) What makes you think that the Homes you suggest for the tramps and gipsies would be self-supporting?—(*Col. Williamson.*) Because the better class of tramps have always sufficient funds to pay for their bed and food.

6660. You would not exact work from them for their bed?—(*Col. Williamson.*) No, I would rather make them pay.

6661. But, if they could not pay?—(*Col. Williamson.*) But the better class can always pay. I think, if it were tried to be self-supporting, it would be found that they would be so.

6662. But, if not self-supporting, do you think the localities would readily pay for them?—(*Col. Williamson.*) I am sure that our locality, embracing four or five parishes, would.

6663. Would it fall on the Parochial Authorities?—(*Col. Williamson.*) I think rather it should come out of the Imperial Funds.

6664. Would you have any compulsion to make the tramps remain in these Homes?—(*Col. Williamson.*) Certainly not. You will never compel a Scotsman.

6665. Do you think a tramp would voluntarily go to a house like that?—(*Col. Williamson.*) Not continuously.

6666. Do you think a home should be provided, only to be occasionally occupied by the nomadic class of tramps?—(*Col. Williamson.*) We will always have tramps and wanderers throughout the country, and these men think they ought to have a bed to sleep in, and they go to houses occupied by poor people, who take them in for the sake of payment, and they are a great disadvantage to the family of that household.

6667. But begging would go on still?—(*Col. Williamson.*) I do not think we are now much troubled by beggars. If they only knew the answer to give the beggar, he would disappear very quickly. There are exceptional cases, but we have very stringent laws on our side with regard to begging.

6668. But, how are you to act on the people to make them more hard-hearted? What is the proper answer which they should give to a beggar?—(*Col. Williamson.*) One simple answer has never failed with me—it is 'go directly to the public road; go sharp, and if you 'don't go, I will send for the police.'

6669. You think if that were more forcibly carried out the begging would disappear?—(*Col. Williamson.*) No, I think the beggars would continue to return, and you would have to continue to give that answer.

6670. But, does not the beggar know, when you threaten him with the police, that the police are five or six miles off?—(*Col. Williamson.*) Yes.

6671. (*By the Chairman.*) One gentleman mentioned that these tinkers not only took whisky themselves, but gave it to their children. Has there been any case of children being seen drunk?—(*The Rev. Mr. Mackenzie.*) I have known them give their children whisky.

6672. But it may have been done out of a mistaken notion of what was good for them?—(*Mr. Hutchinson, Manager of Perth Industrial School.*) I have seen many cases of tinker parents giving their children whisky. It seems to be as natural for a tinker child to drift back to its wandering life as for a duck to take to the water. In order to do real permanent good to that class, you must restrict them to civilised walks of life.

Colonel Williamson. 10 Dec. 189

6673. How are the children passing through your hands maintained?—(*Mr. Hutchinson.*) From the Imperial purse.

6674. But you have a claim against the parents?—(*Mr. Hutchinson.*) Only if they are in a position to pay.

6675. I suppose you never get anything?—(*Mr. Hutchinson.*) Never a halfpenny from the tinkers.

6676. (*By Miss Stevenson.*) Under what section of the Act are these children sent to you?—(*Mr. Hutchinson.*) The 14th section.

6677. And do they come to you from the Police Courts?—(*Mr. Hutchinson.*) Yes from the Police Courts, the Sheriff Courts, and the Justice of Peace Courts.

6678. Then they are all police cases?—(*Mr. Hutchinson.*) Yes.

6679. (*By the Chairman.*) What is the usual charge against them?—(*Mr. Hutchinson.*) Begging or found wandering.

6680. (*Mr. Miller, Manager of Girls' Industrial School, Perth.*) We find that the children sent to such institutions as ours are deteriorating very much in intelligence. My school is a girls' school, into which they are received younger than in the boys' school. As these tinker girls grow older they deteriorate in intelligence very much. In the case of the murder, to which reference has been made, we had the girl of the family, and she did extremely well.

6681. (*The Chairman.*) Can either of you gentlemen give us some encouragement that it is possible to deal with gipsy children, with the view of making them change their habits?—(*Mr. Miller.*) I know a great many cases of the children of gipsy parents going to the colonies and doing well.

6682. (*Mr. Hutchinson.*) In the case of the boys, only those do well who emigrate. If they remain in this country they drift back to the tribe.

6683. (*Mr. Miller.*) We had a case of fire-raising in this county—of a girl setting fire to a barn just to get discharged from her situation. She was sent abroad with her sister, and is doing well.

6684. (*The Chairman.*) Who sent her abroad?—(*Mr. Miller.*) The school. We have a small fund for such purposes.

6685. (*By Dr. Sutherland.*) Do you ascribe the deterioration in the intelligence of the children to intermarriages?—(*Mr. Miller.*) Yes: the result of the inter-marrying is distinctly perceptible in the children now.

6686. (*Mr. Hutchinson.*) That is so.

6687. How could you prevent these marriages of consanguinity?—*Mr. Hutchinson*—If you got them to give up that sort of life, they would be glad to marry into other classes.

Mr. James Small.

MR. JAMES SMALL, Police-Sergeant, Pitlochry, called in and examined.

Mr. James Small.

6688. (*By the Chairman.*) Do you agree with what Mr. Mitchell has said about the great amount of begging that goes on?—Yes. It is very often after the offence that we get the complaints made against them.

6689. Do you apprehend on your own initiative or after getting complaints?—We must have a complaint, and we seldom get it.

6690. Did Mr. Mitchell ever complain to you?—No.

6691. Your instructions are not to apprehend without a complaint?—Yes.

6692. Have you seen any drunkenness?—I have apprehended young men of 16 and 17 for drunkenness.

6693. (*By Dr. Sutherland.*) Do the gipsy mothers over-lie their children?—(*The Rev. Mr. Mackenzie.*) Yes, they do; I have known cases.

6694. (*By the Chairman.*) Is that more prevalent among them than other people?—(*Rev. Mr. Mackenzie.*) It is pretty bad with them. The mothers get drunk and fall over their children. We hear a great deal about the drunkenness of these people, and I would suggest whether it is not possible to make an enactment whereby the publican would be punished for supplying drink to any tinker or tramp. (Witnesses then withdrew.)

Mr. John Grahame. 10 Dec. 1894.

MR. JOHN GRAHAME, Advocate, Sheriff-Substitute of the County of Perth, called in and examined.

Mr. John Grahame. 10 Dec. 1894.

6695. (*By the Chairman.*) You are Sheriff-Substitute of the entire county of Perth?—I am.

6696. And before that you were sheriff of the western district?—Yes.

6697. I suppose you have heard a great deal about the complaints of vagrancy?—Yes, more especially when I was in the western district. It was then that my attention was called to the number of masterful beggars in the county.

6698. Had you many cases brought up?—I had a few cases of men going into cottages and getting money through threats of violence.

6699. Is not masterful begging a serious offence in Scotch law?—It is.

6700. It could be dealt with by a jury?—The penalty is 60 days, and it would probably be dealt with summarily, unless there was serious violence or injury to the person, when the punishment could be imprisonment for two years.

6701. You say that the county is over-run with members of the professional tramp class, not only in the leading thoroughfares from town to town, but on the moorland, drove, or bridle roads in remote districts, and not only during the day but at night, and that many of these people are returned convicts?—I found that was so when I was making an inquiry about the men who frequented the lodging-house at Dunblane, and that a great many were in the habit of travelling at night, especially across the Sheriffmuir road, rendering it very dangerous to be out.

6702. Did they help themselves?—I know one instance in which they killed a man for the purpose of robbery.

6703. But the crime of serious violence by tramps is rare?—I have several times had them brought before me for threatening women who have been left alone.

6704. Was there a shelter in your district?—There was a lodging-house in Dunblane, which became a disorderly place.

6705. Was it kept up by the public authorities?—At one time it was, but not lately. Very many of the offences in the neighbourhood of Dunblane originated in that house.

6706. You think legislation, in the shape of a strict Vagrancy Act, is urgently called for?—As I understand, the bye-laws of Perthshire are not in general application over Scotland.

6707. Are you aware that, in the case of one county which was brought before us, the County Council framed bye-laws, one of which dealt with bill-posting, and the judges of the Court of Session held that it was *ultra vires*, and that the bye-law about vagrancy, which was couched in much the same terms as yours, was *ultra vires*?—I am not aware of it.

6708. Your bye-laws were confirmed by the Secretary for Scotland?—Yes.

6709. And that would make it good law?—I think so.

6710. Has your bye-law been effective?—It has been most effective.

6711. Does it give you sufficient power, or would you have anything more?—Not in the matter of begging, or making that an offence. But, as regards vagrancy, I think no help should be given to habitual tramps—distinguishing, of course, between them and the honest out-door poor.

6712. Has the abolition of transportation increased the number of vagrants?—It has.

6713. You would make vagrancy itself a crime?—Yes, vagrancy of a particular kind, but not the unemployed poor who are going from place to place through the country in search of work; but I think the idle men who do not wish work, and live on the public, are committing a crime.

6714. How would you discriminate so as to get at them?—I would allow no such person to get assistance from any Inspector of Poor, unless he could satisfy the inspector that he was honestly in search of work, and I think a tramp should not be allowed to go from place to place unless he has a certificate from the Inspector of Poor that he was satisfied that he has reasonable ground for travelling.

6715. But that would mean that he was stamped as a tramp?—That would be a matter of judgment.

6716. But you would not allow such a serious interference with liberty to be vested in the hands of an inspector?—He would know the residential poor, and would only have to deal with those passing through his parish. A man who had been in honest employment would be able to give some evidence that he had been so employed.

6717. You hold that the condition of vagrancy must be dealt with as in itself criminal?—Yes, the vagrant with no means of livelihood; a clear line of distinction being drawn between masterful beggars and sorners, and the 'pure and impotent.'

6718. What s the crime under the present law in connection with vagrancy?—It is not regarded practically as a crime. But in principle, in some of our old Acts still unrepealed, it is a crime.

6719. Is there any law in existence dealing with vagrancy which treats it as being of itself a crime?—There is not.

6720. The clause in the Burghs Police Act makes vagrancy an offence if you could get at it?—Yes; and that shows the difficulty of identifying the vagrant.

6721. All those tinkers we have been talking about conduct themselves as vagrants, having no fixed place of residence, but they have a means of getting their livelihood?—But they don't travel about the country and get assistance from Inspectors of Poor.

6722. But those who get that assistance cannot be able-bodied?—My experience is that a large number who are able-bodied do get assistance to pay for their lodgings.

6723. The inspectors do that at their own risk though?—Yes, that is so.

6724. The system you propose of relief to the honest workman is an idea adopted from what prevails in Ayrshire?—It is something similar.

6725. You think that money might be well spent in emigration?—There is a great difficulty there, because I think the colonists would be very unwilling to receive that class.

6726. In America they have passed laws preventing the deportation of vagrants?—Yes.

6727. Do you think that, if they were set to work, their labour would be worth much?—No, I think it would be worth very little.

6728. What are your suggestions as, being on the whole, the most likely method of accomplishing the object of dealing with vagrancy?—To obtain from the Legislature an Act which shall provide:—Firstly, for the prohibition and punishment of all persons begging beyond the limits of their own parish; secondly, for providing the honest unemployed poor with certificates from the inspector of the parish in which they last had employment, under which they shall, in travelling in search of work, be entitled to obtain casual relief from the inspectors of the parishes through which they pass; such certificates, however, being limited in point of time, so as not to extend beyond the period required to enable the persons holding them to arrive at a place where there was a prospect of their obtaining employment; thirdly, that, except in cases of sickness or other infirmity, all poor inspectors shall be prohibited from affording any casual relief to persons not possessing such certificates; and fourthly, that all persons not possessing such certificates, and having no fixed place of residence or honest means of livelihood and found begging or sorning shall be punished. That is an effort to show what might be a remedy, but I submit these views with great diffidence.

6729. On what ground would you prohibit and punish persons begging beyond their own parishes? Would you allow a person to beg in his own parish?—Yes, because he would be known there. He would not

come under the category of tramps, and I was only dealing with vagrants.

6730. This system of certificates is something like that in operation in Ayrshire?—To some extent it is.

6731. Inspectors of poor are at present prohibited from giving assistance are they not, except in cases of sickness or other infirmity?—They have no public funds at their disposal from which to give assistance, but they do not like the responsibility of turning away a man on a wet night; and I know the inspectors' houses in the evening are surrounded by able-bodied tramps, showing that they are in the habit of getting relief.

6732. That shows that the Act is administered in a merciful, rather than a legal manner?—It is.

6733. I think the bye-laws of Perthshire go even further than your suggestion, because they punish a man for begging in his own parish, or causing his children to beg. Is that bye-law acted up to?—Yes, in the neighbourhood of Perth.

6734. Have you many vagrants before you?—I had, before the bye-law was put in force, but I have very few now.

6735. You deal with all the petty offences in the county?—Yes, except those occurring in the Police Burghs.

6736. What is the most distant portion of the county from Perth where you sit?—I think Dalnaspidal, which is about forty-five miles distant.

6737. Take the case of a man arrested as drunk and incapable at that distance from Perth, what procedure would be adopted with him?—I have never heard of any one being brought from such a distance.

6738. Where do they bring them from?—If a man was taken up for being drunk at Killin, he would be taken to Dunblane and fined 5s. or twenty-four hours' imprisonment.

6739. But first he is taken to the nearest police station?—Yes, and kept there till tried at Dunblane before the Hon. Sheriff-Substitute, who holds a court daily.

6740. Are they brought from considerable distances to you at Perth?—Not drunks.

6741. What becomes of them?—I cannot say.

6742. Are there any other courts besides Dunblane and Perth?—No Sheriff Courts.

6743. Are persons who commit offences outside the Police Burghs sent to Perth?—Yes.

6744. How long would they be detained for drunkenness?—Not more than twenty-four hours.

6745. But how long might they be detained before they were tried?—They should be brought down immediately.

6746. A man apprehended on the Saturday night would be in the hands of the police till Monday morning?—Yes.

6747. Under what statute are they dealt with?—The Public Houses Act, 25 and 26 Vic., chap. 35.

6748. What is the section?—The 23rd section, for dealing with 'any person found in a state of intoxication and not under the care of a suitable person.' The Burghs Police Act gives greater powers and inflicts a heavier punishment than I could do under this Act.

6749. From the police returns, I see you must have had 25 convictions in Perthshire for drunkenness, not under the Public Houses Act, as against 20 under that Act. What is the meaning of the drunkenness, or drunk and incapable, for which convictions were obtained, not under the Public Houses Act?—I am sorry I cannot say. I think these cases must have been from the burghs.

6750. Would you mind looking into the matter and giving the secretary a note of the results?—Yes.

6751. Have you anything to suggest as to the treatment of habitual offenders?—I would increase the watchfulness of the police over them; but I gave my attention in regard to this inquiry chiefly to the subject of vagrancy.

6752. (*By Dr. Farquharson.*) You want something stricter for vagrants?—Yes; they are dealt with in a somewhat loose way at present.

6753. Do you think there is much chance of getting any further legislation out of Parliament on the subject?—I cannot say.

6754. Is there not rather a disinclination on the part of the Legislature to constitute what are regarded as new offences?—There is, but vagrancy is an old offence.

6755. It would not be a new law?—No; it would be an old law revived.

6756. What punishment would you wish to inflict on a vagrant?—I would have them brought up under the Summary Procedure Act, which limits the punishment to 60 days' imprisonment.

6757. You would not punish them more severely than now?—We cannot punish them at all just now, unless they commit a criminal offence or a contravention of the bye-laws of the county.

6758. If it were a criminal offence, would it not be punishable by a heavier penalty than under your bye-laws?—Not necessarily, for there is a limit to the punishment for criminal offences.

6759. Your plan would be, after a vagrant had been punished so many times, to shut him up for a prolonged period?—I would increase the punishment.

6760. In that way would you reform him or just keep him out of the way?—It would keep him from going about the country as he does at present, but I doubt if you will reform the regular professional tramp, as long as there is the opportunity of going about the country and living on the public.

6761. (*By Dr. Sutherland.*) Can you convict for drunkenness under the Lindsay Act?—It is a Burgh Act, and is not applicable to the county at all. Blairgowrie has adopted portions of it.

6762. (*By Col. M'Hardy.*) What is the punishment for masterful begging? Is it distinct from ordinary begging?—Not in law. The whole statute against masterful begging has become obsolete.

6763. It has been said that considerable difficulty would be experienced in filling the places of the poor in doing farm work during the summer?—I think there would be no difficulty in finding a sufficient supply of such labour.

6764. But, in some cases, agricultural labour is not easily got?—Since the introduction of machinery into farm work the number of hands now required is comparatively few.

6765. But do not farmers take advantage of the tramp class?—Yes, they do.

6766. And would it not be a serious thing to stop that labour?—If there was a demand, the supply of labour would come.

6766A. The tramp is, to a certain extent, a useful member of society?—In this neighbourhood the farmers go to the market and engage special men for this work, and they are not the tramps who go about the country.

6767. Who are they?—Unemployed labourers for the time being.

6768. Have they residences in the county?—I cannot tell. Some of them come from the Irish population in Stirlingshire, and from the town of Perth.

6769. The amount of support that the tramps receive from the population must be enormous, and it seems to be given, if not willingly, at any rate readily. Do you think it is done from a sort of, not immediate terror, but from a sentiment which is brought about through terror?—To a certain extent it is.

6770. It has now become the use and habit, and they don't give so much through fear as they formerly did?—It may be so; but still I know that in many instances it is given through fear, and a number of these people are supplied by the farmers with lodgings at night through the fear that, if they were refused, there would be the risk of some injury being done to the farmer's property. Some of the farms, I know, are recognised as lodging-houses, and part of a barn is set apart for the accommodation of tramps.

6771. You are not in favour of these movable poor being given facilities to travel through the country?—

Mr. John Grahame. 10 Dec. 1894.

I would give such facilities if they could show evidence of their being honestly on tramp, as a number of excellent men are.

6772. (*By the Chairman.*) In connection with these gipsies, are they ever brought up for fortune-telling?—Never.

6773. The Chief Constable told us that, in treating frequent offenders for drunkenness and petty offences, it was the custom to require them to give caution for good behaviour for a certain time?—We do that, not in the case of drunkards, but of persons who had taken drink to excess, and over whom their families might be expected to exercise control.

6774. It is not then a common course?—No, but I have done it with breaches of the peace, caused by drunkenness.

6775. Would you do it for drunkenness?—No, the punishment is so slight, and it is fixed by statute.

6776. We were told of a case at Dunkeld, where the person was put under £10 caution?—I know the case. He was a man of means, and it was done at the suggestion of his relatives.

Mr. John Grahame. 10 Dec. 1

6777. (*By Col. M'Hardy.*) Did his friends subscribe to the security?—Yes.

6778. Do you think that to get a man's friends to become a sort of guardian over him could be worked as a means of reformation?—In this case it turned out well for the party concerned; but we have sent him to prison once or twice.

6779. Do you think the practice of getting a guarantee to look after a habitual offender would work?—I think so. That is applicable to all cases. We did it here in the case of a young person convicted of reckless fire-raising.

6780. And for thefts?—Yes, we have done it with some young persons for theft.

6781. Do you think that is a good thing for juvenile offenders?—It is the way pointed at by the Legislature, under the Juvenile Offenders' Act. [Witness then withdrew.]

[ADJOURNED.]

FIFTEENTH DAY.

Perth, Tuesday, 11th December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P.
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Lieut.-Col. Campbell. 11 Dec. 1894.

LIEUT.-COL. JOHN CAMPBELL, Governor of Perth Prison, called in and examined.

Lieut.-Col Campbell. 11 Dec. 1

6782. (*By the Chairman.*) You are Governor of the Perth Prison?—I am.

6783. How long have you been in that position?—Nearly 12 years.

6784. Previous to that were you in the prison service?—No, I was in the army.

6785. How many inmates have you in the prison?—About 300 at the present time.

6786. Male and female?—Yes, and including lunatics.

6787. Would you please tell us the numbers of each class of prisoners?—This morning we have 38 male lunatics and 16 females; 132 male prisoners and 37 females, 50 male convicts and 28 females, and the untried prisoners, making in all 221 males, 81 females, or a total of 302.

6788. Have you any information as to the number of recommittals among these?—Yes. I can give you that. During last year we had 42 males and 52 females who had been once in before; 70 males and 35 females who had been twice; 47 males and 16 females who had been for 3 times; 29 males and 12 females who had been 4 times; 21 males and 16 females who had been 5 times; 66 males and 36 females who had been 6 times and under 10 times; 31 males and 29 females who had been 10 times and under 20; and 8 females who had been 20 times and under 80.

6789. Is that your biggest record?—Yes.

6790. Nothing over 50 times?—I have no record of anything over 50.

6791. I see your experience here, as in other prisons, is, that the females together make a higher record than the males?—I think they do.

6792. Is there a greater difficulty in turning them from their evil courses?—I think the difficulty is this: that the majority of these females have got into a very bad class, and, once there, it is very difficult getting them out of it.

6793. Is it that females get shorter sentences than male prisoners?—No. Even with long sentences they go back into crime. I have a list here of our convicts, and I find there is one woman, by name Mary Ann Murray or Buchanan, on that list who has had three imprisonment sentences and four penal sentences, and who has spent 40 years in prison. Long sentences do not seem to have done her any good.

6794. Were the three imprisonment sentences before or after the penal sentences?—I have no record of that.

6795. Would it not be the case that some of them might have been after the convict sentences, seeing that she was sent back to prison?—She may have got out on license, committed an offence, got a term of imprisonment, and then her licence would be revoked.

6796. What age is she?—She is an old woman now. I cannot exactly say what age she is, but she is certainly over 60.

6797. What other cases have you of that sort?—I have several others. Here is another—Ann Morrison. She has four imprisonment sentences amounting to 17 months, and four convict sentences which amount to 31 years.

6798. You said, as I understand, that convict sentences do not deter them from coming back to you?—I don't think they do.

6799. In order to demonstrate that by such facts as you have stated, it would be necessary that we should know whether the imprisonment sentences or any of them succeeded the convict sentences in point of time?—Well, I don't think they did.

6800. Then you cannot say that a convict sentence has had any deterring effect. They seem to come back to prison as soon as the convict sentence expires?—Well, the facts I have given you show that. The four convict sentences do not seem to have had a deterrent effect on those women. I have many other

instances, but they are not so striking as these. I have one who has had five imprisonment sentences —Mary Brown or M'Lachlan—who had spent 50 months in prison under imprisonment sentences, and three convict sentences run up to 17 years.

6801. Does the same thing hold in regard to them?—To some extent. I have not had so much experience with male convicts. They only came to us since 1885. But, so far as it goes, I think it is exactly the same. It is just beginning. I may say that we have very few female convicts now as compared with what we had formerly, because convict sentences now are not so much given to women as they used to be.

6802. Do you find that this tendency not to give women convict sentences sends the same women oftener to you under imprisonment sentences?—Well, I can't say as to that. Our convicts formerly came from all parts of the country. Imprisonment sentences would take effect in the district prisons.

6803. How many women convicts have you now?—This morning there were 28.

6804. And how many males?—50.

6805. From what districts do you receive your prisoners?—I receive convicts from the whole of Scotland. They do a probation of nine months in Perth, and then go on to Peterhead.

6806. But the other prisoners—from what districts do you receive them?—I get them from Perth, Forfarshire and Dundee.

6807. You used to get them from Glasgow, did you not?—Yes. When they are overcrowded at Barlinnie they send them to me. They send them to me also from Dundee when they are overcrowded.

6808. What is the most distant point you get them from?—At present, I think, Inverness. Some time since I got a large lot from Barlinnie, because they were overcrowded there.

6809. Your accommodation is not filled up?—No.

6810. What accommodation have you vacant?—Well, in the criminal department, the prison can accommodate 344 males and 377 females.

6811. So that, in round figures, you have accommodation vacant for about 300 women and about 120 men?—That is about it.

6812. In case this Committee, for instance, made any recommendation for the treatment of habitual petty offenders in Scotland, which would involve commitment, could you in the Perth Prison make use of this superfluous accommodation in such a way as to keep it distinct from the general prison arrangements?—Yes. We have four blocks, all communicating with one another. They have this disadvantage, that they form the segment of a circle and we have only one exercise yard: but, if such an arrangement as you suggest were made, I could arrange to have those habitual offenders exercised at a different hour.

6813. You could set aside a separate block for them?—Yes, I could do that.

6814. As to short sentences—we have been told that two or three short sentences on petty offenders are not deterrent, and lead to no good results?—That is most decidedly my opinion.

6815. But you have told us that long sentences do not appear to do very much good in many cases?—I say that those long convict sentences don't, and my reason is, that the association of the prisoners has a most contaminating and bad effect upon them.

6816. Do you think that long sentences of solitary confinement would have a better effect on those petty habituals?—I think they would.

6817. Take, for instance, the class of cases we have to deal with—breaches of the peace, petty assaults, disorderly conduct, vagrancy and begging, prostitution, —in these cases what do you suggest as the best deterrent?—I think that is a most difficult question. But there is one system which perhaps you will allow me to mention, which is in use in Switzerland, under which such people are sentenced to considerable periods of imprisonment, and gradually allowed their liberty. When prisoners after being kept in strict confinement are suddenly thrown into temptation of the world, you cannot wonder that they go back. I should like to see the Swiss system or something like it tried here, if the evil of contamination caused by the association of prisoners could in any way be avoided.

6818. Of course there is not merely the temptation of the world, but the influence of relatives and friends?—I quite agree with that, influence has much to do with the future of a discharged prisoner. If it is bad, he very soon gets back into the old groove.

6819. Have you many people who gravitate between the prison and the poorhouse?—No, I have not.

6820. (*By Dr. Sutherland.*) I have a statement here which shows that, when the poorhouse officials visited the prison of Perth, they recognised nine men and eleven women who had been more than twice in the poorhouse; and when the prison officials visited the Perth poorhouse they discovered two men and one woman who had been in prison.

6821. (*By the Chairman.*) May not the smallness of these numbers be due to the great number of parishes into which Perthshire is divided?—That may be so. But I do not think that the class of persons that come to prison are those who, as a rule, go to poorhouses. My own idea is that the criminal class do not care about poorhouses.

6822. Have you heard them express that opinion?—I cannot say I have. But my belief is that the people who come to me don't go very often to the poorhouse.

6823. We have interviewed some prisoners who have declared that they preferred prison to the poorhouse. Do you think that is a general preference?—I cannot say as to that.

6824. To what sort of prison labour do you put these short sentence petty offenders — say, one month sentences?—Men who have never been in before I am obliged to give teasing to, but men who have been before sew sacks. The great industry in Perth prison is sack-sewing. Prisoners generally learn to sew sacks very readily because it is remunerative.

6825. What do the women do?—They sew a lighter sack.

6826. You were telling us about a system which prevailed in Switzerland: can you give us particulars about it?—Well, I have not seen the system myself. I only heard of it from Dr. Guillaume, whom I met recently at a prison congress. He told me that persons who had been convicted for petty offences for a certain number of times, were sentenced for an undefined period to prison. They are sent to one of the large prisons where they remain for a certain time. A committee, of which the governor is a member, constantly visits the prison, and they select men whom they think are willing to lead a better life, and send them to farms where they work during the day, and then they are locked up at night just as if they were in prison.

6827. That would involve lock-ups all over the country?—I understand they have large farms attached to the prison. It all depends on whether or not a man behaves himself when he is sent to prison. If he behaves he is sent to work on one of these farms and kept there for a certain time. If the improvement continues they gradually get their liberty until they get complete liberty, with the distinct understanding that if there is the slightest breach of conduct in the way of drunkenness, they will be at once sent back to prison.

6828. Can you give us Dr. Guillaume's address?—I think I have some of his papers, and there are references to the system in the proceedings of the prison congress I mentioned. I can let you have those papers.

6829. You said, in reply to a question, that an experiment might be tried with habitual petty offenders in the prison of Perth; but are you aware of any place where an extension of the system involving farming could be tried without involving an unknown expense?—Not in this country.

6830. Do you think it possible to turn any of the labour which such an experiment would place at your disposal to such public works as are being carried on at Peterhead?—Well, Dr. Guillaume found no difficulty.

Lieut.-Col. Campbell.

11 Dec. 1894.

My great difficulty is in the aggregation of all these criminal people it involves.

6831. In his system they are allowed out to work upon a farm; that is much the same thing, isn't it?—Well, Dr. Guillaume believed it to work well. I mentioned to him my own fear that the system would be very bad.

6832. (*By Professor Dove Wilson.*) Perhaps they are licensed to private farms?—They are afterwards, I believe, but not in the first instance. At first they are placed in these large establishments when they have liberty to work during the day at farm work, and they are locked up at night. If they behave, their liberty is gradually restored to them.

6833. (*By the Chairman.*) You have got short sentence prisoners?—Yes.

6834. Prisoners, I suppose, come to you for twenty-four hours, three days, five days, and so on?—Yes.

6835. Have you any trouble in keeping these people absolutely separate from the other prisoners?—Most certainly not. They are all in separate cells. They are absolutely separated.

6836. Have you many juvenile offenders?—No. There are a few, but I have had very little experience of juvenile offenders.

6837. Possibly that is because you have Industrial Schools in your district?—I think that must be it. In Dundee they have the Training Ship, and in Forfarshire there is a large Reformatory.

6838. Do you get many men and women who have passed through these Reformatories?—Very few.

6839. Have you any record?—We always enter in the return whether prisoners have been at a Reformatory. There are certainly very few of them.

6840. Could you give us the numbers for a year or two years?—I shall be glad to do so.

6841. I see that there were in the town of Perth, in 1893, 828 people committed to you for breaches of the peace and petty assaults; 387 for drunkenness; 64 for begging; 31 for prostitution; and 86 for petty offences, punishable by 14 days. Perth is a great place for beggars. There were 64 cases of people committed for vagrancy and begging in one year. Have you any idea what the general sentence for that would be?—Well, the sentences vary so much: they are generally short; not over 60 days.

6842. Sixty days is not very short, is it? You would not like to give them more?—Well, it does not prevent them from begging.

6843. What does? What do you think would prevent them; that is what we should like to know—hard labour?—No. I should just like to say that 'hard 'labour' is a thing which does not specially exist in Perth prison. They are all at hard labour sewing sacks. It is heavy hard work, and I put them all on it whether they get hard labour sentences or not. Virtually all are at 'hard labour.'

6844. What sort of people are those vagrants generally—are they weak-minded or feeble-bodied?—I do not find them so. Some of them are one-legged, one-arm men, and that sort of thing.

6845. Do you think that kind of people can be treated with advantage in the way you mention?—I find they work very well with me. I have one man with me from Glasgow—a one-legged man, who was a most incorrigible man at Barlinnie, but who is working away very well in Perth at sacks.

6846. You have a large number of breaches of the peace from Perth: is any large proportion of those cases due to the gipsy population?—Yes, a number of them do come in for breaches of the peace, from the County.

6847. How do they behave: are they amenable?—They are always most amenable; I very seldom have to punish these tinkers.

6848. If we adopted any scheme involving any work for habitual offenders, it would be necessary to find some work suitable for them: now there is a great out-cry generally against any form of prison labour competing in the market with ordinary labour—are your prisoners employed in making nothing else but sacks?—Yes; they make brush and open mats, nets, &c.

Lieut.-Col. Campbell.

11 Dec. 1894.

6849. Who makes sacks besides the prisoners?—There is a very large industry in Dundee.

6850. Have you had any complaints from the sack-sewers about taking the bread out of their mouths?—I have not heard of any yet.

6851. Nor from the mat-makers?—They are supposed to make mats in the blind asylum.

6852. Do you compete with blind asylums?—I generally send my mats to the blind asylums.

6853. You make mats for the blind asylums; is that common in Scotland?—Well, it is with me in Perth. I have made mats for Dundee and for the Edinburgh blind asylums.

6854. Do you know what they do in the German prisons?—I have been in some of the large German prisons, but I do not know exactly what their leading industry is. They have a wonderful system of getting almost everything made in German prisons.

6855. But there are great complaints about it from the outside workmen?—I believe that is so. In France, I remember seeing at the Paris Exhibition of 1889 a Prisons' Department stall, and on it there was a wonderful collection of articles made in prison. They make all the ropes for the navy in prison; they make iron cables for ships; and I saw anchors that had been made in prison. In the St. Lazarre Prison in Paris there is, I believe, a tremendous industry in the making of dolls.

6856. You have part of the prison devoted to criminal lunatics; have you any men there from the petty criminal class? If a man, for instance, was brought up for a trifling offence, such as a breach of the peace, or a petty assault or trifling theft, and it were shown that he was insane, would he be sent to you?—He would be sent to me during his sentence.

6857. Would he be sentenced if he was insane?—That often happens: then he is certified as insane, and sent to the criminal lunatic department here. He remains there during duration of his sentence: after that he is handed over to the Parochial Authorities.

6858. Is there any injustice inflicted by this class of lunatics on the prison machinery?—I have one instance of a man who was sent to me from Edinburgh. He was an inmate of the lunatic asylum there, and had committed some small assault, and was certified as dangerous. He was removed to Perth to be confined during Her Majesty's pleasure.

6859. How long have you had him?—Six or seven years.

6860. Do you think he would be better in a Parochial Asylum?—I don't know. I don't think he would. He is a thorough lunatic.

6861. It would be more just perhaps that the expense of his upkeep should fall upon his parish, but, apart from that, you think he is as well off?—Yes.

6862. The only person who has cause of complaint is the Treasury who has to support him. That is an arrangement that could be abused by parishes, could it not?—I believe it could. But this is the only instance I have known of a man who did not commit a serious crime being sent to Perth during Her Majesty's pleasure.

6863. You have not had any other similar case?—I don't think I have had any others.

6864. (*By Miss Stevenson.*) Perth is a convict prison, is it not?—Yes, but we have all sorts of prisoners in it. We have short sentence prisoners, male and female, and we have male and female convicts.

6865. In regard to the women convicts you spoke of, who had four convict sentences which they had served in Perth prison,—you spoke of them having had other terms of imprisonment?—Yes, they would have them before.

6866. Not necessarily in Perth?—No, I believe it was in Glasgow.

6867. Is Perth the only convict prison for Scotland?—Yes, they come to me from all parts of Scotland.

6868. Do you find that many convicts come back who have been liberated on ticket-of-leave?—Yes, most certainly. Frequently they commit some offence

Lieut.-Col. Campbell.

11 Dec. 1894.

before their license is expired; they are tried in the sheriff or other court, get sentenced to imprisonment, then, of course, their license is recalled, and they have to work out the unexpired portion of their sentence.

6869. (*By Dr. Farquharson.*) You said your opinion was, that the result of long convict sentences was not reformatory but contaminating?—I think so, most decidedly.

6870. That is from the younger mixing with older criminals?—Yes.

6871. Are they allowed to associate much together during convict labour?—That is after a certain time. They do their probation time, and after that they are put into two other classes, the first and second reformatory class. They gradually get more association as their sentences go on.

6872. What is the evidence of contamination you judge by?—Well, I can give you an instance. There is what is called a 'Star' Class, which has been instituted for convicts against whom there were no known previous convictions. It was formed with a view to prevent contamination, but it had utterly failed. There were women in that class quite as bad as in any other, who often broke out into fits of bad language, and smashed their cell windows, and who by their conduct proved themselves utterly unworthy to be associated with those who, through misfortune, such as child-murder for example, had got into trouble. Though no previous convictions were recorded against such prisoners, they were apparently as bad as bad could be.

6873. And you think the association of these women in the Star Class has a bad influence?—I am certain of it.

6874. Would you like to have greater variety of prison work?—I should, most decidedly.

6875. Are you restricted in any way as to the variety of work you can give to prisoners?—The Prison Commissioners are the authority who say what work is to be done. I have not a free hand.

6876. Suppose you were to follow the example of Paris, and make dolls?—I don't say that would do here.

6877. You know there is a practical difficulty in connection with the jealousy of outside workmen?—I know there is a strong feeling.

6878. Here in Perth?—No, we have not got it at all in Perth, because we have no manufacturers in Perth of the same goods. There are no mat-makers so far as I know, and very little sack-sewing.

6879. Is it in connection with mat-making that the difficulty has arisen in England?—Yes, I believe so, but we have had no difficulty in Scotland.

6880. Have you any opinion on the respective merits of in-door labour and out-door labour for prisoners?—My great idea about prisoners is that they ought to be kept separate. I am as certain as possible that, if you associate large bodies of these men, they contaminate each other. One bad man will contaminate a whole lot. I should certainly like to employ them as much outside as possible; the great difficulty is that if you employ them outside you have association. I stated that to Dr. Guillaume as one of my objections to the Swiss system, but he said that, notwithstanding that difficulty, it worked very well.

6881. This is largely a system of open-air work?—Yes. For men who have behaved while they were in prison.

6882. Did you go into the question of expense at all?—No.

6883. Do you know if the expense is borne by the state or by localities?—I fancy it is borne by the whole state. I think it must be the state, for they have one central prison at Berne.

6884. Then there are farms attached to it?—Yes.

6885. Do the prisoners get any pecuniary benefit from their labour?—They get marks according to their behaviour, exactly as we have here.

6886. And when they get out they get some money?—Yes, it is kept for them until they are completely liberated.

6887. Was it the experience of your friend, Dr. Guillaume, that these people were reformed by such treatment?—He said so. It has only been in use for the last 10 years, but he said it was the best system that had been tried.

Lieut.-Col. Campbell.

11 Dec. 1894.

6888. (*By Dr. Sutherland.*) In answer to the chairman, you said that you have from 450 to 500 cells vacant, and you thought it possible that these could be utilised for the accommodation of petty offenders?—Yes, I believe so.

6889. At the present moment, under your jurisdiction and within your walls, you have got lunatics, convicts, criminals, and the untried, and yet you are going to add another class of people who are to be reformed rather than punished—the habitual offender; do you think it is a desirable thing to have so many different systems of discipline, applicable to these classes, going on within the same walls?—I say that I could perfectly easily keep these men separate. It depends on how many you give me.

6890. Suppose we filled you up?—I could put the whole of my convicts into one block. At the present moment, from having too few warders, I cannot possibly keep the convicts and the prisoners separate.

6891. Is it desirable to have in any one institution such a variety of the derelicts of human society as would be herded in Perth under this arrangement?—I have got accommodation for them.

6892. But is it a desirable thing?—That I don't know.

6893. From your experience in dealing with convicts, lunatics, and imprisonment prisoners, do you think it desirable to have likewise in Perth a department for inebriates?—Well, the lunatics are kept perfectly separate.

6894. Suppose you had a separate institution: would it not be more desirable to have them under a separate and distinct kind of discipline and work?—As far as that goes, with the accommodation I have, they could be kept separate. I could put the habitual offenders into one of the halls, and have ample accommodation for the whole of the prisoners, convicts, and untried prisoners in another.

6895. You have expressed a very decided opinion against the association of prisoners. Am I to infer from that, that you believe in separate confinement for long periods of 12 or 18 months?—I do, most decidedly.

6896. For what period would you be inclined to keep a man or woman in separate confinement?—Last October I was over in Belgium, and saw Dr. Morell, the visiting surgeon of the principal prisons there, and he told me that they kept them there for 4 years in solitary confinement in this respect, that they had no access to the other prisoners. They had, however, constant access to the governor, the chaplain, and the doctor. These officials saw the prisoners at least once a day, and, of course, the warders saw them also. It was not the regular silent system, which we know is not a good system. But this is a 'separate' system, in which they were kept entirely separate from the other prisoners, but, at the same time, had the advantage of visits of the governor, chaplain, and doctor.

6897. Then you think it would not be a bad thing in this country to put a man or woman into solitary confinement for two years?—It is done already. It is authorised by law.

6898. Are you aware that medical men in this country, well qualified to form an opinion, and in America, are agreed that such treatment is disastrous, mentally and physically?—I have heard so, but I don't believe it.

6899. But medical men say so: judges of physical and mental deterioration?—Well, I have had many men so confined, and I never saw a man going mad under it.

6900. What time per day would a prisoner undergoing separate confinement for, say two years, have for conversation with the governor, doctor, chaplain, and warder?—I am not advocating the system. I merely stated what Dr. Morell told me. Under our own system they have not very long daily.

6901. Would you be inclined to relax somewhat, under proper precautions, the present system of separate confinement in Scotland for long periods?—No.

Lieut.-Col. Campbell.

11 Dec. 1894.

6902. Why?—Because I have never seen any evil effect from it.

6903. Would you kindly indicate to the Committee what time per day is given to a two years' prisoner with the view of relieving the terrible monotony of prison life by means of conversation with the governor, doctor, chaplain, or warder?—I cannot give you that. Personally, I have not time to visit the prisoners and talk to them. My own idea is that it is not the duty of the governor to do that.

6904. You do not think it is a bad thing, mentally or physically, for a man or woman to be confined 23 out of the 24 hours in separate confinement for two years?—Most decidedly not.

6905. You spoke of the evil of associating prisoners, but would not the same thing occur in a more intensified form when they are thrown out again into the world—after two years of the lives of recluses?—Yes, most decidedly.

6906. The prisoners would simply gravitate to their own kidney?—They too often do.

6907. Would it not be much more expedient and desirable therefore to have a classification of the prisoners, and a modified form of association while they are in prison, rather than throw them suddenly upon the world out of their solitary cell?—I say that is the great difficulty. That is the great crux of the whole thing. To have men and women who have never been in the criminal class before associating with criminals is a great mistake.

6908. Are you familiar with the American system—I have read about it.

6909. There they are classified according to their moral, physical and intellectual qualities, and when that classification is made they are so far associated; would you object to an arrangement of that kind here?—The association of criminals is, in my view, a mistake, and that is what I argued with Dr. Guillaume.

6910. Have you any ideas as to what you consider a minimum sentence of detention for petty habitual offenders?—My idea of course is that short sentences have no deterrent effect.

6911. What length of separate confinement would you give to a habitual petty offender, say, who had been 10 times convicted?—It would depend on the length of time over which these convictions extended.

6912. Say within 12 months?—I should make a system of cumulative punishments, and I should say that on the tenth offence I should give the maximum the law allows.

6913. Do you find that women are more frequently habitual petty offenders than men?—I think so. There is a class of women who get very low: they cannot get a living, and are thrown into evil ways.

6914. I understand you suggested also a sliding scale of labour, appropriate to these people?—That is what Dr Guillaume suggested. I said I thought it was very interesting. But, as I say, my difficulty was the fact of associating these people.

Lieut.-Col. Campbell.

11 Dec. 189

6915. (*By Professor Dove Wilson.*) What is the longest time you have ever had a prisoner with you for the offence of being drunk and incapable?—I am not positively certain.

6916. Have you had them for as much as 14 days?—I think I have had them as long as that.

6917. Have you had them for 24 hours?—I have had prisoners for 24 hours, but very seldom. I have them more frequently for 3, 7, or 10 days.

6918. Have you any means by which you could help me to form an opinion whether there is any material difference in the good that is done by sentencing such people to imprisonment for 2 or 3 days as against 2 or 3 weeks—does the one do more good than the other?—I don't think it does.

6919. Can you tell me what proportion of people who get out on ticket-of-leave relapse before their sentence expires?—I cannot give you the exact figures. There are cases on this long list I have here. These wretched women I quoted have had four penal sentences.

6920. That is not quite my point. I wish information to enable me to judge as to the proportion of people who get tickets-of-leave who relapse before their sentence expires?—A very large proportion come back.

6921. Before the sentences expire?—Yes.

6922. Can you give me the figures?—Yes.

6923. You mentioned a female who had spent 40 years in prison: for what class of crimes was she sentenced?—Generally, assault and robbery. These are the chief offences for which these women are committed—assaulting and robbing drunken men.

6924. Are these women generally of immoral character besides?—Yes.

6925. Are they usually drunkards?—Some of them are not.

6926. Can you remember whether the amounts that were said to have been stolen were large or small?—They are very often very small.

6927. (*By Col. M'Hardy.*) About Ghent prison—did you go over the hospital attached to it?—I did not visit the prison.

6928. I went over it with some little care, and there were in the hospital a large number of cases of serious disease, both mental and bodily, from among the prisoners who had been, comparatively speaking, in close confinement for a number of years: you did not speak about that?—He told me the system generally, and how the prisoners had the advantage of the visits I have already mentioned.

6929. (*By the Chairman.*) Can you give us any estimate of the value of the labour of the prisoners in Perth?—Yes, I can do that.

Dr. John M'Naughtan.

JOHN M'NAUGHTAN M.D., Medical Officer of Perth Prison and Physician Superintendent of Criminal Lunatic Asylum, called in and examined.

Dr. John M'Naughtan

6930. (*By the Chairman.*) You are medical officer of Perth Prison, and Medical Superintendent of the Criminal Lunatic Department?—Yes.

6931. How long have you held these appointments?—I have been medical officer of the prison for 18 years and medical superintendent for 12 years.

6932. You consider that the present mode of dealing with habitual offenders is faulty and inadequate?—I do.

6933. That is, on account of the short terms?—Yes.

6934. Do you think that repeated imprisonment for short terms causes the offenders to lose respect for themselves and to go permanently to the bad?—Yes.

6935. In regard to short sentences in cases of drunkenness, what is your opinion?—I believe they really do harm.

6936. In what way?—A short sentence causes them to have more desire for drinking when they are at liberty. It whets the crave for drinking.

6937. (*By the Chairman.*) Do you think that is the case with female drinkers?—Both women and men.

6938. You state that a large proportion of habitual offenders and, especially females, are weak-minded?—Yes.

6939. How do you propose to deal with them?—I should give them a long period of detention.

6940. But you can hardly punish a person for being weak-minded?—I don't mean in prison. I would deal with them as moral imbeciles.

6941. You say that these cases generally improve, mentally and physically, in prison?—Yes, under long sentences.

6942. And you think that long detention under conditions that they could not get drunk, would assist to do away with their desire for it?—Yes, if they are under proper conditions of treatment.

6943. What treatment?—Dietetic and medical.

6944. You think they would get stronger physically?—And morally too.

6945. You speak of treatment. You have no doubt heard of a number of remedies proposed for drunkenness by different people, such as the Tyson cure?—I don't refer to that at all.

6946. Have you formed any opinion as to these?—I have never tried them, but I have no faith in them, though I have no cause to say so.

6947. You say you purpose to treat these habitual drunkards and habitual criminals, who commit crimes associated with drink, as moral imbeciles?—Yes.

6948. On much the same lines as the mentally afflicted?—Yes.

6949. You would detain them 12 months—do you think that would be sufficient?—At least 12 months.

6950. You would give them a good nourishing diet, suitable out-door work if possible, and, by instruction and even rational amusement, keep mind and body healthily employed?—Yes.

6951. You don't think that would cure in every case, but you believe it would benefit a large number?—It would in any case be best for the individuals themselves.

6952. It would involve expense. How do you propose to provide for that: would the out-door provision of work pay?—I don't know, it might assist.

6953. You have confined your remarks in this summary of evidence to habitual drunkards, but our remit goes over the whole range of habitual offenders. Have you many habitual drunkards in the shape of insane cases through your hands?—I have a fair proportion, specially women.

6954. Have you many of them in the asylum; that is to say, of people who have got into mischief through drink?—I think I may say that 15 to 20 per cent. of the inmates are alcoholic cases.

6955. Have you found that detention in the asylum cures them of that tendency when they get out?—We have had some very successful dipsomaniac cases.

6956. Can you give us an example?—We had one, I remember, 'A.B.' of Glasgow. It was a case of homicidal mania through drink. The person had attempted to shoot a detective officer. He was a couple of years with us, and was then discharged, and he has done very well up to the present time.

6957. That was a man, was it not, of superior education and in a good position; can you tell us whether his drinking habits were of long duration, and whether he was ever up before for crimes committed through drink?—I cannot. But he had been repeatedly taken charge of before by his friends, and put under restraint during bouts of drinking.

6958. That case points to the necessity, does it not, of giving such powers to friends over habitual drunkards who have not been convicted?—If such had existed, it would have probably saved this man from being in a criminal asylum. Fortunately, no murder was committed, but it was a very serious assault.

6959. Do you remember any other case?—Yes, we had a case of 'R,' a sailor from Greenock, who has been at liberty for two or three years. He was a thorough dipsomaniac with homicidal mania.

6960. Was he ever up before for offences connected with drunkenness?—Not that I know of. We have no record.

6961. Any other cases?—We must have had others.

6962. Any women for instance?—Oh yes, we had one very noted case—that of Laing or Paterson, from Cupar. It was a case of child murder. She is now back to us, but not on account of a return to drinking habits, but because she is getting an old frail woman.

6963. Were you obliged to take her back on that account?—Well, she had been under the care of friends on an out license; but she became unable, through failing health, to do the laundry work at which she had been employed.

6964. Just explain that?—Well, all prisoners of that kind are liberated on license, and their friends become responsible for them, and make a return every month to the Commissioners of Prisons. They have in that return to answer certain questions—whether the patients have taken any intoxicating liquor, where they have resided during the month, and so forth.

6965. Is 'A.B.' conditionally liberated?—Yes, and will remain so all his life.

6966. That is supervision by friends instead of supervision by the police?—Yes.

6967. Have the friends any power over the actions of the individual so liberated?—They have no power except what is involved in the report to the Commissioners. They have no actual power.

6968. If a person so liberated took to drink again or went to the bad, what would happen?—It would be reported to the Commissioners who would revoke his license.

6969. Have you many people ordered back?—Unfortunately we have. Not for drinking, but for a return to insanity. We had one case, I remember, for drinking.

6970. And are these liberated people visited at all?—Oh yes, I visit the whole of them twice a year.

6971. How many have you?—At present there are ten criminal lunatics out on license.

6972. In Scotland?—Yes.

6973. If they wanted to go to England, is there any machinery for enabling them to do so?—I am afraid not.

6974. (*By Col. M'Hardy.*) You have one case in Ireland?—We have.

6975. *By the Chairman.*) What of him?—His friends take care of him. I visit him also twice a year.

6976. If it were necessary to recommit him who would do it?—It would have to be done through the Lord-Lieutenant, moved by the Secretary for Scotland.

6977. In the course of your experience I suppose you have had a larger number out?—Not at one time. But we have had a great many through hand.

6978. You mentioned the case of a woman Paterson, was her crime committed under dipsomaniac conditions?—Yes, she was a dipsomaniac. She murdered her child after a fit of drunkenness.

6979. Do you know if hers was a hereditary case?—I believe so, she had a very bad history.

6980. At her trial she was held to be insane?—Yes, and was sentenced to be confined during Her Majesty's pleasure.

6981. We have seen in some of the prisons we have visited, prisoners who appeared to be on the borderland of insanity. It seemed very much a matter of chance whether they would be sent to prison or to an asylum—have you many such?—We have.

6982. Among the vagrant and beggar classes have you many semi-imbecile people?—We have.

6983. Weak-minded?—Yes.

6984. Do you think the prison is a place for them?—I have always felt that a half-way house would be much better for them. They cannot be certified as insane, and yet they are not fit subjects for prison discipline. There is no improvement for people of that kind.

6985. Would you be inclined to relegate them to the poorhouse?—I think not—not as the poorhouses are conducted at present.

6986. (*By Professor Dove Wilson.*) Suppose you got an empty poorhouse, would that be a suitable place for treating them?—Yes, it might. You could then frame your own discipline in dealing with them there.

6987. Does it not occur to you that there might be a practical difficulty in confining some of them to the poorhouse; for example, they would not have walls as a prison has, and would there not be some difficulty in keeping inebriates from wandering?—I don't know, I should think not: many asylums have no walls.

6988. Do you think as a class they could be treated in empty poorhouses?—I think so.

6989. (*By Dr. Sutherland.*) You look upon this very large class of habitual offenders as moral imbeciles?—I do.

6990. And you suggest diet, medical treatment and discipline suitable to their condition?—Yes.

6991. In doing so, I suppose you recognise that very different forms of insanity arise through drinking?—That is what I am referring to.

6992. In the physical and mental conditions in which you find those people, would you suggest that they should have two years' solitary confinement?—Certainly not.

Dr. John M'Naughton.

11 Dec. 1894.

6993. What is your opinion, after sixteen years of convict prisoners, as to the results of long confinement upon them, mentally and physically?—I should say generally it is bad.

6994. Are you aware that that is the opinion of many distinguished American and French physicians, and that recidivism is the result?—I believe so.

6995. It has been suggested to us that dangers would arise from the association of those habitual petty offenders—would that be likely to occur if proper classification were adopted according to a moral, physical, and intellectual standard?—I think not. I think a classification of that kind would meet the difficulty.

6996. By proper precautions a suitable classification might be made?—I think so.

6997. The evils of association would in that way be greatly diminished?—I think so, under proper supervision.

6998. You would never think of allowing a man or woman who had undergone a long period of separate confinement to be thrown all at once into the world?—I think such cases more susceptible to impressions either for good or bad. I think it would have a bad effect.

6999. In the Lunatic Department with which you are connected, you have a large number of inebriates—dipsomaniacs from Glasgow who have committed homicidal acts—serious or fatal assaults?—We have a number. From 15 to 20 per cent. are of that kind.

7000. From Glasgow?—Altogether, I mean.

7001. The larger proportion are from Glasgow?—Certainly.

7002. Do you classify your 50 lunatics at all?—In what way?

7003. Take those cases where the plea of "insane at the time" of the offence was put forward and upheld by the Court, but who become sane before trial. Do you allow such to mingle with those who are insane?—Yes. We cannot keep them apart entirely; our accommodation will not allow it.

7004. Do you find any harm comes to inebriates from their association with other forms of insanity which exist in your establishment?—I cannot say I do.

7005. If your establishment were bigger, would you think it necessary to adopt a classification and separation?—Certainly. If we had accommodation, and if we had a sufficient number, classification would be necessary.

7006. I suppose even in cases where insanity was pled in bar of trial, the prisoners became sane shortly after they arrived at your establishment: and you say that the result of your experience is that two or two and a half years' detention in your asylum and abstention from alcohol has had the most beneficial results?—Yes. I don't say complete cure in every case. We have had relapses.

7007. Do you think these habitual petty offenders, many of whom you think moral imbeciles, are fit subjects for penal discipline?—They will not be benefited by penal discipline.

7008. (*By Dr. Farquharson.*) Do you find the health of the prisoners improves on their first admission and for a short time afterwards?—As a rule it does.

7009. What is that due to?—To cleanliness, regular diet, and, gradually as the alcohol gets out of their system, they feel better at first.

7010. After prolonged periods of detention does their health begin to deteriorate?—I could not say that their health deteriorates. They get lethargic and more emotional.

7011. Are there any class of diseases put down to prison treatment or prison detention?—No, not particularly, unless occasionally weakness of mind and delusions.

7012. Is that due, do you think, to solitary confinement?—In some cases.

7013. What shape do the delusions take?—It is melancholia generally. They think that people are trying to injure them.

7014. Is that regarded as a form of insanity?—It is a form of insanity.

7015. What do you do with such cases?—We remove them from the cells and associate them with other prisoners.

7016. Are you in favour, on the whole, of allowing prisoners on long sentences to associate with one another?—Yes, if under proper conditions.

7017. You are not so much afraid of the evils of contamination?—No! We have experience of it in the Perth Prison. Our female convicts associate together.

7018. Are you sanguine, on the whole, of permanent results in the way of cure of prolonged periods of detention in the case of habitual drunkards?—All I can say is that it would do good. My experience on the whole is in favour of it.

7019. Your experience in the Lunatic Department of the prison?—Yes.

7020. What would be your irreducible minimum?—Not less than a year.

7021. Of course you could not very well state what the maximum would be?—It would depend very much on the individuals themselves.

7022. In that case, would you give power to the medical man to decide the length of detention?—I think it should be left very much as it is now, in dealing with Her Majesty's pleasure lunatics. It depends entirely on the individual. If a man does not improve, he is detained for life: if he does improve they may liberate him. The period is left quite indefinite.

7023. Have you any opinion on the much debated question whether habitual drunkenness is a disease or a species of insanity, or both?—I believe it is a disease. Of course it is entirely due to the want of equilibrium in the mental function.

7024. It is a diseased function to begin with?—Yes.

7025. And runs into insanity?—It may run into insanity: dipsomania is an insanity, but it is not entirely alcoholic. You might have dipsomania without alcoholism.

7026. Do you attach great importance to the occupation of habitual drunkards?—Yes. I think it should be out-door labour—garden labour, spade labour,—just as we have our lunatics here working with the spade. I think there could be no better labour.

7027. How would you propose to pay the expenses of any system such as you propose?—It might be expensive, but it would free the police courts and the cities from their habituals.

7028. You think in that way it would pay indirectly?—Probably not made to pay; but good would be done at a moderate expenditure.

7029. Might it not be made to pay indirectly by relieving poorhouses, hospitals, lunatic asylums, and such institutions of that kind of people?—It might, but I am afraid agriculture would not pay very well under present conditions. There would be no great remuneration from that sort of labour.

7030. Is it not the case that General Booth's experiment has involved the expenditure of an enormous amount of capital without much return from it at present?—Yes, I believe it has.

7031. (*By Col. M'Hardy.*) Do you think the system of guardians, which is applied to criminal lunatics, could be successfully applied to habitual offenders?—I think it is a proper system if it could be applied?—I see great difficulty in getting guardians to undertake the superintendence of such individuals.

7032. Wherein would the difficulty consist?—Because, as a rule, they have no trustworthy friends one would care to take as guardians for them.

7033. In dealing with habitual offenders, would you be inclined to deal with them in different degrees of restriction: that is to say, some cases who are not so hardened you would give very considerable liberty, while in the worst class of cases the restriction would be greater?—I should deal with them altogether in common at first, and let restriction be settled afterwards.

7034. You would have a reformatory period?—I would rather have a probationary period to begin with, and settle afterwards the period of detention in these

institutions. I should deal with them individually very much as, I have said, we deal with Her Majesty's pleasure lunatics.

7035. In proceeding to reform habitual offenders you would put them into an institution for a certain time?—Yes.

7036. How long?—For a period of at least a year.

7037. And then begin to consider how you would restrict them under conditions of liberty?—Under conditional liberation.

7038. What do you think would be a reasonable number to aggregate?—I should certainly not have more cases together than a man could know individually. That is the essence of the whole treatment. In a large institution there might probably be 200 or 300.

7039. Would you go so far as that?—Yes, 200 or 300, so that the man in charge might know each case individually.

7040. You expressed a decided opinion in favour of out-door labour?—Yes.

7041. But possibly a good many of the cases would be women?—Yes, a good number.

7042. Would you employ them in the outside?—You would require to have laundry work for them. But they might be employed outside. It would be the best thing for them. We have tried it: but there are difficulties.

7043. Do you think that laundry-work would be congenial occupation for a habitual criminal woman?—I think so. It might be hard at first.

7044. You said, I think, that these people as a rule were not very energetic either in mind or body?—I should first try to put physical health into them by good diet. You must have a better diet than the penal one.

7045. And you look upon laundry-work as part of any probable scheme for the employment of women?—Yes; what I should look to for good is active physical work, not sedentary labour.

7046. In some places we have heard of, we found that women preferred sewing to laundry work, and that in the higher class institutions they preferred it to washing?—Yes, I believe that is so; but what I say is, that active physical work would be better for the patients themselves.

7047. Would laundry work be suitable for habitual offenders who are often not physically strong?—It might be combined with sewing. They might also do the cooking.

7048. Do you think it would do to have some small amount of machinery in such places preparing material for some of the great industries of the country—yarn, for example?—I think it would.

7049. At any rate it would be something to interest the men and women in?—Yes. But the men I would employ on the land as far as possible.

7050. How many labourers, from your experience at the prison here, could you absorb per acre, say, in market gardening?—Not more than 10 or 12 per acre; we have about 2 or 3 acres, and we can employ 10 or 12 to one acre, that is, spade labour.

7051. Spade labour, we are told, gives more remunerative results than the plough?—Probably.

7052. Do you see any objection to utilising a part of a poorhouse for those people?—Not at all.

7053. A wing?—An entire wing set apart for them.

7054. There is a class of drunkards we have heard of, who do not come before the police courts, but who cause a great deal of trouble in counties; how should you propose to deal with them?—Their case presents very considerable difficulties.

7055. Would you put them on the same footing as those habitual offenders of whom we have been speaking?—If you could get power to detain them.

7056. You think that would be the best way if you had legislative power?—I do.

7057. To return to the ground of employment: you think you could employ 10 or 12 men per acre?—Yes.

7058. What supervision would be necessary? Suppose you had 200 men employed in gardening, what number of warders would you require for them?—You would require a pretty fair proportion to begin with. I think at least 10 per cent. That would be 20 per 200.

7059. At first all these men would be in an unsettled state, but, after a while I suppose, some of them would settle down, and by classification and arrangement might be utilised as a sort of watch upon the others?—I think by classification you could relieve the attendants very much.

7060. You think that would tend to reduce the number of attendants very much?—Yes. You very soon come to know the bad and the good. For the latter few attendants would be required.

7061. Go for a moment to the cases of insanity which appear in prison; is it not a fact, from the inquiries that are made into the cases where insanity appears, that the person has actually been insane before, and been in a lunatic asylum, or else has shown some strangeness of conduct before going into prison?—The great majority of them are of that character. Confinement seems to develop it.

7062. So far as imprisonment is common in this country, are you aware of any moderate sentence ever having caused, in a perfectly sane man, the disease of insanity?—I cannot say I have. Two years' sentences with solitary confinement might have a very prejudicial effect.

7063. (*By Miss Stevenson.*) You have told us that most of the women are rather weak-minded; and you have said that active rather than sedentary employment is better for them; but would it not be possible to employ them in less rough kinds of work than laundry work, by giving them intervals for physical exercise; would some arrangement of that kind not counteract the effects of sedentary employment?—Yes, it might.

7064. As a matter of fact, most of the work done in laundries is done by rather a rough class of women?—Yes, it is. I am afraid habituals as a rule would be of a rough class.

7065. But, in regard to those who are rather weak-minded, would there not be some moral effect produced by giving them a superior kind of work?—Not to begin with. We find in the case of our weak-minded female convicts that active work makes them sleep better, and improves them mentally and physically.

7066. Would it not be possible to create in some way a better class of work which might be given as a sort of reward?—I am strongly in favour of active physical work to begin with.

7067. (*By Dr. Farquharson.*) Is it not the fact that there are a great number of light agricultural operations in which women could be employed. Suppose you had a dairy farm, could they not look after the poultry and the pigs?—We have employed our women in hay-making. I think dairy work is admirably suited for women.

7068. But there are portions of the year—in winter, for example, when nothing can be done on the farm; what would you do with the people then?—Well, in winter we dig the ground and make up the walks. We never want work. Any improvements we do in winter.

7069. (*By Col. M'Hardy.*) Among the men a certain number would be required making and repairing clothes?—We have that now.

7070. That would be necessary in such an establishment?—Yes, they would require to do that.

7071. (*By Sheriff Dove Wilson.*) What effect, if any, has a long sentence of imprisonment, as it is usually enforced, on the appetite for drinking?—You mean a sentence of a year or so?

7072. Yes. What is the effect of such a sentence on a habitual drunkard after he is let out?—I should not say a curative effect, but I cannot say from my own experience.

7073. Has it not a curative effect?—I cannot say.

7074. Has it any effect the other way?—I think not. But I cannot say I have ever observed a curative effect.

7075. (*By Dr. Sutherland.*) Do you come across many habitual drunkards that get 12 months' imprisonment?—No, very few.

Dr. John M'Naughtan.

11 Dec. 1894.

7076. After what period of separate confinement would you begin to fear both mental and physical deterioration as the result of the all but absolute withdrawal of the normal conditions of life.—I should say after 18 months. I always keep a special watch over two years' sentences.

7077. Do you think there could be no improvement on the system of sending men and women right out into the world who have so far suffered mentally or physically from long periods of separate imprisonment?—I should not say they all suffer. [The witness then withdrew.]

Dr. John M'Naughtan.

11 Dec. 1894.

Dr. Alexander Reid Urquhart.

ALEXANDER REID URQUHART, M.D., Physician Superintendent of the James Murray Royal Asylum, Perth, called in and examined.

Dr. Alexander Reid Urquhart.

7078. (*By the Chairman.*) You are the Physician Superintendent of the James Murray Asylum?—Yes.

7079. How long have you occupied that position?—15 years.

7080. You have always been a specialist in lunacy?—I was first connected with lunacy in this county: then I was for a time connected with asylums in England. I have had to do with lunacy since 1873.

7081. You are aware of the attempt that has been made to deal to a certain extent with habitual drunkards who voluntarily submit themselves to control. Your opinion is, I understand, that that has accomplished nothing?—Practically nothing.

7082. That no progress has been made under recent Acts, at least in Scotland?—No, we have had no institution established under these Acts in Scotland.

7083. In Scotland, I believe, a number of habitual inebriates seek refuge in asylums as voluntary patients?—A certain number come to asylums as they have always done.

7084. Another lot are sent by their friends to board out in out-of-the-way districts where drinking is inaccessible?—That has been a favourite plan.

7085. Do you do much in that way?—I have sent a good many — habitual drunkards into private quarters of that kind.

7086. Do you find that it works?—I think it is better than sending them to the Homes we have in Scotland.

7087. What Homes are there in Scotland except the Queensberry Lodge and the place at Peebles?—Perhaps the most successful is Elswick House near Stonehaven. There is another place, Cornton Vale, near Bridge of Allan. I visited both of these places, and sent people to them.

7088. Was that place near Bridge of Allan for males only?—They took both men and women.

7089. Did they find it easy to retain men there?—Miss Forbes at Elswick House was very clever; and by her tact and cleverness she could take charge of these drunkards.

7090. Have you sent many patients to Elswick House?—I don't think I have sent more than one or two. I am not altogether in favour of these houses. The money available of course is the difficulty. If a person is able to pay a fair amount, then I think the person is far better treated separately. I look upon these places with suspicion, because you have men and women of that sort crowded together, and their whole lives seem to be spent in an endeavour to avoid the regulations and to get drink. The one contaminates the other, and if one has not a craving at one time, another has, and so the difficulty is intensified.

7091. Take the case of people you did send there; what was the result?—Well, the result was temporary alleviation.

7092. They could not be considered test cases?—I could not say they were.

7093. Take the case of people boarded out privately—have you had success with them?—In a very small proportion of cases. I have figures here with regard to persons who have come into Murray's Asylum. It is easier to give statistics of them.

7094. But apart from statistics: can you give us a general idea?—It is extremely difficult for me to say much about these outside cases. I merely see them. One or two friends come to me in great trouble about an inebriate; an arrangement is made for him to go away; I lose sight of him until, perhaps after all, he may turn up at the asylum in a very degraded state.

7095. Will you give us your experience in the asylum of these voluntary inebriates?—For the purpose of doing so, I looked over the admissions into Murray's Asylum for 15 years—from 1880 to 1894 inclusive. In that time we had a total admission of 229 men and 234 women—that is to say, 463 persons came to Murray's Asylum as certified lunatics, and 57 persons came as voluntary patients. That makes 520 cases received into the asylum in 15 years. Of these numbers there were 37 habitual drunkards who had been certified insane, and 11 habitual drunkards who were voluntary patients. That is to say, the cases in which alcohol played a part in the causation of mental disease were 48 out of 520.

7096. That is a small percentage as compared with that usually given, which runs up to 10 per cent.?—It is 9·2 per cent. I have always occupied this position, that I have endeavoured to keep habitual drunkards out of the asylum. Holding that idea so strongly, it reduces the number of alcoholic cases. Murray's Asylum only deals with better or middle class patients; we have no pauper class. Dealing with these cases one is more familiar with their history than one can be in a pauper asylum. It is an extremely difficult thing to arrive at a proper estimation of the alcoholic cases in a pauper asylum where the history ascertained is imperfect, but even in that case, the numbers are often 15 per cent. of the whole admissions.

7097. Thirty-seven habitual drunkards came in to you certified as lunatics?—Yes; 30 males and 7 females.

7098. What results did you get in these cases?—I have taken the two classes together, and the result up to date is this:—Remaining habitual drunkards 10—(that is out of 48); 12 remain in a state of dementia; 12 are reported as remaining very well, and these are noted as having been discharged 'recovered.' It should be stated, however, that of these only two are really hopeful of permanent recovery; Thirteen died, and one case is reported 'unknown.' The fact is, you can never pronounce an habitual drunkard cured until you know his whole life history. The 'unknown' case went to Australia, and we have been unable to trace it.

7099. How far is insanity to be pre-supposed in connection with the 57 cases who came in voluntarily?—I took voluntary and certified patients together, and classified them. I looked upon them from the point of view of the physician. I did not look upon them from the legal point of view, whether they came voluntarily or were sent. Even voluntary patients are sometimes under compulsion, for it may be that they cannot get money unless they go to an asylum. I have divided them into five classes. The first class may be regarded as the direct result of alcoholism. There were 17 people, who, as far as I could ascertain, owed their mental break-down to their drunken habits. I have called that Class 'A.' Class 'B' represents those alcoholics who were victims to hereditary insanity. They numbered 16. Class 'C' represents a most important class—those who had inherited alcoholism either from the father or mother or some near ancestor—they numbered 11. Then there are some drunkards who require to be classed separately, who become drunkards by reason of physical infirmity. That is Class 'D,' and I have three in it. In Class 'E' I have only one who took to drinking in consequence of

mental affliction or domestic distress, and that was a woman. That disposes of 48 cases. The percentage of those upon the total admissions ran thus:—

Class A	Alcoholism direct,	3·2
„ B	Hereditary Insanity,	3·0
„ C	Hereditary Alcoholism,	2·1
„ D	Physical Stress,	5·8
„ E	Mental Stress,	1·9
	Total,	9·2

7100. You seem to get a good many more alcoholics in Murray's Asylum than are to be found in most public asylums?—That was perhaps the result of an accident. I had to give evidence in a divorce case, and in the newspapers Murray's Asylum was mentioned as 'Murray's Home for Inebriates.' That had a very significant effect; for the moment it became public that Murray's Royal Asylum was an institution for the reception of inebriates, there ensued a great increase in the numbers seeking admission.

7101. You think there is a public demand for such an institution?—I distinctly think so from that experience.

7102. What are the charges for your patients?—The ordinary minimum charge is £60 a year; but of course it goes up indefinitely. We have patients up to £400 a year, according to the accommodation, and so on. We also act as a local charity, and take middle-class patients from the County of Perth who may be unable to pay the ordinary minimum.

7102A. In these cases do you make any difference in the treatment?—We try to make as little difference in the treatment as possible. No ordinary visitors would know who the patients are—charitable or otherwise.

7103. That is not the case, is it, with those who pay highly?—Practically there are two classes—those who pay under £100, and those who pay over £100. These alcoholic cases usually pay a small rate of board.

7104. Are these cases connected with Perth?—Not specially. We have no district for them.

7105. Have you any other figures on the same subject?—Yes. As a physician I was very much struck by the amount of actual disease accompanying alcoholism in the cases I have already mentioned: 16 suffered from heart disease (cardiac affection); eight from syphilis; nine from epileptiform attacks; seven from paralysis; four from pulmonary diseases; one from cancer; and one from a uterine disease. These drunkards were nearly all diseased, and I put that before you to show the absolute necessity for medical supervision in places for the treatment of these persons.

7106. Surely you must have got hold of a particularly diseased lot?—We examined them very carefully for disease. Many patients came in not knowing that they were diseased. Some of these troubles, especially the heart troubles, might easily be overlooked in ordinary life.

7107. Do you think in the existing houses for inebriates in Scotland, not very large in number, say Queensberry House and the place in Peebles; do you think the inmates of these are diseased to anything like the same extent?—I should not think so. In certificated cases there is more likelihood of disease.

7108. But you had both sorts?—Speaking broadly, the voluntary patients were not so deeply affected by disease as the certificated.

7109. What was the average term of their residence?—The average residence of certificated patients was one year and of voluntary patients three months.

7110. Tell us the conditions under which a voluntary patient comes to you?—A person who desires to be a voluntary patient in a lunatic asylum has to write a letter to the Board of Lunacy in Edinburgh, and state his wish to them. The Lunacy Board in reply to that letter grant sanction, and the person may reside in the asylum he chooses to name.

7111. How long do these formalities take?—Well, they take a little time. I have sometimes sent a special messenger to Edinburgh to get the reply from the Lunacy Board.

7112. And in the meantime can you take in a man who may feel an attack coming on?—Well, it is necessary sometimes to do something with a man until we hear from Edinburgh.

7113. You could put him under supervision?—I have done so: it is inconvenient, but it is found necessary to safeguard the position in that way.

7114. Once they are admitted can they get out when they like?—On giving three days' notice. A person may say 'I have been here a week. I do not like it. 'I give you notice. I am a voluntary patient and will 'leave.' In the meantime his friends may be communicated with, but beyond the three days I have no power to detain him; he must be allowed to go.

7115. I suppose the three days' notice is to give you time to detect any development of symptoms of insanity?—He might be certified within three days, but it is not considered good practice to receive a man as a voluntary patient into an institution and then certify him as insane in order to detain him there. It is generally preferred that he should go to another institution when certified, and there is a circular of the Lunacy Board to that effect.

7116. This voluntary system is peculiar to Scotland is it not?—It has been extended to England by the late Act. They are now allowed to take these voluntary boarders, as they are called, in England. The reason that we take these patients into the asylum is a financial one. These voluntary patients are usually so poor that they cannot undertake the expense of separate care, and so it becomes necessary to adjust the difficulties of the situation, and use the power we have for the detention of the habitual drunkards. I should be inclined to suggest that Murray's Asylum should have two separate houses, one for men and one for women, for this particular class of person.

7117. Do you think that the directors and trustees of an institution like yours would care to incur the expense of having separate houses?—I think it would pay the expense.

7118. What could you do it for—what sort of board could you afford to take?—It would do if they could pay £60 a year.

7119. You think £1 a week would pay?—About that.

7120. For the treatment of those people you propose a sentence as long as 12 months?—I should be inclined to have the maximum period extended to two years with a system of probation.

7121. You are aware that under the Habitual Drunkards Acts there is a system of letting out persons who are committed on a sort of license?—But there have been difficulties in dealing with refractory cases.

7122. How do you deal with refractory cases?—If a man is in voluntary confinement, and if he is refractory, he comes and says:—'I cannot subscribe to these 'rules,' and he leaves. I think there should be a much more stringent arrangement for the proper treatment of these cases. I think although they should pay £1 a week, they ought to be compelled to do some useful work, and that their comfort should be proportioned to the amount of work done.

7123. You think although they pay a reasonable amount for maintenance they should be made to do a certain amount of work?—I think the great failure in connection with the treatment of such cases is that they can shirk work. A large proportion of them are useless, listless men whom one usually finds in the asylum billiard-room, or loafing about smoking, instead of working in the garden.

7124. These are voluntary patients?—They usually begin well, but in a short time they tire of garden work, and then the system of plotting and planning to avoid all wholesome regulations and to get drink begins, and spreads in the place. There is not only objection to these people on the part of the physicians of the asylum, but also on the part of the insane patients residing in the asylum to being brought into contact with these degraded persons.

Dr. Alexander Reid Urquhart.

11 Dec. 1894.

7125. In the case of certain habituals do you select their work for them and insist on their working?—We cannot insist upon any work. You cannot insist on a lunatic working, but you can persuade an insane person more readily than an habitual drunkard.

7126. What would you do in the case of a patient paying a large amount—say £200 or £300 a year; you could hardly put that person to work even if it might be good for him?—That of course is a legal question. I say, as a physician, it should be done. How it is to be done must be left to the lawyers. I have all along laid great stress on this question of employment for insane patients; and, looking back on those 15 years, I have only lost one patient because of this wholesome rule of useful occupation. Of course we have amusement in the asylum, but occupation is far more beneficial and far more restorative than mere amusement.

7127–28. What employment would you consider suitable and remunerative for such patients?—The form of occupation that we try to develop is mechanical work in the carpenter's shop, brass-hammered work, wood-carving, and so on.

7129. What do you do with it?—We use it in the institution for the decoration of doors and windows. A great many are employed in the garden and on the farm.

7130. We have heard a great consensus of opinion as to the advantage of out-door occupation—pretty hard work—for all those cases of habitual drunkenness, and so on. Can you give us some information as to what you get out of it. If we are going to deal with that class of people who are poor, do you think that agriculture could be made at all remunerative?—I am not sanguine about their costing the country nothing, but I think the cost might be very much reduced by their labour in agriculture. If you have a suitable place for patients of the lower class, then you could grow many of the things needed for the institution and so save their purchase.

7131. Have you got a farm?—It is only about 50 acres.

7132. How do you work your women?—They do not work outside at all.

7133. Do you think it would be good for them that they should work?—Yes, distinctly; but you cannot find employment which public feeling would sanction. I think all insane persons are better employed, but they often say, 'We did not come here to work. We are 'paying a good board.'

7134. But if you had women inclined to work, what form of out-door work would you consider suitable for them?—For women of the poorer class laundry work has been very much developed.

7135. But all the world cannot live by taking in its neighbours' washing. Your women do not do laundry work?—No.

7136. Have you ever tried gardening for women?—We have never had any of them so employed. We have asked some to help, but they did not care about it. There is a certain stigma about field work.

7137. In your opinion little good will result from the compulsory detention of dipsomaniacs unless useful healthy work is also compulsory in the treatment: now if you are to talk of healthy work for women you must make up your mind as to what it is to be. Do you know how they employ pauper patients in other asylums?—Different occupations. Some are in the laundry, others are picking hair, some knitting or darning stockings or making dresses: you cannot take them out of the groove in which they have been brought up, you must try to give them what they have been accustomed to do.

7138. Of course there is always a certain sphere of work for the women in looking after the linen of the establishment?—And in the house and in the kitchen.

7139. You say you only admit habitual drunkards when there is no other course open to harassed relations; but you don't regard the results as at all satisfactory?—I cannot say they are. I have mentioned 12 recoveries to-day, but I believe only two of these actually recovered. I think they will do well.

Dr. Alexander Reid Urquhart.

11 Dec. 1894.

7140. How long were they with you?—I cannot say at the moment.

7141. Were they certificated or voluntary?—Certificated and voluntary. Results vary greatly in regard to each particular case. I have been very much struck, in my experience, with the rareness of dipsomania. There have only been one or two cases of dipsomania in my experience—that is to say, of the very incurable form of irresistible drunkenness which is almost always a hereditary disease. I think dipsomania does sometimes follow on from habitual drunkenness; but, in my experience, the real dipsomania has been extremely rare. Then I had some remarks about the conditions that would justify interference. I think that is an entirely legal question. We have complete machinery in Scotland for dealing with questions of that sort, vested in the Sheriff Court, the Procurator-Fiscal, and the Inspector of the Poor; but there should also be facility for the admission of voluntary boarders into inebriate asylums. There should be a complete system for dealing with these difficult and troublesome cases, where a man may be making an income sufficient to keep his family in comfort, but whose drunken habits make it perfectly evident that he will make a bad end to his life. The question arises whether he should be segregated from the world although he is able to work.—I think that could only be adjusted by a court considering each particular case.

7142. You think that is a sufficiently important matter to be adjudicated on by the sheriff?—Yes, the sheriff, sitting in chambers, should receive medical evidence, and ordinary evidence, so as to enable him to deal with the question. In former days in Scotland the sheriffs used to send habitual drunkards to one of the islands on Loch Lomond or to an asylum.

7143. What former days?—Before the Lunacy Act of 1857.

7144. Under what law?—The sheriff at that time was the supreme authority in lunacy for his district, and he could order, by the earlier Acts of Scotland, lunatics to be dealt with in any way he thought fit. Many of the sheriffs looked upon habitual drunkards as lunatics, and treated them in that way. There was a considerable number of habitual drunkards came from England to Scotch Asylums. Under the stringent regulations imposed by the present Acts the sheriff has no authority now to order the detention of a person whose only symptom of insanity is an uncontrollable desire to intoxicate himself.

7145. Do you think they differentiated in the old days between dipsomania, which you say is very rare, and the ordinary habitual drunkenness we have to deal with?—Well, perhaps it is rather a refinement to differentiate between dipsomania and habitual drunkenness. The practical effect is the same. I think that the attempt to reform these persons comes too late in the day, and that we should look more to education, to the raising of the scale of comfortable living, and to better social and physical conditions to prevent the formation of drinking habits.

7145A. I am afraid that is outside our remit.—But it really is at the beginning of the cure of habitual drunkenness.

7146. You have spoken of the case of habitual drunkards who might be committed to retreats at the instance of their friends; have you anything to say about the quasi-criminal habitual drunkard—the man or the woman who has been convicted again and again of offences before the police or sheriff court?—I think there should be reformatories for these cases. I think if a person is again and again convicted, and if he shows, as nearly all these cases do, marks of degeneration, that he should be sent to a reformatory. I do not think that an hospital is a place for him, and I do not think the jail is the place for him. There should be buildings in Scotland available for the purpose of dealing with these people from a reformatory point of view. You cannot deal with them by boarding them out in the first place, because they ought to come under

medical observation and treatment, but if it were found that they could be boarded out with advantage, that would be a far more efficient method of dealing with them than by relegating them to a huge barracks.

7147. Have you boarded-out any of your patients?—I have referred to that under the name of private care.

7148. We have not been able to get the exact powers of detention which care-takers have over lunatics. Can you tell us about them?—If the person is insane the care-taker's house becomes practically a lunatic asylum for one patient, and the patient can be detained in that house and treated as if he were in a lunatic asylum. If a person is not insane, then it would be an offence against the law if anybody interfered with his liberty. I have sent an attendant to see a man through an attack of delirium tremens, and the attendant would have instructions not to allow the patient to get drink, and, as a matter of fact, does his best to prevent it. But he has no real authority to prevent him from getting drink, and it would be quite open to the person on recovering from his mania to prosecute him for assault.

7149. As a matter of fact it is an assault for a surgeon to perform an operation?—But surgeons have the consent of the patient, and you cannot very well get the consent of the insane drunkard.

7150. It is a question whether, in the case where the operation is not successful, consent would be held to be binding. But, not to go into that, have you ever known of a 'D.T.' patient raising an action against a a doctor, an attendant, or his friends?—It has been threatened often enough, but I have never known a man do it.

7151. Have you sent many patients to private houses under the rule that, I believe, exists, whereby you can say that so-and-so suffers from an incipient attack of insanity, and would be better to be treated in a private house?—That refers to insane patients.

7152. I am looking for an analogy which we might avail ourselves of, in connection with the treatment of habitual drunkenness?—The law of Scotland runs in this way; that if a person is not in a confirmed state of insanity, under medical certificate he may be relegated to a private house, with the cognizance of the Commissioners in Lunacy, for a period not exceeding six months. That might very well be extended to habitual drunkenness.

7153. What powers of detention has the person, to whom the patient is committed for six months, over him?—You immediately turn the house into a private lunatic asylum for one patient.

7154. And you think the people in the house have the same legal power as you have in a lunatic asylum?—I have always assumed that; I am not aware that it has ever been questioned.

7155. How long has that existed as a provision of the law?—Since 1857, amended in 1866. We are inclined to think that Scotland in various matters of lunacy, and especially in that, is in a very good position. The Commissioners are aware of the detention, but the person so detained is not branded with any particular mark. It is a private arrangement, and does not come before the sheriff. But, on the other hand, you can well believe that the cases for private care, from the point of view of suitability, and also from the point of view of expense, renders this section of the Act applicable to a few well-to-do cases.

7156. Do you think there would be any possibility of putting out any of those habituals to farmers who would receive them, at a low rate of board, on condition of their working about the farm?—I should look with great hope to that, if they were boarded out after having passed through a probationary stage. I do not think boarding out would be at all successful unless it were preceded by medical observation and reformatory treatment.

7157. You would have a probationary period of reformatory and medical treatment, and then give greater and greater liberty?—I would very strongly urge that should be done—that the reformatory should be supplemented by the widest possible distribution of habitual drunkards, instead of keeping them concentrated. I am very chary about laying down a hard and fast period of detention, because some cases do extremely well with a very short detention. Why should a man be detained any longer than is necessary? As soon as he shows that he has regained self-control he ought to be allowed to depart.

7158. Have you anything to say about the relative chances of cure between a patient who comes in voluntarily, from a desire to get saved from his enslaving habit, and the man who is sent to you as a certified lunatic from the results of delirium tremens or other kind of mania dependent on drinking?—It is quite impossible to institute any comparison on that line for this reason; if a person comes in suffering from any of the various acute forms of alcoholism which we treat in asylums—as soon as the more acute symptoms subside, and the patient shows no symptoms of insanity whatever, except an overwhelming desire to be intoxicated, the physician in charge must discharge the patient. He has no authority to detain any person whose only symptom of insanity is the drink crave. Then he is brought face to face with the question, whether this person to be discharged into the outer world can be persuaded by friend or physician that it is better for him to remain where he is for a time as a voluntary patient. They sometimes remain; and so vitiate the statistics of recovery of voluntary patients compared with certified patients.

7159. What I wanted generally was your impression as to the chance of a person committed, in order to be cured of drunken habits, being benefited by his restraint for a good period?—I think there can be no doubt that he will be benefited by abstinence and by proper moral control, whether he comes himself or is committed.

7160. (*By Miss Stevenson.*) Can you grant a certificate of six months' detention in a private house to a person whom you could send to a certified lunatic asylum?—It is done in order to keep the patient out of an asylum.

7161. Would you grant such a certificate in cases of what might be called incipient lunacy?—Yes, if the disease is not confirmed, it is legal to grant such a certificate.

7162. The certificate is granted, I understand, more for the protection of the person who receives the patient than to give him any power of legal detention?—Yes, it is for the protection of the person receiving the patient, but it is also for the protection of the patient who is received.

7163. But, I understand, that people who receive these patients have really no legal power to detain them?—I should say they have power to detain them. That is my opinion, and I have always acted upon it.

7164. In regard to the employment of women patients of the better class: you said you had tried to induce them to interest themselves in gardening, but they apparently did not like it?—No, they do not like weeding or anything of that sort which is really work. Some of them look after the aviary, the hens, and other animals.

7165. Do you know that horticulture is now a very common employment for educated women, and that there are two colleges in England where they can receive training in horticulture. Would it be possible to introduce anything of that kind amongst the educated women in the asylum?—I understand that women are now entering on very various occupations. Horticulture is only one of many such pursuits. I should be very sorry to shut out women from any pursuit in which they are interested.

7166. Would it not be possible to introduce something of that kind among the more educated women patients?—Well, I have to do with such prejudiced persons, that anything approaching real, hard work out of doors is to them a great difficulty. They have not been accustomed to it.

7167. You think they could not be induced to undertake such work as many educated women are now

engaged in?—I should find it most difficult. A lady might be induced to go into the conservatory and water the flowers, or cut away dead leaves, but that is looked upon as an amusement.

7168. It is not real work?—No.

7169. (*By Dr. Farquharson*) I think you are disposed to classify cases of habitual intemperance?—Yes.

7170. Some are more curable and some less?—Yes, certainly.

7171. Are a certain number of these cases considered to be incurable from the beginning?—Yes, I think so. A person with hereditary alcoholism is generally an incurable case.

7172. Remedial treatment would be thrown away on a case like that?—I believe such a person is generally incurable; but, on the other hand, in medicine the unexpected often happens, and we cannot say that medicine is in such a perfect state that this case must be declared curable and that incurable. We can only give our opinion according to the best of our experience. For instance, I discharge a patient against all belief that he will do well, and he does well. A great deal depends on the home he is going to and its influences, and upon his social conditions and surroundings. But, I am afraid, that, even if you had reformatories and parliamentary powers of detention, the number of habitual drunkards who would be cured would not be great. At the same time, it has to be considered that you would clear the streets of these people, and that the moral effect of the new system upon people falling into habits of drinking would be extremely deterrent. By shutting up inebriates in a reformatory, you prevent them propagating more unfit descendants to take their place. I do not think it would be a good argument to say that, because 50 per cent. of the lunatics in asylums are incurable, therefore there should be no asylums.

7173. You think it is worth trying the experiment?—I am extremely anxious to see it tried. Those who are connected with asylums know only too well the misery that families have to undergo owing to some drunken member, and it seems to me that the country ought, if possible, to do something to obviate in some measure the evils that arise from habitual drunkenness.

7174. The experiment would have a better chance of being successful if you could get the cases earlier?—I think so. That is why I referred to education as being in the highest degree necessary—education, I mean, as to the physical conditions of life. We should try to prevent a man from becoming an habitual drunkard. Better do that than try to cure him afterwards. The drunkard should also be protected against temptation, and those who give him drink should be dealt with. At present the law in Scotland is, that if persons are frequently seen to issue from a public-house in a state of intoxication, the publican is liable to be punished; but the police manifestly do not so interfere.

7175. You think these cases of organic disease would, at all events, have been saved if they had been taken earlier?—A number of them.

7176. Is it not a difficulty in the way of getting these cases at an early stage, to get sufficient evidence to ensure what you might call protection of these cases?—You cannot interfere with the liberty of a man unless he has done something to permit the law to interfere.

7177. By that time the earlier state might have passed by?—I cannot suggest any means of interfering at an earlier stage.

7178. In those cases of what may be called domestic and unobtrusive drinking, where a man is carrying on his ordinary vocation and supporting his family, but giving way to bouts of drunkenness, what class of evidence would you suggest for bringing him before a tribunal?—It would be necessary for the family or for a public official to direct the attention of the sheriff to such a case. Expert evidence would have to be adduced that the case was one suitable for interference.

7179. Would you contemplate having medical evidence?—Probably the family doctor would know more about the drinking habits of the man than any other person, and, naturally, would be an important witness.

7180. Who would support the family if the father were taken away from the household: would you make the wife and children a burden on the state or the locality?—I am not prepared to say.

7181. Have you any faith in medical treatment. I don't refer to gold and other cures, but to what are called legitimate therapeutic means of diminishing the crave?—I think I have rung the changes on them all — The treatment I have found most successful has been the administration of iodide of potassium. But that does not diminish the drink crave except indirectly by its effect on the brain.

7182. I think you stated that an objection to a large reformatory establishment was the tendency to conspiracy among the inmates to get drink?—Yes, as at present constituted.

7183. Don't you think it might operate the other way; that, if all the people came in voluntarily, the stronger among the people might tend to encourage the weaker?—In my experience I have found it the reverse.

7184. But these people all come in voluntarily with a strong desire to be cured?—I do not think repentance is very prolonged.

7185. (*By Dr. Sutherland.*) Have you ever tried tartar emetic with the view of creating a disgust at alcohol?—No.

7186. You have read, I daresay, that, about 20 or 30 years ago, it was used with pretty good results?—It is the custom of the women in some parts of England to buy a pennyworth of 'quietness' for their husbands on Saturday nights, and thus administer tartar emetic to their husbands when drunk.

7187. It is the only medicine known to create a disgust at alcohol, and is, or has been used for that purpose in England and Scotland?—I have not heard that it has been used in Scotland. I know it is used in England.

7188. You described the physical condition of the 48 inebriates who had been in your asylum, and indicated that they were nearly all in a state of disease; what disease had the larger proportion of them?—Cardiac complaints and syphilis.

7189. Do you find any bad effects from the limited association of inebriates with cases of mania, delusional insanity, dementia, and other forms of insanity?—I think owing to the low moral tone of habitual drunkards association cannot be good. The stories which they retail, and the actions they are guilty of, have been extremely repulsive to other patients, and it sometimes happens that I have to request an habitual drunkard, who is a voluntary patient, to leave as being subversive of the welfare of the establishment.

7190. At present in some quarters, notably in Paris, the idea is that these people should be herded together in what has been termed an *asile alcoholique*?—If an ideal arrangement could be made, I would have every alcoholic case separate: but, inasmuch as financial considerations rule the treatment of individuals, the next best thing is to segregate these habitual drunkards in institutions by themselves.

7191. What would you indicate as about the proper size of such a house?—I think they should be quite small for the better class of patients. I should be sorry to see more than a dozen in one house.

7192. Are you aware that the proposal now afoot in Paris to have an *asile alcoholique* three miles from the city, capable of holding 600 patients?—No.

7193. You said that it was difficult to get hold of those people who are known to be swillers and soakers, because they do not commit any offence; but, supposing drunkenness *per se* were made an offence in law, what then?—I don't think any government would make drunkenness *per se* or prodigality an offence. I could not believe that such a proposal would enter into the range of practical politics.

7194. Supposing you were told that, in the last 10 years in Scotland alone, 40 or 50 people suffering from delusional insanity or the delusions and loss of control following one or more bouts of drinking, or delirium tremens, &c., committed offences ending in murder or

Dr. Alexander Reid Urquhart.

11 Dec. 1894.

something not far removed from murder, and that these people were well known to go about in a state of drunkenness month after month and year after year; don't you think the state would be justified in laying hold of these people before they committed grave crime?—Well, they might be held to have committed overt acts, such as offences against public decency, or public morals.

7195. Have you any objections to drunkenness *per se* being made an offence?—A man might be drinking at home in the privacy of his chamber, and it would be difficult to make that an offence.

7196. Take the case of a man who had become a secret drinker in his own house, and whose family found it necessary to appeal to the police, in so far as when intoxicated he became violent and dangerous and generally a nuisance?—As soon as he becomes threatening and dangerous it is an offence.

7197. If he be threatening in demeanour he would surely come within the province of the police?—Yes.

7198. What do you think is the effect of the spread of education in regard to lunacy, and even in regard to inebriety: is either lessening or increasing?—I think it has, on the whole, a lessening effect. People take better care of themselves now, and they are better qualified to take care of themselves.

7199. Is drunkenness less common, is insanity less frequent than it was?—I should say that drunkenness is less common. You very seldom see anything of that sort in the better class of society. In regard to insanity, there is no proof of a marked increase of insanity. I do believe there is an increase in nervous affections that tend toward insanity. One, however, must be guarded in such matters not to make rash statements.

7200. You said in reply to Miss Stevenson that no medical practitioner could send a person to a private house for six months unless that house were licensed, and unless the Board of Lunacy had some control over the lunatic or his keeper?—Not exactly licensed. A license is a technical term referring to the reception of more than one case. What I said was this: that, if a person is relegated, as an insane person whose malady is not confirmed, to a private house; then, in order to provide for the protection of the people who receive him for gain, and for the protection of the patient himself, it is necessary that a medical man should certify. It is only in cases where the malady is not confirmed that the person is sent to a private house for a period not exceding so many months. The medical certificate is sent to Edinburgh, so that the Board of Lunacy may have cognisance of every case so treated.

7201. Are there any cases where lunatics are detained and subjected to methods of control, of which the Board of Lunacy have no knowledge?—If there are, it is against law, subject to the provisions of the Lunacy Acts.

7202. What control have the Board of Lunacy over unconfirmed cases sent by medical practitioners to private houses for six months. Do they visit these cases?—No.

7203. Then the Board of Lunacy have practically no control over the custody of lunatics under these circumstances?—Of course they have control if they like to exercise it. They would visit them no doubt if they had information which led them to believe it was necessary to do so.

7204. (*By Professor Dove Wilson.*) Do a large proportion of habitual drunkards owe their tendency to excessive drinking to a diseased state of their mind or body?—I think so. Of course it is extremely difficult to arrive at correct information in regard to hereditary tendiencies. I have just mentioned, in reply to Sir Charles Cameron, that out of 48 habitual drunkards, 16 persons had hereditary insanity in their families, and 11 persons had hereditary alcoholism. It is a most delicate inquiry to make. There are all sorts of difficulties in getting such information.

7205. Still, in a great many cases, drinking is really caused by disease?—There is no doubt about that. In such cases predisposition is an important factor.

7206. What do you think of sentences of imprisonment as tending to cure habitual drinking?—I do not think that the prison is a place for habitual drunkards. It would be rash to say that a short sentence might not cure a patient. I know that Mr Mould of the Royal Manchester Asylum, has strong views on that point. He finds sometimes excellent results follow from a short period of residence in the Asylum.

7207. But I am speaking more of periods of imprisonment. Do you think that putting a man in prison for a month or for two months tends to diminish the crave for drink that is in him?—Well, he would be benefited by the abstinence. As long as a person is not drinking, there is a chance of the alcohol being eliminated from his body, and his brain brought into a normal state. I don't say, however, that confinement in a cell is a satisfactory condition for cure.

7208. What about short sentences of imprisonment. Do you think they have any deterrent effect on a habitual drunkard?—I think they only further degrade him to no purpose. He loses his self-respect by successive sentences of imprisonment, and gets no corresponding benefit.

7209. Am I right in understanding that your ideal way to treat them would be to commit them something in the way in which lunatics are committed for an indefinite period?—Lunatics are not committed for an indefinite period. They are committed for a period of three years, and have to be re-certified at the end of that time.

7210. Then, would you regard three years as the maximum period for the committment of habitual drunkards?—I think two years would be enough. It is really not a question that one could be dogmatical about.

7211. Your idea is, that after a period in a reformatory such cases might be boarded out with advantage?—Yes, I think so. They might gradually gain their liberty again in that way. I believe there have been one or two places in America conducted most successfully in that way.

7212. You have mentioned America: do you know anything about Elmira?—I have one patient from Elmira.

7213. Tell us what you know about Elmira?—This particular person committed offences. He went to Germany but got into trouble there. He then found his way to America. He got into trouble there, and passed two years in Elmira, and, I believe, became manager of the umbrella-making shop. He looks back upon that as a pleasant episode in his chequered life. But of course the statements of all such individuals must be received with incredulity.

7214. Do you know that the rates charged at Elmira are high?—He must have paid nothing. (*Dr. Sutherland.*) It is a state institution. (*Witness.*) After the person I speak of was discharged, I believe he worked his way home on an Atlantic liner.

7215. (*Examination continued by Professor Dove Wilson.*) Have you any information of the kind of treatment that a patient undergoes in Elmira?—They undergo medical treatment and massage, baths, gymnastics, &c.

7216. Do you think that at Elmira people are allowed out on probation?—I think they are. This man says that he had parole at Elmira, but he necessarily makes his statement to tell in his favour here. I have one or two suggestions I should like to make in regard to these degenerates who come under my notice. Some of the men who are sent to prison for crimes are really not fit subjects for prison, and I should like to see the practice here assimilated to that in Belgium, where they have appointed an Inspector of Criminals—a man qualified by his practical knowledge of psychological medicine to weed out those weak-minded persons, and to report to the Government as to what should be their destination.

7217. (*By the Chairman.*) Where do they send them to?—They send them to lunatic asylums.

7218. But Col. M'Hardy tells me that there is a medical officer who looks after these cases in Scotland in connection with the prisons. There are, no doubt, in

Dr. Alexander Reid Urquhart.

11 Dec. 1894.

prison persons who are on the border line of insanity; but, if these were relegated to asylums, the difficulty would be not less with them in asylums than it has been in prisons?—I was not aware that the Government had made such an appointment.

7219. (*By Dr. Sutherland.*) You made a wide distinction between a felon and a habitual drunkard?—A felon may be a habitual drunkard, a drunkard needn't be a felon, but both are vicious. [Witness then withdrew.]

Dr. Alexander Reid Urquhart.

11 Dec. 1894.

Mr. William Clarke.

MR. WILLIAM CLARKE, Deputy-Governor of the Prison of Perth, called in and examined.

Mr. William Clarke.

7220. (*By the Chairman.*) How long have you occupied your present position?—For nine years. Previous to that I was in Greenock and Edinburgh. I have had 30 years' experience of prisons.

7221. What is your opinion on the subject of habitual offenders and their treatment?—I think that short sentences are very ineffective to prevent crime.

7222. You have tried to do some individual work in the prisons with which you have been connected. You have gone round to see the prisoners, and have tried to instil good advice into them?—I have done that from the very earliest time. I was a director of the Prisoners' Aid Society; and I was in touch with ladies who visited the prison, and also with the chaplains, and got them to take an interest in the prisoners.

7223. What is the result of your own work in that way. Do you think you have been able to make much impression on the prisoners?—I think so. By taking an interest in individual cases I believe good work can be done. I have seen good done by helping prisoners after they get out, especially first offenders.

7224. I understand you have a Prisoners' Aid Society in Perth?—We have.

7225. But I am told it does not receive any of the Government Grant?—So I believe.

7226. Why is that?—I don't know. I don't happen to be a member of committee.

7227. Have you any suggestions to make as to the treatment of habitual petty offenders?—Well, if you could carry public opinion with you, I should recommend that the sentences should be made heavier. That would be for the benefit of habitual offenders, and would benefit the community as well.

7228. You have been in Edinburgh, Greenock and Perth; you must have seen different sentences meted out for the same crime?—Very different.

7229. In connection with drunk and disorderly cases—you have seen them in one prison for as much as 30 days?—60 days.

7230. And in another for five days?—Less. For 24 hours.

7231. Do you think long sentences prove more deterrent than short?—Not in the case of incorrigibles.

7232. Take cases of solicitation—you have probably seen in Edinburgh different sentences given from what you had at Greenock or Perth?—Yes.

7233. Have you noticed any more reformatory effect?—No; when I was in Edinburgh they tried various means to repress prostitution, but they all appeared to prove equally unsuccessful. In 1866 they got a provisional order, whereby a woman could be sent to prison if a constable swore that she was on the street for the purpose of soliciting; but that had not the desired effect. They got an act passed later which sent these women over the boundary line into Leith. Now they are all over the town.

7234. If petty offenders could be sentenced to reformatory work on a farm, would you think it should be for long or short periods?—It should be for a lengthened period.

7235. You would not call 60 days a long sentence?—By no means.

7236. (*By Col. M'Hardy.*) You know a good deal about the Female Home at Greenock?—Yes.

7237. Was there much done for discharged prisoners in that institution?—A very great deal.

7238. It is mostly laundry work that is done in it?—Yes; at the time I knew it the laundry work almost supported the institution.

7239. Is laundry work not a good thing to use as reformatory work, seeing that these persons might get work in the public laundries afterwards?—I am afraid they would have trouble in getting work in the ordinary public laundry. The other workers might look down upon them.

7240. Laundries, as a rule, are somewhat roughish places?—Well, in big towns possibly they are.

7241. In Perth?—They are rather respectable.

7242. Have you many prisoners just now in Perth for begging?—Not many.

7243. Is there much of it in the county?—There is a good deal of it in the tourist season and down to the end of September.

7244. What is the usual punishment?—Oh, a few days. Seven days, ten days. They are generally short sentences. I have never known a long sentence given for begging.

7245. When sentences are short now, as compared with what they were, you would expect to find re-apprehension much more common?—I knew of a case of a noted character in Edinburgh who spent 300 days in prison in one year on sentences ranging from 24 hours to 60 days. It would have been much better to have given her nine months straight away. [The witness then retired.]

Rev. John M'Callum.

The REV. JOHN M'CALLUM, Free Church Minister, Ardeonaig, Loch Tay, called in and examined.

Rev. John M'Callum.

7246. (*By the Chairman.*) I understand there are a number of gipsies—tinkers, in your district. You have taken a good deal of interest in them?—Yes.

7247. How many, roughly speaking, are there?—Well, I got some statistics privately from all the Chief Constables in 1868. They are defective, for I did not get any returns from Argyllshire, in which, I am sure, there are many tinkers. But, from the statistics I got, I find there were at that time 855 tinkers in Scotland altogether. In Perthshire the number was the same as that given by the Chief Constable a month ago—211.

7248. Your own particular district is near Killin?—Yes, on the south side of Loch Tay.

7249. In your district there are certain gipsy encampments?—They only pass through.

7250. Do you know much about them?—I have taken an interest in them for a number of years.

7251. Take, in the first place, the moral difficulty. Are they members of any church?—Not so far as I am aware of.

7252. Do you know anything about the nature of their marriages?—No, except what I read of in books. I have met a minister occasionally who said he had performed the marriage ceremony among them.

7253. You are aware that they have a ceremony of their own before they live together as man and wife?—I have heard that.

7254. In your district are the children registered as legitimate or illegitimate?—I am told they are registered; but I have never been informed whether as legitimate or illegitimate.

7255. You speak of their being in a degraded state; to what do you refer?—I refer to the fact that they are living in the open air summer and winter in these frail canvas tents which cannot keep out the rain or cold. They are made of a bit of canvas thrown over a few hazel sticks; and they sleep under that cover summer and winter.

7256. Are there any complaints of crimes committed by them in your district?—No.

7257. What reputation have they on the whole?—Honest.

7258. The only complaints are regarding begging and drunkenness?—Yes.

7259. Assuming that the women are married according to rules of their own, have they a reputation otherwise of being moral?—I cannot say as to that. I have my own suspicion that things are not right.

7260. But you have not heard complaints about them being loose or immoral women except among themselves?—Well, I cannot say. But I look upon it in this way, that there are so many men, women, and children, and there are only a couple of tents.

7261. That of course is not decent?—No.

7262. Do they give trouble by their drinking habits. Do they, for example, assault the inhabitants of your district?—No. So far as I am aware, assaults only take place among themselves. They fight among themselves.

7263. About the education of their children—what do you say?—It is very defective. It cannot be otherwise.

7264. Is any mission work attempted to be done among them?—No, except what the ministers of the districts through which they pass do, and that is very little.

7265. In your own district have you ever done anything?—I always make a point, when it is at all convenient, to go where they are and read a few verses and pray with them.

7266. Do they accept these visits gratefully?—Very gratefully.

7267. Do you think anything could be done with the parents?—No. I think nothing could be done with the parents.

7268. You think the young could be dealt with?—I think so.

7269. How do you propose to deal with them?—Well, I should be inclined to make it illegal for any one to travel about the country with children of school-going age.

7270. But that might place a disability on a man like the Duke of Argyll. If you lay down a law of that sort it would have to apply to all classes, and could be put in force against a man whose children might be thoroughly well cared for?—Well, of course, if they produced certificates that they were educated, and had passed the standards, I should be satisfied on that point.

7271. Take the case of a tinker with a family. Suppose his children are 18 months or two years older than each other, that would make him settle down for a long time in a place to satisfy your requirements?—Yes, but he ought to send his children to school when they come of suitable age.

7272. We are all agreed as to the fundamental principle of compulsory education, but how are you to carry it out as against the roving tinker?—My way would be this. Let them have their option to settle down anywhere they please, and send their children to the nearest school. But, in the event of their not submitting to that, I see no other way for it but to send the children to some central institution.

7273. With respect to tinker children being sent to school, we have been told that the other inhabitants of Perthshire would strongly object to such children mixing with the children of the parish?—That is a difficulty of course. But, if they were settled in a place, they would have a house, and the objection would not be so great.

7274. Does your School Board do anything for them?—I am not a member.

7275. What endeavours have been made to get at these children?—No endeavours whatever.

7276. Do you know of any place in Perthshire where the School Board has made any endeavours for them?—No place. I have often made inquiry.

7277. Do you not think that the different School Boards might combine to give each other information about these children, so that they might be followed up from place to place so as to enforce compulsion against them in the same way as is done in the large towns against people who are constantly shifting their residences?—I don't think that practicable. They move about from one parish to another so quickly.

7278. You propose that the County Council should deal with the matter?—Yes.

7279. You say you would like if the County Council had power conferred on them to enable them to gather all these children into one central institution which must be industrial: that the children should be received at as early an age as possible, say five years; that the parents might be allowed to visit them as often as convenient, but, if found trying to get them to leave, they should be punished, and that the policemen should have power to bring back such children as might escape to the institution. The current expenses, you say, might be chargeable on the parishes in which the children may be found to have been born. That is your scheme?—Yes.

7280. You would extinguish the class as distinct from the rest of the community?—That is my ultimate aim.

7281. You think it will not be necessary to erect new buildings for such a purpose, as the present Industrial Institutions—one of which is in almost every county—might meet all the wants of the case?—That is my view.

7282. (*By Col. M'Hardy.*) You have no close or definite knowledge of these people?—I have often spoken to them.

7283. Where do they come from?—I cannot tell. I have heard they originally came from Egypt.

7284. But they are not by any means the largest number of the moving population?—We have a large number of tramps.

7285. How do you distinguish between the two?—They are easily distinguishable.

7286. In what way?—By their appearance. The tinker population are easily distinguished by their features and their dress. They have a wasted woe-begone look as if they were prematurely old.

7287. The tinkers?—Yes. I believe it is owing to their exposure to the weather.

7288. Then is the vagrant and the ordinary tramp fat and sleek?—Their appearance is different.

7289. There are more vagrants than tinkers?—Well, the vagrants we see pass through singly or in couples. They are not liked in the place. They are generally in search of work.

7290. You say the great difficulty about these gipsies is that they move about from place to place?—Yes, but the gipsies have their rounds. The tramps pass to-day and we may never see them again.

7291. Have you taken any interest in the tramps?—Not much. I could not get hold of them. As for the tinkers, if they pass this week I may reasonably expect another visit from them in the course of a month or two; and the tent is pitched invariably. The tramps, on the other hand, sleep in the farmer's barns or any other outhouse they can get into, and in the morning go away.

7292. Have you any objection to the tramps?—Very serious objections.

7293. What are they?—Well, I have not considered the tramp question as I have the tinker question.

7294. Is it not the more serious question of the two?—It is a serious question that such a large number of people should be thrown upon the general community to support. They come to us professing that they are hungry.

7295. I suppose that is true?—I daresay it is.

7296. What more do they profess?—Well, when you question them, most of them confess that it was strong drink which brought them to such a state.

7297. Have you asked them where they came from and where they were going?—Yes. If a railway has been constructed in the east they say they have come from that railway and are going to seek work at a railway in the west. If you believe them they are always seeking work, but that is a mere excuse. That is, however, what they say.

Rev. John M'Callum.

11 Dec, 18

7298. If there was a railway being constructed in the West Highlands, I suppose they might pass along Loch Tay side from the east, going to that railway or to Glasgow?—I have met men frequently who said they were going to seek work at the West Highland Railway.

7299. There was a certain number of them really men going in search of work and no pretence about it?—I think it was all a pretence.

7300. But they could not have gone in hundreds to the west these two or three years past without some of them coming back again?—Well, I met one the other night who told me he had been to the West Highland Railway, but he left because he was not pleased with the work. He went back to Perth and remained a few months, and now he was going back again to the railroad.

Rev. John M'Callum.

11 Dec, 18

7301. He had thought better of it?—Apparently.

7302. (*By Dr. Sutherland.*) Who is to support these industrial schools for gipsy children?—The country at large.

7303. Local or imperial taxation?—Perhaps both, in the same way as the ordinary schools which are supported by rates and by a Government Grant.

7304 (*By Professor Dove Wilson.*) Do the gipsies that come to your place travel the whole year round?—Yes.

7305. And live in their tents in winter?—Yes.

7306. Have they no parish in which they reside more than in any other parish?—Not so far as I know.

[The witness then withdrew.]

Mr. James Garrow.

Mr. JAMES GARROW, Chief Constable of the City of Perth, called in and examined.

Mr. James Garrow.

7307. (*By the Chairman.*) You are Chief Constable of the city of Perth?—Yes.

7308. How long have you occupied that position?—About 18 months.

7309. What police service had you before?—I have 21 years altogether.

7310. Where?—In Lancashire, Ayrshire, East Lothian, Berwickshire, and Perth.

7311. What part of Lancashire were you in?—I was stationed in Ulverston and Burnley; in Ayrshire I was at Troon and Saltcoats; in East Lothian I was at Ormiston and Haddington; in Berwickshire I was at Eyemouth.

7312. You express an opinion in this statement of your views that the present system of dealing with habitual criminals is not a useless one; that the judges really do not put the law as it stands into full operation, and that a wiser policy would be to dispense justice to the habitual criminal in such a way as would discourage him in his career: what do you mean by saying that the judges really don't put the law as it stands into operation?—Well, I don't think that the habitual criminal is treated as he should be. He often gets a light sentence. It should be a severe one.

7313. In Perth, I daresay, you know pretty well about the career of all your petty offenders, and how often they have been convicted; but it is not so easy in the larger towns?—That is possible, of course.

7314. Do you refer to drunkenness, for instance?—Yes.

7315. Take cases of drunkenness in the counties. Do you think the law is not fully put into operation against them?—Oh, that often meant simply driving them home.

7316. That is because they were fined 5s. or 24 hours?—Yes.

7317. But is there any provision in the law for a greater sentence?—No.

7318. In Perth what do you give them under the new Police Act?—We go the length of 40s. or 30 days, and after repeated offences they can get 14 days additional without the option of a fine. We have had only one case of that kind.

7319. What is the usual treatment?—5s. or 24 hours, or 3 days or 7s. 6d., or 5 days.—That is the general treatment.

7320. If you apprehend a drunk and incapable, and take him to the police office, if he has money on him is he let out when he comes to, on pledge?—Yes.

7321. And if he does not turn up next morning at court you don't bother to apprehend him?—No.

7322. Do you take any precautions to see that he gives the right name?—No, we don't do that. We take it for granted that he is giving the right name.

7323. If he was an inhabitant who called himself Smith when you knew his name was Brown?—We should enter his right name.

7324. Do you consider it a conviction against a man when he forfeits his pledge?—No.

7325. That is rather an important point. If you propose to deal with the habitual drunkard more heavily in proportion to the number of convictions, the fellow who can give a pledge has the best of it?—He gets an advantage.

7326. Whereas, if he were brought up and fined, he would have the conviction recorded against him?—That is so.

7327. That is not, as I understand, practised in the county of Perth?—No it is very different.

7328. The practice, as we are informed, is for the Chief Constable to let men out on bail and to cite them if they do not appear?—That is so with all county cases.

7329. You did that in Haddington, Ayrshire and Berwickshire?—Yes.

7330. What is your opinion as to the relative merits of the two systems?—Well, I believe the county system is the better of the two.

7331. You believe it is a good thing for a man to be brought up?—Yes. Penal regulations are to prevent crime, and the more you expose a man or woman whoever they are, the tendency is to prevent them breaking the law again.

7332. You think that if a person puts the public to the trouble of getting him arrested, and the law prescribes a punishment for the offence, it is right that he should be brought up and get his punishment from a magistrate in ordinary course, rather than that he should be let away?—Yes. For of course a man with money has an advantage over a man who has not.

7333. Saltcoats is a police burgh—how did they deal with them there?—Very much the same as we do in Perth.

7334. In Burnley, what did they do there?—At the time I was there, 1873-74, we did not let anyone out on bail. It was the days when the colliers got big wages, and we had to deal with them sharply.

7335. According to the English law, what powers had the magistrate over a drunk and incapable?—They sent them to prison for 14 days for being drunk and incapable.

7336. I am speaking of drunk and incapables. They are brought up in England for a breach of the Licensing Laws. Police magistrates in England who have given evidence recorded in blue books, to which we have been referred, have stated, for instance, that in London the police have no right to interfere with a drunk and incapable man except for the purpose of protecting him?—That was not the case in Lancashire, I assure you. Burnley, which is a police burgh now, was under the county arrangements at the time I speak of.

7337. (*By Professor Dove Wilson.*) And what punishment did you say they gave to drunk and incapables?—Ten and fourteen days.

7338. (*By the Chairman.*) Can you tell us what Act that was under?—I don't know.

7339. You say that habitual criminals when they get sharp sentences often reform for long periods or leave the district altogether?—That is my experience.

7340. What class do you refer to?—Thieves, for example.

7341. You think their sentence should increase according to the number of offences?—That is my opinion.

Mr. James Garrow. 11 Dec. 1894.

7342. There appears to have been in Perth between 1880 and 1893 an unusual increase in the apprehensions for breaches of the peace, drunk and disorderly conduct, petty assault, drunk and incapables, as compared with other counties and burghs in Scotland. In Perth during these 13 years there has been an increase of 86 per cent. Can you explain that?—The only explanation I can give is, that we have dealt more sharply with them than they used to be. You find that, if you look the returns from 1891, there has been a very great difference in the increase of offences and convictions.

7343. When did you come?—In 1881.

7344. At that time I see the total number of apprehensions was 480, while in 1893 it had risen to 943. That gives even a greater percentage of increase, because 1881 was less than 1880. That is nearly 100 per cent. How is that?—They have been dealt more sharply with by the police.

7345. What percentage of convictions do you get out of apprehensions?—Perhaps about 60 or 70 per cent.

7346. How does that compare in your experience with other places in Scotland?—I think the counties are quite up to that.

7347. Does that 60 or 70 per cent. of convictions include pledges forfeited?—No.

7348. So that, in that way, you would make out a great percentage of convictions to apprehensions. What is the percentage of pledges forfeited?—20 or 30 per cent.

7349. That would make everyone forfeit his pledge or be convicted. Surely they let off some in Perth. They are not all found guilty?—They do sometimes.

7350. Now you will be good enough to reconsider your figures so that they may have an air of verisimilitude. You say you have 20 to 30 per cent. of forfeited pledges, and 60 or 70 per cent. of convictions?—I cannot give you exact figures.

7351. Can you give any other reason for the extraordinary increase of apprehensions. The population of Perth is practically stationary, and yet there are now twice as many apprehensions as there were?—Well, the practical reason is this. A few years ago all our policemen were nearly on the night shift, but latterly we have divided them between night and day. Under the old arrangement crime was allowed to run riot: it was taken no notice of, or nothing like what should have been. That is the reason why there has been such an increase since the change in the police arrangements three years ago.

7352. Between 1891 and 1893 I see the numbers have risen from 650 to 943?—That is so.

7353. Was there a change in that time in the distribution of the police?—There was a change in the system of working.

7354. I find in Perth, relative to the population, a much larger precentage of arrests than in some other places likely to furnish a large criminal population; you have 31 per 1000 of arrests against 21 per 1000 in Paisley; 19 per 1000 in Aberdeen; 20 per 1000 in Leith; and 24 per 1000 in Edinburgh?—One reason I might give for that is that we have a large Irish element in a small population.

7355. But in Dundee there are only 28 per 1000, while in Perth it is 31: that observation will not hold good as against Dundee?—In connection with apprehensions, I may say that our street offences within the last year or two have increased very much under the new Police Act; we have had shopkeepers, for example, who covered the whole pavement with their goods, and they have been dealt with. That would go to swell the statistics.

7356. But you don't apprehend people of that kind?—No, no.

7357. The statistics I refer to are the number of apprehensions per 1000 of the population for breaches of the peace, petty assaults, drunk and incapable, and disorderly conduct?—Well, the only reason I can give is the change in the management of the police.

7358. You don't think the people are more drunken or more disorderly?—No, but they were allowed to escape before, and they are dealt with now.

7359. Your men uniformly take all who are drunk and incapable to the police office?—Well, yes, unless the man is at his own door. In that case they do not bring them to the office.

7360. Have you any statistics of vagrancy?—The vagrancy in December last year was 127.

7361. That is the census. But what number of vagrants had you up for begging?—27 last year—16 males and 11 females; fifteen males and 11 females were tried; one was not tried. Of these, 12 males and 11 females were convicted, and 3 males were acquitted.

7362. Now, how many drunk and incapables had you?—In 1893 we had 174 males and 112 females.

7363. I see you have got the drunk and incapables under the Public House Acts. How is that?—They were all tried under the Public House Acts until the new Police Act came into force on the 15th May 1893.

7364. What effect has the change of law had on the subject?—Formerly the punishment was 5s. or 24 hours. Now the magistrate can give 40s. or 30 days, with an additional power of imprisonment under certain circumstances without the option of a fine.

7365. What is your opinion as to the effect of the change?—It has done good.

7366. Can you give us the number of apprehensions for three months before the change of the law and three months after the change, and the results: what I want is to get figures for some place now under the greater powers of the new Act, so as to see what effect it has had, and whether longer sentences have brought about any improvement?—From 16th Feby. 1893 to 15th May 1893; 8 males and 13 females were convicted, 16 males and 4 females forfeited bails. From 16th May 1893 to 15th August 1893; 19 males and 12 females were convicted, 20 males and 5 females forfeited bails. I think the question would have been more satisfactorily answered had the first three months been from May to August 1892. Offenders are more numerous in summer.

7367. The average sentences I suppose have largely increased?—Yes. Very much.

7368. You prosecute now altogether under the Police Act?—Yes.

7369. Take vagrancy—what powers have you now under the new Act?—They are very much the same as under the old. There is very little difference in the new vagrancy clauses as compared with most in the old Act.

7370. What was the old Act?—The Lindsay Act, 1862.

7371. Is there any other clause gives you greater power?—There is a clause which is a great advantage to us, that for dealing with drunk people in charge of horses.

7371A. That is a comparatively trifling offence?—It is a very frequent offence with us on Fridays.

7372. Can you let us have that also. It would be very important to see the effect of the greater powers of the new Act in putting down certain offences?—Very well. 2 males convicted from 16th May 1893 to 15th August 1893.

7373. As to prostitution, what do you arrest for here,—loitering and importuning?—Yes, in the case of known prostitutes.

7374. How do the magistrates deal with these cases?—Pretty sharply recently. Some of them have been getting the full penalty of 40s. or a month's imprisonment.

7375. Has the decency and order in your streets improved since?—In my opinion, very much.

7376. Under the old Act the full extent to which the magistrates could go was 14 days?—Yes.

7377. You might give us also a month of the prostitution returns under the old and under the new Acts. Take the same month in one year before the Act of 1893 came into force, and the same month in a year after?—I will do so. The prostitutes convicted of loitering or importuning in September 1892 were 6. There were 5 in September 1893.

7378. (*By Col. M'Hardy.*) In some towns they

Mr. James Farrow. 11 Dec. 1894.

make raids upon certain classes of offenders at intervals. Will you take care that no exceptional statistics consequent upon such raids get into your return?—We never make raids.

7379. (*By Dr. Sutherland.*) On shebeens, for example?—Yes, on shebeens.

7380. (*By the Chairman.*) We want to avoid statistics of any exceptional activity in regard to any one class of offences?—I quite understand what you mean.

7381. Can you make any suggestion regarding vagrancy?—It is a delicate problem here. We have a female refuge here, kept up by the town, which gives them a night's shelter.

7382. Tell us about the female refuge?—It has accommodation for 18 females.

7383. Is it well-filled?—Generally it is.

7384. Is it your opinion that it attracts female tramps to Perth?—That is my opinion.

7385. How are they treated at the shelter?—They get supper and breakfast and a plank bed and cover.

7386. When was it instituted?—About three or four years ago.

7387. Have you any means of learning the number of tramps you had to deal with before that date and after it?—There are no statistics available to show if there is any difference.

7388. Is the shelter kept up out of the common good?—No, by voluntary subscription. Two or three gentlemen pay the whole thing.

7389. (*By Professor Dove Wilson.*) Are you sure you are right in attributing any part of the increase in this statistical table to the making of new offences under the Burghs Police Act?—I am certain of it.

7390. Because, what you are asked for here is a return of five different things, viz., breaches of the peace and petty assaults, drunkenness, drunk and incapable conduct, vagrancy and begging, prostitution and petty thefts with sentences of 14 days and under: which of these are new?—Disorderly conduct is, to a great extent. People who shout and swear on the street are dealt with more sharply now. Another reason is my predecessor in office often turned the prisoner to the door as soon as they were brought in, by administering a scolding to them. This was general in breach of peace, begging, loitering, etc. They never appeared in any return as having been apprehended at all.

7391. What was the cause of the increased sharpness?—Well, my opinion is, that they should be dealt with.

7392. That is the reason?—Yes.

7393. Is it since you came into office that the increase has taken place?—It was going on slightly before I came into office.

7394. Who began it?—I did, when I was inspector.

7395. Is it entirely owing to you then that there are double the number of apprehensions in Perth?—I am afraid it is, to a great extent.

7396. Were there any public complaints of the state of the streets of Perth before that?—Yes, continually.

7397. Can you tell us who complained?—The newspapers generally did.

7398. Were there any orders issued by the magistrates that there should be increased strictness?—Yes, sometimes there were.

7399. I don't quite understand how the change in your police arrangements affected the matter?—Until our boundaries were extended, we used to have 34 policemen. Of these 24 were on night duty, and the remainder had to cover the other 14 hours of day duty. Perhaps only three or four men would be on duty at a time, and for that reason it was impossible to deal with the class of offenders I have referred to during the day.

7400. What class of offences escaped in these days?—Disorderly conduct for instance, very much.

7401. Do you really mean to say that half of the offences committed in Perth a few years ago escaped punishment?—Yes, I do.

7402. (*By Dr. Sutherland.*) Is it your experience

7403. Do the great bulk of them come back?—Well, I could not say that.

7404. Do you think that the bulk of the people who leave pledges once are deterred from coming into your hands again?—A good many do. I believe the majority do.

7405. If the police cell for a few hours and a pledge is sufficient to terrify a fairly respectable man from getting into your hands again, why should you bring him up before a magistrate and expose him?—I don't know about that.

7406. Suppose he came back a second time, would that be a justification for bringing him up?—Surely.

7407. You would not be inclined to bring him before the magistrates and expose him for a first offence?—I do not know.

7408. But you admit that the vast majority is sufficiently terrified by being for a few hours in the cell and having to leave a pledge?—The majority of them are not habitual drunkards.

7409. How many habituals have you got in Perth—men and women who are constantly passing through your hands?—We have a list of 47 who have been more than twice convicted since 1st January last.

7410. How many have been convicted above five times in that period?—Eight.

7411. You have only eight people who have been five times convicted this year for the specific offences with which we are concerned?—Yes.

7412. So that the law as it stands, and as it is carried into effect, is a sufficient deterrent?—I do not know that.

7413. They don't come into your hands a second time during the year, and is not that the best evidence that the law has a salutary effect: how many came back twice?—Forty-seven came back twice.

7414. Only 47 out of a population of 30,000 have been twice convicted since the 1st January. Is not that a proof that 95 per cent. of the occasional or casual offenders are sufficiently deterred by the punishment that is meted out to them?—That is so.

7415. And they don't come back?—That is so.

7416. What do you consider should be the punishment for being drunk and incapable?—I quite accept as satisfactory the present Act.

7417. Do you give effect to the provisions of the First Offenders' Act?—We have never done it in the Police Act unless with boys.

7418. Why don't you give effect to a valuable piece of legislation like that?—I don't know.

7419. Do you think that severity is at all necessary when you can effect your purpose of keeping these people from coming into your hands by one brief sentence or one night in the police cells?—That is what I have never seen.

7420. But don't your statistics fully bear that out. Do they not show that 95 per cent. of the offenders are only once in your hands?—I believe that is about the percentage.

7421. (*By Col. M'Hardy.*) The 127 tramps you mentioned were the number in the town at a particular date?—Yes.

7422. Are these residential and local tramps?—They drift about from town to town.

7423. How many of them do you know personally?—That is a difficult question to answer.

7424. What makes it difficult?—Some of them of course we do know who come into our hands.

7425. Have you any large proportion of them that are local people or are they vagrants?—They are vagrants, so far as we are concerned. They are not local people.

7426. Do they appear some of them again and again?—Yes.

7427. Do your men challenge them?—No, not in the burgh.

7428. Do you ascertain anything about them?—No.

7429. Or take any notice of them?—No.

7430. Do you see that they do not beg?—We do.

Mr. James Garrow.

11 Dec. 1894.

number of offences by tramps by any means. We often drive them out of the town if we can manage it: we get them out of the town in that way, if we cannot get people to go against them in the Police Court; we have great difficulty in getting evidence against them for begging.

7432. Why won't people give evidence in such cases?—They seem to have a delicacy in coming to the Police Court.

7433. But the people in the town should not be afraid to give evidence against them?—It is not a case of fear at all. It is because it would annoy them to come to the Police Court.

7434. You think the great majority of these 127 men and women in your census for one day are constantly moving about, and that the great bulk of them are strangers to Perth?—Yes.

7435. You have never taken any particular notice whether they were going north or south?—No.

7436. (*By the Chairman.*) We have been looking at the criminal statistics, and we find that last year 1349 were apprehended. Of these there were for drunken breaches of the peace, disorderly conduct, petty assaults, and drunk and incapable, 943. Of that number 484 were not brought before the Police or Sheriff Court. 401 bail bonds or pledges were forfeited. That is an enormous percentage surely of forfeitures, being nearly one-third. 848 were brought before the Police Court and 16 were tried in the Sheriff Court. There were 42 acquittals and 822 convictions. That is a very large percentage of convictions and a very small percentage of acquittals?—Yes.

7437. There must have been a lot of the 401 people who forfeited their pledges equally guilty; you cannot say why this exceptional state of things exists?—I cannot.

7438. (*By Sheriff Dove Wilson.*) Is this right: 1349 apprehensions in Perth. Of these 848 were convicted in the Police Court, 16 in the Sheriff Court; 401 pledges were forfeited; there were 42 acquittals, and the rest were otherwise disposed of?—Yes, I think these are the figures.

Mr. Jam Garrow.

11 Dec.

[Adjourned.]

SIXTEENTH DAY.

Aberdeen, Wednesday, 12th December 1894.

Present:—

Sir Charles Cameron, Bart. M.P. (*Chairman.*)
Col. A. B. M'Hardy, R.E.
Dr. Farquharson, M.P.
Professor Dove Wilson.
Dr. J. F. Sutherland.
Miss Flora C. Stevenson.

Mr. Thomas Wyness.

12 Dec. 1894.

Mr. THOMAS WYNESS, Chief Constable of the City of Aberdeen, called in and examined.

7439. (*By the Chairman.*) You are the Chief Constable of Aberdeen?—I am.

7440. How long have you held that office?—For nearly 15 years.

7441. You had experience previously?—I have been a Chief of Police since 1865; first in Elgin and then in Inverness.

7442. When did you come here?—In 1880. I want till March of 15 years.

7443. One thing has struck me, Mr. Wyness, in connection with the police statistics of Aberdeen—that you are very low in your ratio of apprehensions. I find you have 19 per cent. of the population apprehended for petty offences, including drunk and disorderly, while in Dundee the percentage is 28; in Perth 31; in Greenock 33; in Ayr 44; and in Glasgow 60. That looks well on the face of it; but can you explain the reason?—The reason probably is that we have a smaller proportion of criminal population.

7444. Are the Aberdonians a particularly sober people, or are they less given than others to breach of the peace, and other petty offences?—Were you to remove 100 to 150 habitual offenders, we would have very few apprehensions for that kind of offences in Aberdeen.

7445. Under what Act of Parliament are you?—It is a private Act. There are three different local Acts—the Aberdeen Police and Waterworks Act of 1862, the Amendment of that Act in 1867, and an Extension Act in 1871.

7446. What are the provisions for the cases of persons found drunk and incapable?—There is no provision for such cases in the local Acts. They are dealt with under the 23rd clause of the Public-Houses Amendment Act of 1892, the penalty provided by which is a fine of 5s. or imprisonment for a period not exceeding 24 hours.

7447. When do you consider a person drunk and incapable?—We never interfere so long as they can make their way. If they fall, or become dangerous to themselves or others, we take them in charge. If the man's home is near where he is found he is taken there, and the case reported.

7448. If he is taken to the police office, what do you do with him?—He is released on a pledge of 5s., the highest amount of fine.

7449. Supposing a man lodges this pledge, is it held to purge his offence, or, in case of his non-appearance, do you cite him?—It does not purge the offence; but, as a rule, unless there be aggravations in the case, no more is done in the matter. If the magistrate think forfeiture of the pledge not a sufficient punishment, he can grant a warrant for apprehension.

7450. What was your total number of arrests in 1893?—The total number of arrests and citations in 1893 was 4444.

7451. Of these can you give the number of breaches of the peace and petty assaults?—For drunkenness and disorderly conduct, 557 men and 270 women; total 827. Of drunk and incapable there were 195 men and 94 women; total 289. For breaches of the peace and petty assault, 913 men and 425 women; total 1338. For begging and vagrancy, 11 men and 2 women; total 13.

7452. I observe that in your analysis of the figures you deal with only 289 cases of drunk and incapable, and you have a disproportionately large number of drunk and disorderly, breach of the peace, and petty assault. I suppose a small amount of resistance would convert the case into one of assault?—If a man is able

Mr. Tho Wyness.

12 Dec.

Mr. Thomas Wyness.

12 Dec. 1894.

to resist and make a disturbance, we do not consider him 'incapable.' If a drunk man has a friend with him we do not interfere.

7453. If the friend is drunk too?—Then we do not regard him as a friend.

7454. What is your penalty for being drunk and disorderly?—It is dealt with under the Police and Waterworks Act of 1862, and the maximum punishment is a fine of 40s. or 7 days' imprisonment.

7455. How are breaches of the peace and petty assaults dealt with?—They are dealt with under common law.

7456. I see you have more breaches of the peace and petty assaults than drunk and disorderly?—That is so.

7457. You are aware that the Burghs Police Act gives greater power over drunk and incapable persons. Do you desire greater powers?—It might be advisable, though I do not know that it would do much good.

7458. Have you any record of the repeated conviction of the drunk and incapable, and drunk and disorderly?—Yes. Seven males and five females have been committed five times, six males have been committed six times, seven females eight times, three females twelve times, one female eighteen and another nineteen times, and one twenty-six times.

7459. She must have had very short sentences?—I have three females who of themselves account for a large number. Margaret Lawrence, 32 years of age, made her first appearance on 3rd January 1882, and since that time has been forty-three times drunk and disorderly. She has also been twenty-three times apprehended for using obscene language, fifty-eight times for breach of the peace, and sixteen times for assault with breach of the peace. She has been 149 times convicted, has been sent to prison 115 times, and has been in prison 5 years and 145 days.

7460. When let out where does she go?—Generally to public houses and back to prison in a few days, frequently on the following day.

7461. She does not trouble the Parochial Authorities?—No; when sober she is an active and tidy servant.

7462. (*By Col. M'Hardy.*) Do you know her history—where and how was she brought up?—She is a native of Peterhead but brought up in Aberdeen. Her father was a respectable man: her mother died at an early age. I do not think she was brought up to any occupation.

7463. (*By the Chairman.*) Who is your next best customer?—Elizabeth Valentine or Davidson, who made her first appearance on 12th May 1892, and has since then been found 71 times drunk and disorderly. She has also been 20 times apprehended for 'loitering,' and 13 times for breach of the peace. The imprisonment she has undergone amounts to one year and 293 days. While her husband lived she was an exemplary woman: after he died she went wrong.

7464. Has she been to the Poorhouse?—I don't think she has been there. I have made several efforts to get her rescued, but she is rather far advanced in years for an institution. Another case is that of Ann Gray, who came to Aberdeen as a domestic servant three or four years ago. She was led astray by a sister who had previously been been living a dissolute life. She made her first appearance in the Police Court on 1st April 1891, and has since then been 22 times in charge for being drunk and disorderly, 35 times for being drunk and incapable, and 18 times for 'loitering.' She has been 348 days in prison on 80 convictions, under 75 of which she was sent to prison.

7465. I see that in a great number of cases she has been found 'drunk and incapable?'—Yes, she is of a quieter disposition than the others, and not so noisy when drunk.

7466. I think you said that removal of 150 habituals would make a great difference?—Yes, but I don't think anything like that number would fall to be dealt with under the scope of this enquiry.

7467. Do you think four times too many to wait for before regarding an offender as habitual?—I think four times too much to wait for.

7467A. Suppose you had people continually coming before the Police Court as drunk and incapable, or drunk and disorderly, might not the police be allowed an opportunity of asking that the case be remitted to the Sheriff as that of a habitual offender, and that the Sheriff should have power to put the prisoner under control, in accordance with proposed legislation?—I think that would work sufficiently well.

7468. That is rather a modified approval. I would like your own idea on the subject?—My impression is, that after three offences of this kind in one year, the magistrate should be empowered to send the prisoner to some place in which he could be made to maintain himself.

7469. Do you think it is easy to make an offender of this kind maintain himself?—I think so: there is nothing like hard work for taking this trouble out of them.

7470. Take the case of a place like Glasgow, where six in every hundred are every year arrested for this offence. Would there not be too many to be dealt with?—I think they should not be dealt with locally, but wherever the Department finds that they can be employed to the best advantage.

7471. I take it that the fact of your being so very much lower—less than 2 per cent. as against 6 per cent. in Glasgow—may be taken to indicate that the Chief Constables to some extent run on different lines?—The Department is quite capable of judging.

7472. I mean that the number under the mild *régime* in Aberdeen might become increased were harder measures meted out?—That is so.

7473. Under what Act did they deal with these crimes in Elgin and Inverness?—In Elgin drunk and incapables were dealt with under the 23rd section of the Public-Houses (Scotland) Acts Amendment Act, 1862, and in Inverness under an Act giving more power.

7474. What power?—40s. or fourteen days.

7475. You have also had experience of the 5s. or twenty-four hours; which do you think best?—Certainly the 40s. or fourteen days.

7476. Do you think imprisonment has a wholesome deterrent effect?—I don't think it is very deterrent; they are too good to them.

7477. When they get out do they, as a rule, remain sober longer after a severe imprisonment?—I do not think they do.

7478. I notice that you mention one of the offences of the three women as 'loitering?'—'Loitering' or importuning, the penalty for which is 40s. or fourteen days.

7479. Is that the general sentence?—The magistrates have done their utmost to stop that offence, and they frequently give fourteen days without option.

7480. (*By Professor Dove Wilson.*) Is that competent under the Aberdeen Act?—It gives power to omit the fine.

7481. Is there any common understanding among the magistrates as to their severity in dealing with prostitution?—I do not think there is.

7482. You will have one magistrate who is very hard, and another who is very lenient in his sentences?—There is a good deal of that. It is known that when certain magistrates are on the bench there are fewer cases—they keep more off the streets.

7483. When an easy magistrate is on the bench they come out more?—They do.

7484. What may an easy magistrate's sentence be?—Say, 7s. 6d. or three days.

7485. Are you much troubled with vagrants?—Not a great deal; we keep them down as much as possible.

7486. With reference to prostitution charges, what evidence is required?—We never bring up a case without two witnesses.

7487. Are these witnesses usually policemen?—It is difficult to get other than police witnesses.

7488. Do you get other witnesses on charges of importuning?—If it is a case of importuning, policemen are not so good witnesses unless they hear what is said. In many cases the policemen do hear what is said.

7489. In Edinburgh we were told that the constables

had orders not to arrest for importuning except in the case of women who had been previously warned the same night?—I would think that absurd.

7490. Have you any system of entering a charge against a woman who is brought up without having been previously warned?—No woman is ever brought in on that charge without having previously been warned although perhaps not that night.

7491. Is any distinction made in a first case?—The magistrates in a first offence give the option, and every endeavour is made to get them to go to a home.

7492. Take the beggars—the only sign of vagrancy is begging?—If we find a man lounging about, without visible means of subsistence, we will apprehend him without actual begging.

7493. Under what Act do you deal with vagrancy?—Under the Local Extension Act of 1871.

7494. Have you nothing that gives you greater power?—The Aberdeen Police and Waterworks Act, 1862, authorises the apprehension of all persons found begging, and all persons conducting themselves as vagrants, having no fixed place of residence, and no lawful means of gaining their livelihood, within the limits of the Act.

7495. That is precisely the wording of the Burghs Police Act. We can with these powers prevent vagrancy from becoming offensive.

7496. The magistrates have no difficulty in dealing with it?—There is just this in it, that they do often get away. They show great penitence when brought before the Court, and, with tears, promise if let off never to come back. On being let off they go, say, to Kincardineshire, and when caught say the same thing, and so they can go from Land's End to John o' Groat's with impunity.

7497. That is the fault of the magistrates?—I think there should be some limit to their indulgence.

7498. You would not make it penal for a magistrate to exercise his discretion?—We take a census of vagrants twice a year, and find that, under the present provisions, we can prevent them from becoming more offensive.

7499. Have you many men on tramp?—A good many.

7500. What provision is there for their accommodation?—Our lodging-house accommodation is not good, and there is not enough of it.

7501. If working men on tramp have no money, where do they find shelter?—We have a House of Refuge here, but it is not up to the mark in my estimation.

7502. Is it a private institution?—It is a private institution. Inmates work in the morning, perhaps a couple of hours, before they go away.

7503. If a tramp comes to one of your men and says, 'I am dead broke and have no money,' what do you do with him?—Send him to the House of Refuge, probably, but they are not admitted there after ten. Our accommodation is neither sufficiently large nor sufficiently good.

7504. In Glasgow we were told that some 5000 per annum sought refuge in the Police Office, and got it?—We do not encourage that; but, in the interest of the community, as well as that of humanity, we will take them into the Police Office rather than have them wandering on the streets or lying on a stair.

7505. When you take them into the Police Office do you give them any food?—We give them bread and coffee, but that is a last resort, and there is not a great number of cases.

7506. Have you district offices?—We have six sub-stations, but they are not of a kind in which people could be lodged. Each consists of a box, with two small cells, in which a man or woman can be kept till brought to the central office. The man in charge of the box has a short beat around it, and is there every fifteen minutes. If called, his telephone bell rings till he stops it, and he can communicate if he wants assistance.

7507. Are prisoners kept at these sub-stations?—Very few. They are cleared out forthwith. The stations are more useful for mustering and dispersing the men.

7508. How many tramps may you shelter in the course of a week?—Not more than half-a-dozen; but I think there should be more provision of shelter—a model lodging-house or two.

7509. Does not a model lodging-house tend to become a permanent residence?—There may be something in that.

7510. Do you think the House of Refuge encourages tramps?—I have known them remain there too long.

7511. Men may take their bed and their breakfast and walk off?—They may make them do something for their breakfast.

7512. What sort of homes have you for women on the streets?—We have a local home, and I am in communication with homes in Edinburgh, Glasgow, and elsewhere.

7513. Have these not inmates enough of their own?—I think it is better to exchange.

7514. How do your homes employ them?—Chiefly at sewing and laundry work.

7515. Can you suggest any other kind of work?—I know several women taken off the street now in good positions as domestic servants, and doing well.

7516. Do your magistrates ever give them the option of going into one of these institutions or going to prison?—No; but I sometimes give them the option of going into one of these institutions or going before the magistrate.

7517. Do you act as fiscal?—No; he is a solicitor or advocate. Edinburgh and Glasgow have the same arrangement. In the other towns the Chief Constable is fiscal.

7518. About public-houses—I am told you have a strict care of them. Do you deal with publicans who supply liquor to drunk men?—Yes, but it is at times difficult to get evidence. We have, however, obtained convictions for supplying drunk men.

7519. Do you employ men in plain clothes?—No; if a constable sees a man staggering into a public-house he follows, and, if he finds the man being supplied with liquor, the publican is brought up on the charge.

7520. Do you find it dangerous to have men engaged to do much about the public-houses—does it put them in the way of being bribed by the publicans?—Not at all; there is no more danger in that duty than in any other.

7521. Can you tell us how many cases you have of that kind?—We have one or two every year. There were thirteen cases in 1893.

7522. Are the convictions endorsed on the publicans' certificates?—No; but I bring before the magistrates at the Licencing Court the fact that they have been convicted, and in my opinion this has a salutary effect.

7523. Have you recently adopted this course?—No, ever since I came to Aberdeen, and before.

7524. Have you more citations than convictions?—We have.

7525. So that the number of convictions does not show the number of attempts?—No; and I believe that is the experience all over the country.

7526. Do the constables of any other town attempt to deal with this class of offences in the same way?—I don't know, but hardly think so.

7527. (*By Col. M'Hardy.*) I observe that the number of apprehensions has increased largely and almost steadily in Aberdeen for the last thirty years—I think more rapidly than the population. In 1885 the apprehensions for drunkenness and disorderly conduct were 2041, and in 1893, eight years later, they numbered 2950, an increase of about 50 per cent. The population has not increased in this ratio. Then has the population become 50 per cent. more turbulent, or what is the explanation?—It is very difficult to explain. It might have various causes. Prosperity might cause it for one thing. When there are more wages there will be more drinking.

7528. Has the prosperity of the city, then, increased proportionally?—Perhaps some years it has been the other way.

7529. Has the Police Force been extended?—It has; and the area of the burgh has been more than doubled.

Mr. Thomas Wyness.

12 Dec. 1894.

7530. What increase has been made in the Police Force since 1885?—From 126 to 140.

7531. Do you find that the more constables there are the more apprehensions there will be?—I do not think so.

7532. You do not think the number of apprehensions is regulated by the number of constables?—No, unless they are too few for the duties. Increase in the number of apprehensions might naturally be caused by the extension of the burgh boundary, prosperity in trade—for instance in the fishing industry,—and increase of the population.

7533. Do you find the additional fishermen disorderly?—There is a good deal of disorder among them.

7534. You said that if 150 habitual offenders were removed, it would almost reduce disorder to nil; what is your view as to the best mode of dealing with the 150?—I am strongly in favour of an adult reformatory, with sufficient resources to meet the requirements of the different classes.

7535. In regard to those sent to prison under alternative sentences, is there always sufficient time allowed to the convicted person to pay the fine?—As a rule those sent to prison cannot pay the fine. We cannot keep them for hours in the Police Office; and the only disadvantage from sending them away at once is that their friends must walk over to Craiginches.

7536. Is there not a disadvantage to the prisoner himself in being put inside a prison?—It is very rarely that a person is sent to prison for a first offence.

7537. Is it not the case that the fine is sometimes paid shortly after they have been lodged in prison?—Yes; nothing brings out the fine more promptly than a sight of the prison gate.

7538. You don't think, then, it would be desirable to allow them a little more time?—That would involve serious expense, keeping the local officers standing about waiting for payment of the fine. It would detain two or three men, and involve the cost of sending the van an extra journey to the prison.

7539. That is without regard to the feelings of the party who has been sent to prison?—Most of those who go there have no feeling about it.

7540. I see you have got 138 vagrants in town; can you classify them in any way?—No, they are continually shifting. We take a census of them on the Sunday after the shortest day of the year, and on the Sunday after the longest; and the number may be taken as an average of the whole year. There are slightly fewer on the longest day.

7541. But you don't know who they are, where they come from, or whither they are going. Are they professional vagrants?—None of them will take with that; they all profess to be something, and the majority of them profess to be in search of work. Others profess to be pedlars and unemployed tradesmen.

7542. You had 25 apprehensions for begging and vagrancy during 1893; I suppose these would be from among the 138?—I think so, but they may have come under another denomination. It is difficult sometimes to determine whether a man should be classed as a vagrant.

7543. The great majority of these people are strangers?—That is so.

7544. Of the 4400 persons apprehended during the year, what is the proportion who were under the influence of drink at the time of their apprehension?—2833 were more or less under the influence of drink when apprehended—about 60 per cent.

7545. In addition to those taken up for drunkenness itself, are there not a considerable number apprehended for petty thefts and other offences which are practically cases of drunkenness?—There are a considerable number of such cases.

7546. Of the 353 petty thefts during the year, what proportion may be regarded as a development of drunkenness?—Perhaps one-fourth.

7547. Not more than that?—I think not

7548. What induces, in the case of women, thefts of articles that can be of little practical value to those by whom they are stolen?—I don't know that they are more guilty of that offence than the other sex, but there are a considerable number of such cases.

7549. In these three cases that you gave us of extremely frequent re-convictions, the causes appeared to rise in domestic circumstances—in one case the husband had died, in another there was association with a sister who had fallen, and in the third there was the death of a mother. Do you find that in almost all these cases of frequent re-conviction there has been some sort of domestic incident which has induced the beginning of the career of disorder?—That happens frequently, though not always.

7550. In respect of the cost of transferring prisoners from the police cells to the prison, you have remuneration from the Imperial funds through the Prison Commissioners—how much is it?—For city prisoners £75; for Sheriff Court and county prisoners £35.

7551. That includes all charges for escort?—Yes.

7552. You said that a certain number of prisoners arrested for drunkenness or breach of the peace are allowed to get off on their leaving a pledge?—That is so.

7553. You also said that a certain number of convictions should be held to constitute a habitual offender. But, in the case of a pledge, there is no record of a conviction. How would you deal with a person from whom three pledges had already been taken?—It is very likely that fewer pledges would be taken; the police would take care to have convictions recorded.

7554. Does not a system which allows one man to get off on paying a pledge, which another man is unable to pay, produce inequality of justice?—It is the same thing where fines are imposed.

7555. Is there any advantage in allowing a penalty to be received, except the saving of trouble?—It may be an advantage to the offender, inasmuch as it enables him to get to his work. In some cases it is a great advantage to an offender not to have to appear before the magistrate.

7556. You would try, if you consistently could, to prevent a young man from having his character more or less degraded by having to appear at the bar of the Police Court?—Certainly.

7557. Would you take a pledge in every case?—No, I am not anxious about pledges; but I would take one even from a stranger, according to circumstances.

7558. There are very great differences over the towns of Scotland as to the percentage of the inhabitants apprehended. Is not that governed by the mind of the Chief Constable?—I do not think so.

7559. In what way then do you account for the variations?—The community may have a smaller proportion of criminal population in some towns than in others. If it were dependent on the mind of the Chief Constables, some of them must be seriously neglecting, and others perhaps as seriously overstepping, their duty.

7560. From your acquaintance with police matters do you not think that there are duties which are regarded differently by different Chief Constables?—I do not think so, not to any great extent.

7561. There is one large town, for instance, in which the apprehensions are 60 per 1000 of the population, and in a contiguous part of that town the apprehensions are 28 per 1000; does that not point to different administration of the law?—I cannot say that. I know that the apprehensions have increased in Aberdeen without difference in the administration.

7562. You said you would like a house for the reception of tramps; would you give them that accommodation free of charge?—Certainly not.

7563. Are not most of them penniless?—No, not most of them, though a good many are. I have often found men begging with money in their pockets.

7564. Supposing a vagrant is without money, how would you treat him?—It is not likely that any Local Authority would provide a house free of charge. If that were done, none of them would be found to have money.

7565. Are you aware that such a house has been

provided free of charge?—I am not aware; but, if so, they should be required to do some work.

7566. You don't think such a house would induce tramps to come to Aberdeen?—I don't think so—not more than the present lodging-house. I think the house could be better regulated by the local Authority.

7567. How would you deal with the actually penniless man? Would you apply a labour test to a man honestly in search of work?—You would be supplying him with work, and that is what he professes to be in search of.

7568. You have taken a certain amount of trouble with getting girls into homes; what steps have you taken to watch over the future career of these girls?—I have a list of a few who are doing well.

7569. Does your attention follow them so far as to inquire after them?—I generally inquire through the matron of the home; a half, at least, have done well.

7570. You have a local home?—We have a local home in King Street Road. I have also sent to the Grove Laundry in Edinburgh, to a place in Portobello, and elsewhere.

7571. (*By Miss Stevenson.*) You stated that about 60 per cent. of the persons who come under the notice of the police are drunk when apprehended—is that the percentage in regard to men?—That includes both men and women.

7572. Can you tell us whether there is as large a proportion of women?—There is fully a larger proportion of women.

7573. In the case of women brought in on a charge of solicitation, are they often found under the influence of drink?—Frequently, but not always.

7574. Are these women ever in the first instance taken to the sub-stations you mention?—No, they are brought directly to the head-office.

7575. Have you, in connection with the police station, any women turnkeys or police matron?—We have a matron who is on duty when required.

7576. Is it not the case that these women are frequently incapable, violent, and so on; would it not be desirable that the matron should always be there—you have not always a police matron on duty?—Not always, but if there is any illness or other necessity she is always at call.

7577. These women prisoners are left in charge of the lieutenant on duty and the men under him without any women officials being in attendance?—I have never seen a necessity for having a matron in constant attendance. In many cases the accommodation would not admit of it.

7578. Does not the law require that in prison women prisoners shall be solely under women?—Temporary detention is a different thing from confinement for days, weeks, and months. They are never in the police station for more than 24 hours.

7579. From a woman's point of view, do you not think there is a necessity for the constant attendance of a female?—If they express any desire for a female attendant there is one got forthwith.

7580. Does the Prisoners' Aid Society take any interest in summary trial prisoners?—Their interest is chiefly confined to women liberated after long sentences.

7581. Do they come to the Police Court to get hold of these women?—I send them word, and take the women myself to the home.

7582. Have you found them coming back after having been sent to the home?—I have.

7583. (*By Professor Dove Wilson.*) Of the 150 habitual offenders you have mentioned, what proportion would be females?—I daresay fully more than half.

7584. There would be some of them, both males and females, not able-bodied?—A good number.

7585. Could you give the proportion?—Perhaps a fourth of them. But the cause is generally the treatment to which they subject themselves.

7586. Suppose you got a reformatory for grown-up people, would you prefer to have it in the country?—In the country, as far as possible from public-houses. They should be established about the Highlands of Scotland where there is plenty of land to reclaim. Wool-mills might be erected to manufacture the wool where it grows, and keep the workers as far as possible from temptation.

7587. (*By the Chairman.*) Do you mean to provide for the employment of the men or of the women?—The women inside, and the men outside, chiefly.

7588. (*By Professor Dove Wilson.*) You mentioned that there is, under the Act of 1862, power to give imprisonment without the option of a fine for loitering or importuning; does not the section of the Act authorise the same punishment for washing a tub, for flying a kite, or for playing football on the streets? Can you give any reason why there should be so severe a power in Aberdeen? Is the power put in force?—Yes; as regards loitering or importuning.

7589. Has there been of late years an increase in severity with which such cases are treated?—I daresay these has been, during the past seven or six years.

7590. Has that increased severity led to any diminution in the offence?—I cannot say that; but it has had a salutary effect in this way—that when the women know the presiding magistrate is likely to exercise that power, they are not seen so much on the streets I don't know that there is much diminution of the evil as a whole.

7591. Is time allowed for payment of a fine?—Not except in contravention of public-house licenses, or cases of that kind, in which the law gives time.

7592. Have you never respectable and generally law-abiding men who would pay their fine if allowed time?—It would be a serious matter to let off such people on a mere promise.

7593. Would it involve anything more serious than re-apprehending the prisoner?—I daresay not.

7594. Is there power to take payment by instalments?—No.

7594A. Can you give me the number of women who have done well after having been sent to a home?—I have a list of twelve who have done well since 1886; I have the names of 13 who, so far as I know, are still doing well.

7595. How many women may have been sent to the homes since that time?—I think about a third more than that.

7596. So that there would be two-thirds reformed?—I think so.

7597. What is your objection to the House of Refuge?—They will not admit after ten o'clock at night.

7598. Is there anything objectionable in the work test?—No; I think that is right.

7599. (*By Dr. Sutherland.*) You ascribed the increase of apprehensions largely to the prosperity of the city and an increase of the population; but, while the increment of population is only 53 per cent., that of apprehensions is 141 per cent. What effect has the increase of apprehensions had on these petty offences?—I don't think it has had much. I don't think it has made fewer criminals.

7600. You distinguish between criminals and petty offenders?—Yes.

7601. How many were at the police bar in 1893 for the first time?—3156 appeared for the first time out of a total apprehended, for all offences, of 4444.

7602. Do you give effect to the probation of First Offenders' Act?—None get the benefit of that Act except those charged with serious offences, such as dishonesty.

7603. If it is a first offence for drunkenness?—It is disposed of by an admonition or a small fine.

7604. Do you find that these people come back often?—A good many of them do.

7605. And a good many—the vast majority—do not come back?—Certainly.

7606. What do you infer from that?—It is an indication that they have taken warning.

7606A. Then severe punishment of several days in a police or prison cell is not a necessity in the case of a first offence?—No.

7607. What is the usual penalty for being drunk and incapable?—The maximum fine is 5s. and the maximum

Mr. Thomas Wyness.

12 Dec. 1894.

imprisonment 24 hours. If it is a Saturday the prisoner gets away in the afternoon.

7608. Do you find this mild treatment beneficial in its results?—No, but it is quite adequate for a first offence.

7609. In your return you state that, during 1893, 50 habitual offenders for the five petty specified offences were apprehended 420 times. That is to say, out of 2950 apprehensions for these petty offences, 15 per cent. are accounted for by these 50 people?—What would you propose to do with these repeaters to rid the streets of them?—I am strongly in favour of sending them to a suitable reformatory.

7610. Do these fifty people differ in their dispositions and temperaments?—Yes, very much.

7611. Would this make it difficult to treat them in confinement?—Not many of them would be refractory, if kept sober and under proper discipline. But I think there should be power in a reformatory to deal with a refractory person, and knowledge that there was such power would be wholesome.

7612. Supposing a man or women is certified to be an habitual drunkard, would you put a restriction on the pawnbroker?—I have had occasion to warn the pawnbrokers, and have always found them willing to do what is right.

7613. It must be in your knowledge that these parties do sell their bedding and clothing for drink?—Yes, but it is often difficult for the pawnbroker to know with whom he is dealing. They send others to do business for them.

7614. Cannot the pawnbroker insist upon the name?—That has not been much enforced here.

7615. Have not pawnbrokers been useful in cases of felony?—They have.

7616. Then why not in cases of habitual drunkenness?—I know the pawnbrokers are willing, but it is often difficult to reach the facts.

7617. (*By Dr. Farquharson.*) Is it according to your experience that increased prosperity leads to increase of drinking?—That is my experience.

7618. May it not be the other way—that people drink to drown their cares and troubles?—They must be able to get something to drink before drowning their troubles.

7619. Do you think the large increase in these offences is real or only apparent?—I don't think our drunkenness is greater. It is more brought to the surface.

7620. Is it partly due to increased vigilance on the part of police and magistrates?—That may be so.

7621. I understand that you are in favour of taking pledges?—I don't like them, but we take them as a kind of necessity. It may be an advantage to the offender.

7622. Have you a free discretion as to the parties from whom you accept pledges?—Quite.

7623. The offender cannot claim right to leave a pledge?—No.

7624. Do you let him go home on his promising to pay the pledge?—No, it must be ready money. I would send notice to his friends.

7625. Is a prostitute female offender allowed to leave a pledge?—Sometimes, but rarely.

7626. Is 'loitering' a purely female offence?—We apply it to males as 'obstructing,' and we are zealous in dealing with men who molest females on the street.

7627. Do you run in women on this charge without previous warning?—I do not run in a woman unless she has been warned, but she may be run in without having been previously warned on that occasion.

7628. How do you know what has been said in a case of 'importuning'?—If we see a woman of that class addressing a man it is part of the evidence of 'loitering.' As a rule we have three or four or more cases in which she accosts men on the street before arrested.

7629. They might be missionaries?—Her character is against her.

7630. How do you prove a first offence?—By direct evidence—say, of the person who has been importuned.

7631. Do you find him willing to give evidence?—As a rule he is very unwilling.

7632. Would you regard confinement in such an institution as you propose as a deterrent or reformatory agent, or both?—I would have it both. If they knew that such treatment had been provided for, over a period of two or three years, or more, it would have a salutary deterrent effect.

7633. You think that three convictions in a year should be sufficient to warrant a magistrate in sending an offender to such an institution?—I would leave that to the discretion of the magistrate, having regard to the previous record of the offender.

7634. A proper subject for that kind of treatment may be a person who remains at home?—I would deal in a different manner with the person who can afford to drink at home. I would empower his friends to make a representation to the magistrates, and to lead evidence proving that he is a habitual drunkard, liable to be dealt with under the provisions of the Act.

7635. Have you had evidence of working men drinking at home?—We have, but it is not within my knowledge that working men with 20s. a week drink at home.

7636. (*By the Chairman.*) Would you take a wife's evidence in such a case?—I think a wife's evidence should be available in such a case, and I would have the inebriate subjected to medical evidence in the same way as a man of unsound mind.

7637. (*By Dr. Farquharson.*) Who would pronounce final sentence?—Two magistrates or the Sheriff.

7638. Would you have any expectation that your reformatory farms would be self-supporting?—They might have to be subsidised, but as well spend money on that as on keeping them in prison.

7639. Would you lay the charge on local or on Imperial taxation?—I think it should be Imperial. Drunkenness of this kind is an imperial calamity.

7640. Do you think many of the tramps in Aberdeenshire spend the winter in Aberdeen?—Some of them go to the poorhouse.

7641. (*By the Chairman.*) Can you give us any idea of the cost of taking up habitual offenders and bringing them to trial?—I cannot give that.

7642. You cannot give the cost of that woman Lawrence, for instance?—No; it is included in the cost of the police machinery.

7643. You mentioned that you had dealt with males on the charge of obstruction; how many cases of that kind had you last year?—I should say we had four or five cases of that kind.

7644. What penalties were imposed?—I generally imposed the penalty myself—£10, as a rule. A good proportion of them paid the £10. It is not the lower order who do that sort of thing here.

7645. It seems a large amount of money to be carried in the pocket?—They paid it or got it paid for them before being long in custody.

7646. What is the penalty for the offence?—The penalty is only 40s. or fourteen days. We have had some brought up and so sentenced.

7647. Can you tell me the amount of money received by you in pledges last year?—The whole sum of fines and pledges for last year was £1968, 1s. 6d., of which was recovered £1381, 3s.

7648. What is the authority under which this pledging system is carried on?—There is statutory provision for myself or the officer in charge accepting a pledge, under the local Act, 1862.

7649. You have told us of a system under which, in one case, a pledge is accepted in expiation of the offence, while in another case the pledge is declared forfeited, and the party is in addition prosecuted for the offence. Do you not think that the system should be assimilated?—I don't know that there is much difference. The system is very much the same all over.

7650. We have evidence that, in Glasgow, a man gives the name of, say John Smith, and walks off. We have been told that a man is supposed to leave his true name, and that if he leaves a wrong name, his pledge is forfeited and he is prosecuted?—I don't care

Mr. Thomas Wyness.

12 Dec. 1894.

what name I get. I bring them up for trial under that name. But we generally know with whom we have to deal.

7651. Assuming that we were to recommend some uniform system, would you favour taking the pledge and letting the prisoner go about his business, or not accepting it as an expiation?—We do bring them up when it is thought necessary. I would leave it, as at present, to the discretion of the magistrate.

7652. (*By Dr. Sutherland.*) Do many well-dressed prostitutes come before the police court in Aberdeen?—Not many; we have no great number of them.

7653. Take it that from pledges and fines 5s. per apprehension is added to the police exchequer in Glasgow, and 9s. per apprehension in Aberdeen: can you explain the difference?—No further than that perhaps our fines and pledges are a little stiffer. [Witness then withdrew.]

Major D. F. Gordon.

MAJOR D. F. GORDON, Chief Constable of Aberdeenshire, called in and examined.

7654. (*By the Chairman.*) How long have you been Chief Constable of Aberdeenshire?—For two years.

7655. Is there much vagrancy in the county?—There is a considerable amount, but not more than in other counties.

7656. Of what character is your vagrancy?—It is mostly of the ordinary character. There is a class of tinkers wandering through the country; they are as a rule an inoffensive lot; but they occasionally get run in for quarrels among themselves.

7657. Are they poachers?—They do not come under my notice as habitual poachers; I would not say positively that they do not poach, but they are certainly not habitual poachers.

7658. Do they drink a good deal?—Yes; and fight among themselves.

7659. They do not use the knife, or anything of that kind?—We have had a case of assault by a vagrant; but such assaults are as rare among them as among other classes of the population.

7660. Do they neglect the education of their children?—They do.

7661. Could the police assist in enforcing that duty upon them?—I think they are too migratory for that to be possible. The great object of the parish authorities is to get them to move on.

7662. Do the School Boards look after them?—I do not think the School Board authorities take much trouble with them.

7663. You will also have the ordinary tramp and workman in search of employment?—With that class we are not much troubled here. We are so far north that comparatively few men come here seeking work.

7664. How many vagrants have you in all, over the county?—In June 1893 there were 652, and in September 382.

7665. You have a great decrease in winter. I suppose that number is all of the casual stamp?—It is. We have a great many tramps who come across the hills from Perthshire in summer, and disappear in winter.

7666. Have you many complaints about these people from farmers?—We have very few complaints about them from farmers. They occasionally set the turf on fire. We have more complaints about them from proprietors than from farmers.

7667. Have you any complaints about masterful beggars?—Very few. The licensed pedlars are a greater nuisance than any other vagrants. The license is at times simply an excuse for begging, the stock in trade consisting, perhaps, of a few boot-laces or a few sheets of paper.

7668. What is the cost of a pedlar's license?—Five shillings.

7669. That gives them an ostensible but not a real occupation?—That is so. We have complaints of thieving on the part of pedlars; they are also had up as drunks, and for assault. They give much more trouble than the tinkers.

7670. Then there is the ordinary vagrants, ostensibly in search of work?—Some of them are dishonest men; but we would be better if fewer pedlars' licences were granted. I may refuse a license, but the applicant goes into a neighbouring county and gets a license which is current all over the kingdom.

7671. How many pedlars' licenses have you granted?—Fifteen last month. There are 240 licences in force in Aberdeenshire; besides which we had 11 convictions for peddling without a license.

7672. You have half as many pedlars as vagrants. Can you tell us anything about the gipsies; they are said to marry according to some rite of their own?—I don't think there is much rite about it; but they keep to each other.

7673. Well, according to Scotch law, contract makes matrimony. Do you know whether their children are registered as legitimate?—I am not aware.

7674. It has been suggested to us by the Chief Constable of one county that there is great need for extension of the powers of the county police in connection with such offences as drunkenness and vagrancy; and he proposed to extend to the counties the provisions of the Burghs Police Act?—I think the Burgh provisions should be extended to the counties.

7675. You are aware that you have power to pass bye-laws regarding vagrancy—has that matter been before the County Council?—It has, but the bye-laws somehow broke down in consequence of a magisterial decision.

7676. Is there any other kind of petty crime in the county?—No, except drinking. In burghs there are always some habitual drunkards; in the county there are very few.

7677. Does your authority extend over the burghs in the county?—Over all the burghs except Aberdeen.

7678. Have the powers of the Burgh Act been taken advantage of as regards drunkenness—I think not, as regards mere drunkenness.

7679. Has any higher penalty been given than 5s. or 24 hours?—Not so far as I am aware.

7680. Do you know whether there are complaints in the other counties regarding these pedlars; this is the first complaint we have heard against them?—I am not aware.

7681. (*By Dr. Farquharson.*) Your evidence goes to show that the tinkers are a comparatively respectable class of people—they do not drink much? I cannot say that, as regards drink. The country people are seldom given to drink except when they go to a feeing market.

7682. Do the tinkers' children go to swell the criminal population?—No; they stick to the same line of business, and become tinkers. I have known one or two enlist in the militia, passing from that into the army, and so on.

7683. Are the tramps increasing or diminishing on the whole?—They are slightly more, but it is not a large increase. In 1889 there were 914, and the census of last year 1034, but I am not having more complaints than formerly.

7684. About the pedlars—are they any grievance to the small shopkeeper?—I have no complaint in that way; but it is found a convenient cover for begging.

7685. (*By Dr. Sutherland.*) Have you found that those who go into the army remain there—or do they come back?—I am not aware.

7686. Have any boys been sent to the Mars Training Ship?—None from the county.

7687. Are these vagrant children so filthy in their habits that respectable people would not allow their children to sit beside them in a public school?—I do not think they would like it. I think they should be taken at five or six years of age and sent to an industrial school.

7688. (*By Miss Stevenson.*) You say that a pedlar's

Major D. F. Gordon.

12 Dec. 1894.

licence given anywhere is available all over the country. Would it not be possible to make an arrangement by which a licence would have to be checked on entering a new county?—I believe that was done formerly, but it was given up for some reason, I don't know why.

7689. In regard to tinkers' children, I understand you to say that the School Board has made no efforts whatever to have their education enforced?—The inspectors all report to me that no effort has been made to enforce the attendance of tinkers' children at school.

7690. And I suppose that is because they do not remain long enough in one district. Has anything ever been done to deal with these children under the Industrial Schools' Act?—I think not. As long as they have parents the sheriffs are unwilling to relieve their natural guardians from the duty of looking after them.

7691. I find from your return that there seem to be only four families with ten children who were in the county last year, yet a large number of names are given?—They are names those of who have passed through. The family names are of those who visit Aberdeenshire in summer. As a rule they do not go further north than Sutherland or further south than Perth.

7692. (*By Col. M'Hardy.*) In the Constabulary Report, p. 37, you say that, according to it, the number of tramps and migratory poor is greater in this county than anywhere else?—It is a very large county.

7693. There seems to be an average of 517 migratory poor; I gather from what you have said that these individuals exist practically by begging—that they use their trades for a blind?—That is rather sweeping; there are some respectable people among them.

7694. What proportion of them do you suppose to exist by real labour?—Well, none by real labour.

7695. Therefore they are almost entirely supported by the population?—They are, certainly, in a way, but it is very inappreciable.

7696. I suppose the allowance for the sustenance of each of these individuals could not be less than 1s. or 8d. per day, including housing?—A great many of them are well known; they get a piece here and a cup of tea there.

7697. Yes, but their keep could not be put down at less than 8d. per day?—I am not prepared to say what their keep would cost per day.

7698. You would readily believe that, if it were only 8d. per day, it would come to £6000 per annum?—If you have worked it out, I have no doubt you are right.

7699. Is not that a considerable indirect taxation on the county? Why should there be few complaints while the county is supporting half of a whole regiment in this way?—People have got accustomed to it.

Major D. F. Gordon.

12 Dec. 1894.

7700. Do you suppose that the population are in any way frightened by these vagrants?—There may be an occasional case, but it is very exceptional. There is little masterful begging.

7701. Do you know whether these 500 migratory persons are looked upon by the farmers as in any way of assistance to them in the reaping of their corps?—No; they are as a rule not manual labourers. A number of them go to Fraserburgh and Peterhead in the herring season. A lot of tramps come into the county on their way to these places in the herring season.

7702. Have you ever analysed these people, to discover whence they come and whither they are going?—I began to try it, but found it impracticable.

7703. Can you distinguish between those who are regularly in the county and those who come into it from other counties? There is in summer an increase of 270, of whom there are 50 found in common lodging-houses, so that there would appear to be 200 extra vagrants in summer?—That is so.

7704. The offences in the county altogether are something like 1460, and of these apparently 830—about three-fourths—are for breach of the peace. How do you deal with ordinary cases of drunkenness?—As a rule they are not dealt with unless the drunkenness is combined with some other offence.

7705. How do you deal with a man found drunk and incapable?—The man is locked up in the police station, and next morning he is liberated on a Justice of the Peace order, without pledge or anything else, unless there has been something more than drunkenness against him. Therefore, drunkenness pure and simple figures little in the return.

7706. (*By the Chairman.*) Generally up to this time we have found that the man is brought before a magistrate?—We do not think that necessary if he has been locked up for his own safe keeping more than anything else—merely to protect him and the community.

7707. I see you apprehend one woman for every three men?—The women don't drink as the men do.

7708. Have you anything of the nature of the pledges that obtain in the city of Aberdeen?—We take bail for certain offences. We do not take pledges in drinking cases.

7709. If you cannot get a Justice of the Peace order on which to liberate the man in the morning?—Then we just let him go.

7710. (*By Dr Sutherland.*) How many have you liberated without an order in the course of a year?—I cannot say. If a man has any one to take care of him we let him go. [Witness then withdrew.]

Mr. Archibald M'Kenzie.

MR. ARCHIBALD M'KENZIE, Aberdeen, called in and examined.

Mr. Archibald M'Kenzie.

7711. (*By the Chairman.*) You are an ex-Bailie of Aberdeen?—I am.

7712. How long were you a magistrate?—For four years, till about three weeks ago.

7713. I think you have heard what the Chief Constable of Aberdeen told us to-day: is there any point on which you dissent from what he said, or is there anything in his evidence that seems to you to require comment?—Nothing, except that I am surprised to learn that prisoners are sent to prison without being allowed opportunity to pay their fines.

7714. But you have no doubt that he is correct on that point?—I have no doubt he is correct.

7715. It is your opinion also that short sentences are of no use as a deterrent?—That is my opinion.

7716. You think there should be some agency seeking to reclaim criminals on their being released, and endeavouring to save them from the influence of former associates?—I do.

7717. You are aware that Government gives grants to Prisoners' Aid Societies?—Yes, but I think they are more dead than alive. With reference to drunkenness, breach of the peace, prostitution, vagrancy, and begging, I am of opinion that, in the great majority of cases, and certainly in the case of those who are frequently before the Court, the present powers of the magistrates are insufficient to cope with the evil. Imprisonment has little or no terror for them, and certainly it has the opposite of a reclaiming effect. Each time they are sent to prison seems to decrease their self-respect, harden them in sin, and make them troublesome and dangerous to the public. My experience is that the interval between the periods of imprisonment gradually grows less, till, on being released from prison in the morning, they, in many instances, find their way to the Police cells at night, and are sent back to prison next morning. If imprisonment is to continue to be the only mode of dealing with habitual offenders, there should be some agency under the auspices, if not the control, of the Government, for seeking to reclaim the prisoners on being released, and to save them from the pernicious influence of their former associates. It is not an uncommon thing to find those associates waiting the dismissal of the prisoners at the prison gate, armed with the strongest temptations to lead them astray. I am of opinion that a large establish-

Mr. Archibald M'Kenzie.

12 Dec. 1894.

ment, such as the present prison at Perth, or three or four smaller ones throughout Scotland, should be set apart as retreats, under the direct superintendence of Government, and conducted much in the same way as the reformatories for boys and girls are at present; and that, after, say three or four convictions in any one year, any two magistrates in burghs, or Justices of the Peace in counties, should have power to send such offenders to the retreat for a period not exceeding three years. The retreat should be made self-supporting, so far as possible, by the work of the inmates, and those willing at the expiry of their term to emigrate should be allowed to do so out of Government funds. The same liability of relatives, as in the case of paupers, should be enacted, and contributions from friends should be encouraged, but, where neither is available, the cost of maintenance should fall on the state.

7718. You speak of the whole prison of Perth being used for the purpose; don't you think it would be better to start on a more modest scale to see how it would succeed?—In all the large towns of Scotland there are many habitual drunkards, and, unless they are all dealt with, I do not think much good can be done.

7719. What sort of work would you suggest for their employment?—A great many of the men have occupations, and for the women there is laundry work or sewing.

7720. As to the men, would you not be open to expostulation on the part of the Trades Unions as to unfair competition, if you propose to employ these men, subsidised by the state, to enter into competition with tradesmen?—At present the prisons and reformatories are doing the same thing.

7721. But the prisons have been compelled to resort to unremunerative work, such as picking hemp?—It would be better even for the Trades Unions than having to support these people in the poorhouse.

7722. Take the case of the women you talk of washing and sewing; don't you think that could be overdone?—Other things could be started.

7723. For instance?—Cooking. A large proportion of the female inmates could be employed cooking and cleaning for the other inmates. In the poorhouse of Old Machar the female inmates are required to work in that way.

7724. But you have got sick people and others who are not able-bodied, and you can employ the able-bodied in attending to them?—On the female side.

7725. You would have a population to deal with not much more promising than you have to deal with in the poorhouse, and you cannot make the poorhouse of Old Machar self-sustaining?—On the contrary, I think the people are more promising in every way as to work, &c.

7726. Can you tell what it costs per head to keep the inmates?—Three shillings without deducting earnings. A large number of them are old and in the hospital: and there are children. But I believe that, for such an institution as that proposed, employment would be found.

7727. I don't like trusting to Providence in the matter. We want to have some distinct views, and I should like if you could give us something more definite?—I have studied the subject, and have no doubt that occupation would be found for the women. There is sewing.

7728. We know that, and laundry work, but a fair objection to both of these is that they are overstocked. Cooking might employ some; but you are not to give three course dinners?—No, but you would require a few cooks, and the place must be kept clean.

7729. Have you got any remunerative work in the poorhouse?—There is no productive work for the women.

7730. Would you have a man sent by Her Majesty to a reformatory, and compel his son or his wife to maintain him there?—I would compel his son or his father, and I think they should be required to do what they can.

7731. They would try to defeat you, would they not?—I have no doubt they would.

7732. And this would make it their interest rather to shelter the accused?—They do so in any case.

7733. As to habitual drunkards of the better class, what do you propose?—In the case of habitual drunkards of the better class, who have not been convicted before the Court, and where friends are willing to contribute towards their maintenance, powers should be given to magistrates or Justices of the Peace on application by the person himself or two respectable householders—if two medical practitioners certify that he is a habitual drunkard and a fit person to be so treated—to send the person to a retreat of a better order, where he or she should be required to perform only such work as they had been accustomed to.

7734. These are private retreats that you now speak of?—Yes, but to which the magistrate should have power to send.

7735. Would you have them erected by public or private funds?—It would be better to have them controlled by Government.

7736. If power were given to local Authorities to contribute towards erecting such retreats, would Aberdeen contribute?—I have no doubt that Aberdeen would contribute largely. If it had power, I have no doubt that the Town Council would contribute.

7737. (*By Col. M'Hardy.*) Is there a general feeling that something should be done in the way of dealing with habitual offenders and inebriates?—A very strong feeling.

7738. Is it thought a proper matter for restriction of the liberty of the subject?—Yes, in suitable cases.

7739. Your view is that the offender should be kept in a reformatory and treated in a scientific way? Should the institution be under local or Imperial management?—Imperial.

7740. Do you think there is a great necessity for individual contact between the person to be reformed and those in charge of him and his relatives or friends?—I find a good many do not get a fair chance, because their relatives drag them back into their evil way.

7741. What I wanted to imply is, that it is desirable to have a sort of individual treatment. Are you of opinion that a Government Department would be better for that purpose than any merely local municipal body?—A large proportion of the municipal constituency is in the east end, and it is found that they try to put in men who will, as magistrates, look on offences of this kind in a light way.

7742. Therefore you would like to have such an institution entirely in the hands of the Imperial Government?—At least under control of Government, as the reformatories are at present.

7743. What number do you think there should be in each of these establishments?—As many as might be sent by the magistrates.

7744. Would you prefer a gigantic establishment or a number of smaller ones?—I would prefer a larger number of smaller reformatories, but there is less chance of making them self-supporting if they are very small.

7745. Because, in the larger, you could have organised labour with machinery?—Quite so, instead of having all done by the hand.

7746. Do you think that some textile work could be introduced in these institutions?—It could not be wholly textile, though a number of these fallen women have been factory workers.

7747. You were speaking of institutions for inebriates who do not come under the notice of the police. Would you consider that labour should be enforced in connection with these institutions?—Yes, providing that allowance be made for incapacity for work.

7748. Where inmates pay, they consider themselves exempted from work. Would you provide that they should be compelled to work?—I would.

7749. (*By Miss Stevenson.*) When you speak of such institutions being under Government control, do you mean that they should be public institutions, or private institutions carried on for the benefit of the person who conducts it, but, at the same time, under

Mr. [illegible] Macdonald M[illegible]

12 Dec. 1894.

public inspection?—I would prefer to have them put on the same footing as the reformatory.

7750. I am not referring to pecuniary assistance but to management? I suppose it is your opinion that the institution should not be carried on in the interest of a single person?—Yes.

7751. In regard to the difficulty of finding employment for women, I suppose that arises from the fact that there are very few employments in which women alone are engaged?—That is so: there is no exclusive employment for women, but there are occupations, such as type-writing, which is in demand.

7752. (*By Dr. Sutherland.*) Do you know whether the Probation of First Offenders' Act is given effect to in this city?—I have given effect to it very largely.

7753. Why do you prefer Government control for the proposed institutions?—I mean Government supervision.

7754. You think that in the case of habitual drinkers of the better class it is a bad thing for their friends to have access to them?—If the friends are well disposed, I would think it an advantage that they should have access to them. A discretion should be given to the governor of the place.

7755. (*By Dr Farquharson.*) You say that you do not think short sentences are deterrent?—My opinion is that imprisonment is not deterrent at all.

Mr. Archibald Mac[illegible]

12 Dec. 1894.

7756. In the earlier stages of crime, might not the prospect of being shut up in prison scare a person from the edge of the precipice?—In first cases I have sent them off for a few months' probation, and in only two or three cases at most did they come back.

7757. Then it is the idea of punishment that is the deterrent?—That is so. When they have been sent two or three times to prison it loses its effect.

7758. Is it not the case that many of these criminals regard the prison as a home?—They lose their liberty, but they come out much improved in health.

7759. Do they prefer the prison to the workhouse?—They prefer the prison: they know their term there.

7760. Are they better fed in prison?—Much about the same.

7761. As regards these proposed institutions, would you utilise existing buildings or erect new ones?—Where existing buildings are sufficient I would use them. A good many of the prisons would be set free for the purpose. [Witness then withdrew.]

Mr. John Rutledge.

MR. JOHN RUTLEDGE, Governor of Aberdeen Prison, called in and examined.

Mr. John Rutledge.

7762. (*By the Chairman.*) How long have you been in the prison service?—For about 43 years; in Aberdeen about 33 years.

7763. How many prisoners have you?—Our daily average last year was 67.

7764. Have you any convicts?—We have, but they are removed eight or ten days after conviction.

7765. Have you all the police prisoners from Aberdeen, city and county?—We have.

7766. Are there many of them on short sentences?—A good many. We have them for 24, for 6, and for 4 hours; for breaches of the Aberdeen Police Act, and drunk and incapable cases.

7767. On Saturdays, I am told, those sent in for 24 hours get out at 5 o'clock?—At 6 or 7 o'clock.

7768. Do you find them take advantage of the short day?—I don't think the idea ever comes into their heads.

7769. Have you many juvenile offenders?—Very few. We have more facilities for getting them away promptly than formerly.

7769A. Have you any boys and girls just 16 or over?—We have a few; fewer than in most places

7770. Are these often children who have been in reformatories?—I think I have six old reforma y boys in the prison just now.

7771. Do you judge that the reformatory system is not so perfect as you would like?—It is impossible to make any system perfect.

7772. I understand that, your prison being a small one, you have better opportunity of knowing the views of the prisoners. Do they appear to like it?—I don't think that either short or long sentences make much difference in the case of old offenders. The subject has been repeatedly before the old Prison Board. It was complained that it would be awful to give long sentences for petty offences, but the difficulty was, What was to be done for the protectionof the public?

7773. Do you think whipping could be extended?—I think it would be better if their friends were to do it. The other boys know about their whipping in prison, and it sticks to them.

7774. Have you many young girls in prison?—Very few.

7775. What are their offences?—Petty thefts; but the Act of 1862 gets them so readily into prison for frivolous offences that it loses its deterrent effect.

7776. Does that mean that they find themselves better in prison than at home?—They think the prison not so bad a place after all.

7777. Do you ever find comparisons drawn between yours and other institutions?—Girls say they would rather be in prison than in institutions such as that of the Salvation Army or the Discharged Prisoners' Society. They come back and tell us that they prefer the prison.

7778. Are they treated too generously—would you suggest that they should be treated more severely?—By no means; that would be retrogression.

7779. Do you think the *habitués* of the prison prefer it to the poorhouse or the reformatory?—Some do; it makes a great difference to them to get clean lodging and clothing and food.

7780. Do you ever have people sent to you for kite-flying? Professor Wilson read to us a list of offences including that, in the Act of 1862, under which the number of commitments appears to have nearly doubled in 1863, the numbers being, in 1862, 781, and 1149 in 1863?—No; that was largely for petty offences, but there was also an increase of other offences. There were 31 more breaches of the peace, and an increase of 19 in breaches of the Public-Houses Act.

7781. Do the women complain that, under the charge of importuning, they are taken up for no offence?—They do, and respectable people have been taken up in that way by mistake.

7782. We have heard that after they have been once convicted they have no chance, and are run in when they have not been importuning at all?—That is too true. Any of these unfortunate girls, if they have been in prison on a few occasions, are not allowed to be seen on the street. If one of them is seen speaking to a man on the street the man is allowed to pass and the woman is run in.

7783. What is the penalty for that offence?—It runs up to fourteen days.

7784. We found in Edinburgh that one magistrate gave 24 hours, while others gave high sentences. Do any of your magistrates give long sentences?—We have occasionally sentences of three days, but the magistrates vary. They are drawn from different spheres of society. A sheriff or a stipendiary magistrate would be more reliable.

7785. A sheriff may take a particular view? We found a sheriff in Edinburgh who took a view of his own?—One magistrate will give 14 days for 'loitering' or importuning, while another will give 2 or 3 days.

7786. You have a society for the aid of discharged prisoners?—Yes, an excellent society.

7787. Does their officer work well with you?—He does. He is allowed to see prisoners about to be discharged, and, along with the lady visitors, looks out for the reclamation of prisoners.

7788. You have some inveterate cases. What about that woman Margaret Lawrence?—Margaret Lawrence is one of the quietest prisoners we have in the jail.

Mr. John Rutledge.

12 Dec. 1894.

The worst of them behave there. They know that they will be punished if they do not.

7789. Have you many punishments in the prison?—Very few.

7790. What have you done for this woman Lawrence?—She has been two or three times sent to institutions, but left saying that she would rather be in prison than in such places.

7791. You are not a member of the Prisoners' Aid Society?—No.

7792. Do you pay the gratuities earned by the prisoners?—I pay the gratuities, and the Prisoners' Aid Committee is empowered to apply them to the best advantage.

7793. Do you know people who have got good work from your prison?—Seldom direct from the prison. I have all the sack repairing of the whole trade in Aberdeen—all done in prison.

7794. What sort of work do you get for your discharged prisoners?—We seldom get anything except a few days at breaking sticks until better employment is got. It is one of the greatest difficulties to get men into work out of jail.

7795. How much do you earn in a year?—We perhaps clear about £100 or £120 a year.

7796. If you had to deal with an institution for habitual criminals, could you get work out of them appreciably to reduce the cost of their keep?—Not to any appreciable extent.

7797. Suppose you had them in hand for a couple of years, could you make them self-supporting?—Not self-supporting, or anything like it.

7798. What occupations have you for your prisoners?—Sack-making, repairing sacks, tailoring, picking or dressing hemp hair-sewing, and a good deal of stocking-knitting for the convict prison at Peterhead and others.

7799. (*By Col. M'Hardy.*) Is not the payment of fines in the prison somewhat frequent?—We have sometimes fifteen and twenty in a month.

7800. How does this come about?—These are fines paid by prisoners who have been hurried over before they had time to pay.

7801. Are there thus about 150 cases recorded against the town which are only nominal imprisonment?—That is so.

7802. You said it is an advantage to have boys and girls sent to the reformatory direct. Does it not take some little time to arrange matters before they are sent?—I understand they are sent direct from the bar to the reformatory. In Aberdeen there is no difficulty in sending them straight to the reformatory.

7803. I would like to know your estimate of the effect of short sentences on prisoners?—They are of no effect. I speak of "Recidivistes." Prisoners think nothing of short sentences, and soon come back. I am familiar with their faces.

7804. When you find residents in Aberdeen coming into prison every month, do they not show dislike of the restraint?—They express no dislike. So far as their sentences are concerned, there is no salutary effect.

7805. On what line of policy do you think the treatment of such prisoners should proceed?—I think the only line of policy along which prospect of success would lie is that of long sentences for adult offenders, to keep them off the streets, and for young persons treatment in reformatories.

7806. (*By Miss Stevenson.*) Would the shutting up of these old offenders remove an evil influence from the younger generation?—It would.

7807. To shut up the old offenders would be to remove a power for evil from the young people?—It would do that and save the community from annoyance.

7808. In respect of these charges in connection with which women are brought in, I suppose it is the only case in which mere suspicion is allowed to suggest a charge?—It is evidently so.

Mr. John Rutledge.

12 Dec. 189

7809. If a woman is found loitering on the street she is run in, though there is no evidence of the offence with which she is charged?—That is so. She may be loitering although not importuning. They are taken in at times for really little or nothing at all.

7810. And there is no other offence dealt with in the same way?—There is not.

7811. (*By Dr Sutherland.*) Why do you object to whipping? For children is it not preferable to imprisonment?—Because the stigma of having been whipped sticks to them.

7812. Does not the stigma of the prison stick closer and longer to them? Do you see any objection to their being whipped in the police cells?—I do not like it.

7813. I presume you are aware that Solomon recommended it?—I do not object to the whipping in itself, but merely to public whipping. I would like to have it done by parents or guardians.

7814. Can you give us the proportion of persons who were imprisoned during the year for first offences?—The total commitments for the year were 1850, and the number who had been previously imprisoned was 461, so that about 1400 went to prison for the first time.

7815. Do you find, then, that a slight imprisonment is sufficient to deter most of these people from coming back?—Yes; it is when they have been committed two or three times that they get hardened.

7816. You express an opinion unfavourable to the police method of dealing with prostitutes. But is it not the case that this is the occupation of the woman—that she is making her livelihood by it?—If they have been run in once or twice, they are run in as a matter of course when found on the street at night. If I speak to a woman, she is taken up and I pass on without challenge.

7817. Do the 'showy' class of prostitutes ever get run in in Aberdeen?—They are visited in their houses I presume.

7818. (*By Col. M'Hardy.*) Is the morality of the town improved as compared with thirty years ago?—I cannot say that it is. The evil is driven into houses instead of being left on the street.

7819. (*By Dr. Farquharson.*) I suppose the reason why the swell women are not run in is that they do nothing to bring themselves under the notice of the law?—That is so.

7820. You think the common prostitute is unduly harassed? What is meant by 'loitering'?—'Loitering' is understood to be for purposes of prostitution. That is assumed to be their purpose if they are seen speaking to a man.

7821. You say that the success of the reformatories has not been so great as you would like?—They cannot be expected to succeed in every case.

7822. (*By Col. M'Hardy.*) Is it not the case that a bad reformatory boy is always particularly bad?—That is so.

7823. (*By Dr. Farquharson.*) Why should that be?—It seems somehow to be ingrained into them. I regard about three-fourths of our prisoners as more or less insane, especially when they get drink—often new run adulterated stuff that drives them mad. Methylated spirits was consumed largely till within a year or two ago.

7824. Have you ever had a boy sent in for kite-flying?—No; a judicious magistrate would dispose of such a charge by a reprimand.

7825. Do you think whipping spoils a boy's character?—It sticks to him as much as imprisonment.

7826. What is the difference between whipping at a police court and whipping by the head-master at Eton or Harrow?—It is more like putting a person through a form of execution. [Witness then withdrew.].

[Adjourned.]

SEVENTEENTH DAY.

Aberdeen, Friday, 14th December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart. M.P. (*Chairman*).
Lieut.-Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Professor J. DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Mr. Daniel Mearns. 14 Dec. 1894.

MR. DANIEL MEARNS, Merchant in Aberdeen, called in and examined.

7827. (*By the Chairman.*) You have been for a long time a member of the Town Council of Aberdeen?—For 18 years continuously.

7828. You have also been for sometime a magistrate of the city?—For eight years.

7829. You know the range of this inquiry, and I understand you have prepared some information regarding habitual offenders?—Last year we had 39 females and 16 males almost continuously before the Court. The 16 males were convicted 85 times, and the 39 females 345 times.

7830. Then, if you could be relieved of these habitual offenders, you would be greatly relieved?—Very greatly.

7831. Would you give the Committee one or two specimens, and then the detailed list can be handed in?—I put in a detailed list of 54 cases.

7832. I see you frequently have parties dealt with for abusive language—what is the penalty for that?—We can fine them or send them to prison. I don't think there has been any sentence of imprisonment without a fine, but such offenders generally go to prison because unable to pay the fine.

7833. The first man on your list has been 75 times in prison—13 times during 1893—you have no details of the total amount of imprisonment?—I will fill that into the return.

7834. You have got other habitual offenders who run this one pretty close?—We have.

7835. If you could deal with this lot it would be a great relief?—It would. You see the same face come up at the police bar week after week and month after month.

7836. What is the practice in connection with the trial of these repeated offences? In trying the case, is evidence submitted as to the repeated convictions?—We are not told about that till the charge before the Court has been proved. Then the previous convictions are stated. But, being familiar with the face, we cannot help recognising an habitual offender.

7837. Do new bailies give more lenient sentences?—There is very little difference.

7838. You have no consultation among yourselves as to how you shall deal with any particular class of cases?—No; each magistrate is left to his discretion.

7839. Will you please state your method of treating drunkenness?—Drunkenness accompanied by incapacity is dealt with under the 23rd clause of the Public-Houses Act Amendment Act, 1862, by which a fine of 5s. may be imposed, or 24 hours' imprisonment; but in cases of a first offence, or where the offenders have been in the police cells from Saturday night to Monday morning, they are generally admonished and dismissed.

7840. You state that drunkenness is dealt with under the 23rd clause of the Public-Houses Act Amendment Act of 1862, which allows a fine of 5s. or 24 hours' imprisonment. Have you no stiffer provision in your own Act?—No, we have nothing in our own Act for the drunk and incapable.

7841. You are aware that the Burghs Police Act gives more stringent powers—up to 40s. of a fine, and, in the case of aggravation, 14 days extra without the option of a fine. Do you think such power would be an improvement?—In some cases it would be an improvement as putting the offender away for a longer period where he would not be able to get drink, instead of being out soon and at it again.

7842. Are you aware that, under the Burghs Police Act, you have power to adopt any section of it?—The matter has never been before the magistrates, and we have never felt want of power on that point.

7843. How do you deal with drunkenness when accompanied with disorderly conduct?—Drunkenness attended by disorderly conduct is dealt with under clause 146 of the Aberdeen Police and Waterworks Act, 1862, by which a fine of 40s. may be imposed, or the defender, in the discretion of the magistrate, may be imprisoned for a period not exceeding 7 days.

7844. So that, even with the aggravation of disorderly conduct, you cannot give so much as is allowed under the Burghs Police Act for being drunk and incapable? How do you deal with breach of the peace?—Breach of the peace is dealt with under the Common Law, which limits the fine to £5, and the imprisonment to 60 days; but, by the Aberdeen Police and Waterworks Act, 1862, in addition to the 60 days' imprisonment, the offender can be ordained to find caution for a sum not exceeding £20 for his good behaviour for a period not exceeding 12 months, or suffer 30 days' imprisonment.

7845. The most of these cases are associated with drink?—All of them, practically, are the result of drink.

7846. Do you remember any case that has been dealt with on the principle of caution?—We have had two cases: in filling up the returns I will give the particulars of these cases.

7847-48. Has it ever been suggested that it would be desirable to apply this principle of caution to habitual drunkards?—It has never been before the magistrates. Offenders of this class would seldom be able to find caution.

7849. How do you deal with prostitution?—Prostitution is dealt with under the 134th clause of the Aberdeen Police and Waterworks Act of 1862, in which the fine is limited to 40s. and the imprisonment to 14 days.

7850. Do any magistrates go the whole length of the sentence?—Very seldom; it is generally 15s. or seven days in prison. Where there is recurrence of the offence I have known the full penalty given, but only in extreme cases.

7851. Are you able to cope with the evil?—We are not able to cope with it in the lower districts.

7852. The crime here, I understand, is principally 'loitering,' and the parties are of the lower class?—Yes; I don't think any of them are able to pay a fine.

7853. We have heard that it is the lower class of prostitutes chiefly who come before the magistrates; have you any explanation of that?—The others, who would be able to pay, seldom bring themselves under the notice of the police.

7854. The drunken and reckless prostitute soon drifts to the lowest grade?—They come down steadily. As they return they give evidence of falling lower and lower.

Mr. Daniel Mearns.

14 Dec. 1894.

7855. How do you deal with vagrancy and begging?—Vagrancy and begging are dealt with under the Municipal Extension Act of 1871, which gives the magistrate power to send the person to prison 30 days for the first offence and 60 days for subsequent offences.

7856. Have you many vagrants?—A considerable number.

7857. What is your experience as to the result of dealing with vagrant offenders?—We find that little good comes of sending them to prison, and very often, if they do not belong to the town, get a promise from them to take themselves off, and let them go. That is just getting rid of them ourselves, and we think if they could be sent to a reformatory it would be a benefit.

7858. Would you deal in that way with a beggar who had been only once or twice up?—That would depend on his appearance, and on the question whether it was only an incidental case of begging or going about making an occupation of it.

7859. Do you ever come on a tramp who only begs as a last resort while seeking work?—I have not seen such a case, and would dismiss it.

7860. What means have you of relieving necessitous and deserving cases?—We had at one time a magistrates' box, supplied by money received for the stances of shows in Castle Street, and we now replenish it from the common good of the city. But we have few cases in which help can be given.

7861. We are told that there is want of accommodation for men on tramp who come to the city?—It has become necessary for the city itself to deal with that question, and I understand it is to be done in connection with the clearing away of the slums over there, by providing creditable lodging-houses.

7862. We find that lodging-house keepers rather prefer the regular customer?—We generally find that from the lowest class of lodging-houses we get most of our Police Court work.

7863. Have you considered the possible encouragement of vagrancy by the erection of shelters?—We have not had that question before us.

7864. Are you inclined for the stronger powers of the Burghs Act?—We think our law sufficient for breaches of the peace caused by drunkenness.

7865. With regard to prostitution cases, what is your opinion?—When the offender is old in sin, I find the punishment has little or no effect, but the younger ones sometimes seem to feel their position, and many of them take advantage of going to a Rescue House. Some of them, when got in time, have been rescued, and are now leading better lives. The class of offenders, however, who come before the Police Court are not the sort of persons that there is much chance of good being done with. They are generally the lowest of the low, and I know of only two cases in which good has been done among them at the shelters.

7866. What is your experience with vagrants and beggars?—They are a source of great annoyance to the community, but I think imprisonment does them little good. If they were confined in a reformatory, and made to work for their living, it might be a means of curing them from their wandering and idle habits.

7867. How would you solve the problem of the education of these vagrants' children?—That question involves a serious responsibility, but at present I can make no suggestion. It is an important question in connection with the proposed reformatory institutions.

7868. Have you any difficulty in getting children into the existing reformatories?—We have no difficulty, and they are always ready to admit. When the reformatory was found unable to pay its way, the city gave £600 and the county £600 out of the rates.

7869. Do you contribute to one reformatory only?—We give the Roman Catholic Institution and several others smaller sums which help them along.

7870. Are there many delinquent Roman Catholic children?—Very few.

7871. Do you give to the Rescue Home?—I don't think we do.

7872. Have you any suggestions as to the treatment of habitual drunkards?—I am of opinion that compulsory retreats or reformatories should be provided where these habitual offenders could, on the third or fourth conviction within twelve months, be placed for a period of not more than two to three years, so that their desire, which is a physical disease, may receive such curative treatment as may be found most suitable to each particular case. In these reformatories work of all kinds could be carried on, so as to make them partly self-supporting, if possible. Good conduct should be recognised either by giving a pecuniary recompense on liberation or by procuring work of some suitable kind for the party. There could also be in the reformatories better rooms for those inebriates whose social position would enable them to pay for their maintenance, and who, on that account, would only occupy themselves in such pursuits as they had been accustomed to, thus taking away any feeling that might be in the minds of the better classes in applying to get friends placed under charge.

7873. You would have the whole lot, quasi-criminal and non-criminal, dealt with in the same way. On whom would you throw the expense?—I think the state should meet it. So far as Aberdeen is concerned, to provide for the 55 habitual offenders who are continually appearing before the Court, at, say £30 each yearly, would cost £1,650 for keep. Then to provide a house of 55 beds, at £200 a bed, would cost £11,000, which, at 3 per cent., would cost £330, and, adding the same sum for sinking fund, would make £660, in all £2,310, equal to a penny in the pound on the taxation of the city, which would provide for the whole of these individuals.

7874. Do you think the citizens would stand a penny in the pound for the purpose?—They would not like it, but would be glad if the state would take it up. I think, however, that the penny in the pound would be a better bargain for the community.

7875. What would you do with habitual drunkards of the poorer class who do not come under cognisance of the police?—I would, on application of their friends or the Poor's Inspector, and on hearing evidence, give the magistrates power to deal with the case as already stated. Voluntary detention is of no use for these classes.

7876. It has been found that female habitual offenders submit themselves voluntarily to detention, either under dread of long periods of imprisonment or under the compulsitor of starvation facing them?—I don't think many such cases would be found in Aberdeen.

7877. Would you send prostitutes to these homes?—It is a difficult question. You could not get the better class of prostitutes unless they were kept separate.

7878. Have you many weak-minded criminals in Aberdeen—'softish'?—I have not seen many of that kind.

7879. I suppose soft-headedness is not a common thing in Aberdeen?—When they take too much drink it is soft enough sometimes.

7880. I mean the class of silly, hardly responsible persons, on the border line between imbecility and insanity?—The habitual drunkard, as he gets older, becomes 'soft,' but few come before the Court that could be called 'silly.'

7881. (*By Col. M'Hardy.*) There has been a considerable increase in the number of apprehensions in Aberdeen. Is that due to the instructions of the magistrates to the Chief Constable?—No; there are a great many more petty cases brought up now than formerly, especially as breaches of the peace. If two women make a disturbance at their stair-head, it is a breach of the peace. A higher standard of order seems to have been set up.

7882. With reference to the question of caution, might it not often be found by a poor man among his friends, who would thus become his guardians?—They often pay his fine for him, but the caution system is

Mr. Daniel Mearns.

14 Dec. 1894.

seldom applied, and only when we find a party lapsing. It tends to make him take care of himself.

7883. Suppose a lad finds caution for 12 months, if he lapse after three months I suppose the money of his friends is forfeited?—If they have it.

7884. Suppose your sentence is to find caution or go for 30 days to prison, and that he lapses after a month, does the 30 days' sentence revive?—I don't think we have ever had a case in which the party was brought back within the period of caution. Probably more could be done in that direction.

7885. As to the retreats or reformatories, what would be your idea of the lines on which they should be managed—would you have them under local control with Government inspection?—Yes.

7886. Then you would probably secure best reformatory results?—No doubt.

7887. If the management were in the hands of local authority the expenditure might come from local sources?—A portion of it might.

7888. I suppose you have occasionally stayed in the county on holiday; have you had much experience in meeting tramps?—No, there are not many in our county, and there is no difficulty in dealing with them.

7889. What is the restriction on boys and girls selling things on the street?—Just the Education Act. We have no powers as magistrates.

7890. Then a little child of 10 or 11, who has passed the 5th standard, may sell without restriction. Do you find bad results from children so young selling things on the street?—We have never had a case brought up. Keeping children out at night can do them no good, but there are few on the streets of Aberdeen.

7891. Oldmill is subsidised to the extent of £600. Is the female reformatory subsidised?—The grant of £600 covers both the reformatories and two industrial schools, under a local Act of Parliament.

7892. You would think it necessary, in the proposed new institutions, to keep the numbers as low as possible to secure individual attention: have you thought how high the numbers might be allowed to rise consistently with effective treatment?—I have not thought out that question.

7893. Do you think a person sent to such an institution might, after a time, be boarded out, to begin him with ordinary life without the routine of the institution?—I think that would be well.

7894. In making your calculation as to the cost of maintenance you take it at £30 per inmate?—I wished not to understate the cost.

7895. Having regard to the fact that maintenance in a prison, which is a more elaborate kind of establishment, costs only £20, is not £30 a high figure, especially as the labour might remunerate up to, say 40 per cent.?—In the lunatic asylum they charge as high as £30, and I based my calculation on lunatic treatment.

7896. What is the cost per inmate of the keep in Oldmill?—I think it is about £16.

7897. So that possibly, if the matter were gone into closely, it might be found possible to maintain an adult reformatory at considerably less than your estimate?—The £30 includes capital charges and costs, on the lines of the lunatic asylum, and is an outside estimate.

7898. There is a class of persons you have to deal with sometimes in poorhouses and sometimes in prison—people who are either aged or not able-bodied—how would you deal with them?—The institution would be just the place for them.

7899. Would it be an advantage to keep such people in the poorhouse?—If we had the power, which I think we should have, many cases would be sent to the poorhouse instead of the prison.

7900. (*By Miss Stevenson.*) Do you think the Parochial Board authorities or Parish Council authorities should have power to deal with prostitution cases?—I think it would be better if they could be taken charge of and detained.

7901. You find the same women coming up again and again, and yearly going down in the scale?—We do.

7902. Have you ever given them the chance of going to a shelter?—Yes: one or two went and ran away.

7903. You say the reformatory is always ready to receive children sent to it?—Yes, but we ask the parents to contribute towards their maintenance if able.

7904. (*By Dr. Sutherland.*) In giving your calculation, which you admit to be a high one, you indicated that, if the Government did nothing to help to provide for these people, it might be beneficial for the city itself to do something. I suppose the city would have still less objection if the cost of the institution were undertaken by Government?—Certainly.

7905. You say that there are 55 people costing the city about £300 a year: to provide for these people would be so far a relief to the city?—It would.

7906. A number of these people are common to the poorhouse and the prison. The Parochial Board might be expected to do something in respect of them?—I don't think half a dozen who have ever been in the poorhouse have been sent to prison.

7907. With regard to these men who are so continually in prison, what becomes of their wives and children?—We generally find in the class of persons who go constantly to prison that it is the wife who maintains the family.

7908. So that the wife and family would be better able to provide for themselves when the husband is in confinement. Do you think you could find out the history of the 55, and let us know how many of them are now, or ever have been, chargeable to the parish?—I will.

7909. What results have you had from boys sent to the Mars Ship?—The results in the Mars Ship boys have been good.

7910. Yet the Mars has some 400 boys?—I have no objection to large numbers in an institution where they are being trained for after life.

7911. Did you say that you had not much objection to inebriates of the well-to-do and poorer classes being treated in the same institution?—The expense of two such institutions would be great.

7912. Were you aware that in America the well-to-do and poorer inebriates are in the same building though they do not mix?—I was not aware.

7913. The Aberdeen police statistics show 2165 cases of disorderly conduct, and 285 of drunk and incapable, the proportion of drunk and incapable being about one to eight of the others, while in Glasgow the two categories are nearly equal. Can you explain the large proportion of disorderly cases in Aberdeen?—There are many cases of trifling quarrels that should not be brought up at all.

7914. Does the disproportion arise from the fact that, under your local Act, you can only give a sentence of 24 hours or 5s. for being drunk and incapable, and the constable on slight pretext of resistance makes the charge the more serious one of disorderly conduct which carries the bigger penalty?—I do not think so.

7915. Are Aberdeen drunkards more riotous than those of other towns, or do the police select the offence to be charged?—An incapable man cannot resist. He has to be carried by the police.

7916. I see that in Aberdeen 3156 persons were apprehended once, and did not come back. Does that not go to prove that, in 90 per cent. of cases, the slight penalty of a pledge or the police cells, or a small fine imposed by the magistrate, has sufficed to deter?—Perhaps 20 or 30 cases in a month are those of strangers who do not belong to Aberdeen.

7917. What would you consider the definition of an habitual drunkard?—Four convictions in one year.

7918. Should not that to some extent be regulated by the opportunity of committing the offence and the intermissions between offences?—The magistrate should be allowed more power.

7919. There are three poorhouses in this district—St. Nicholas, Old Machar, and Stonehaven: in Stonehaven there are 75 inmates, and in the other two there are 200 vacant places. Could an arrangement be easily made to set aside the Stonehaven poorhouse as a reformatory for habitual offenders, its present inmates

Mr. Daniel Mearns.

14 Dec. 1894.

being sent to Aberdeen and Old Machar?—If Government granted powers to the other two parishes to take the Stonehaven inmates, and set that building free, it might be done, though I think there would be considerable difficulty. It would depend on the payment of the keep for the 75.

7920. (*By Professor Dove Wilson.*) What good would you expect from getting power to imprison the drunk and incapable for a longer period?—The drunk and incapable class come before the court every day. They are no sooner out of prison than they are up on a new charge.

7921. Do you think that 30 days in prison would be enough to take away the appetite for drink?—I think it would cure some of them, and it would have a deterrent effect.

7922. If a man is not deterred from drinking by the knowledge that he is bringing social and industrial ruin upon himself, will imprisonment be likely to deter him?—When an individual is kept from drink for a considerable time he has not the same longing for it.

7923. We are told by medical men that it is a matter of months, not of days?—I would put them in prison first for a week, then for a fortnight.

7924. Does not that cause them to lose their employment?—Persons of this class seldom have regular employment. They generally get their employment from day to day, as it comes to the harbour.

7925. Are you aware that, if you send them to prison for 30 days, you give their families a legal claim on the Parochial Board?—There is something in that.

7926. Do you think it would deter other prisoners to put a few of them in prison?—I think it would be beneficial to have the power.

7927. Have you power to give them time to pay the fine?—No; but I think we should have it.

7928. You use the First Offenders' Act?—We do.

7929. Do you ever impose caution without a fine?—We frequently for the purpose of giving the party a chance, ordain himto find caution for £1 or £1, 10s. for his good behaviour for 6 months, and order him to appear then for sentence if called upon.

7930. Is it not the case that you often send vagrant children to industrial schools?—We do.

7931. Do you propose to give free accommodation in the new lodging-house?—No.

7932. Do you propose to exact a labour test?—It would be better if we could.

7933. Would not lodging-houses without a labour test be apt to bring a large number of vagrants?—I believe they would.

7934. (*By Dr. Farquharson.*) Would not the prospect of loss of his employment be a moral deterrent?—It would help.

7935. Is it not the case that an inebriate has practically lost his self-control?—Some have; some have not.

7936. When the drink is in front of him, does he reflect on the consequences of indulgence?—No; but I think prospect of a longer imprisonment would have a deterring influence.

7937. We are told that it clears the drink out of a man's tissues and makes him ready for more?—In some cases that may be so.

7938. When a man has been 73 times in prison, it may be concluded that the punisament has no deterring effect, and that the imprisonment has no reforming effect?—Certainly not.

Mr. Daniel Mearns.

14 Dec. 1894.

7939. By a long period of seclusion could you reform the vagrant class?—Yes, if they were made to work.

7940. Would not the instinct of vagrancy revive when they were set free?—I think it might be eradicated.

7941. Is the contribution to the reformatories paid without grumbling?—At first there was some grumbling, but not for years past.

7942. There would be grumbling if you proposed another tax?—No doubt of it.

7943. Do you think you could make out a strong enough case to overcome the reluctance?—It would have to be put to them that they are paying the cost at present, though they do not realise it, and that money would be saved from existing rates.

7944. Do you think that either vagrancy or crime is increasing in this district?—No; there is increased activity on the part of the police, and cases are brought to the Police Court which should never be there.

7945. As to prostitution cases, is there any absolute definition of 'loitering'?—The magistrates differ very much in their ideas of dealing with this question. My own opinion is that no one should be convicted unless the party alleged to have been importuned appears and gives evidence that he has been importuned, but such parties are not willing to come up. If the charge is 'importuning,' the individual importuned must be there to give evidence or I do not convict. I want evidence as to the language used by the woman to the man.

7946. (*By Professor Dove Wilson.*) You mean that if you take the unsupported evidence of the police constable, you are really making him the judge of the case?—Quite so.

7947. (*By Dr. Farquharson.*) As to the deterioration of the prostitute class—do you think they become lower from police supervision and prison discipline?—I don't know, but if you are on the bench you find the same person, when brought up again and again, visibly sinking in caste.

7948. Would not the deterioration be the same without the police supervision?—I have no evidence on that point.

7949. (*By Col. M'Hardy.*) With reference to the relation between the magistrates and the Chief Constable, is not the Chief Constable an officer of the magistrates?—Not altogether.

7950. Is it not competent for the magistrates to issue instructions to the Chief Constable as to how the Act is to be administered?—He may take suggestions from the magistrates, but he is independent of them. He has full charge of the constables, and the magistrates cannot dismiss him.

7951. (*By the Chairman.*) You never send a person to prison for 'importuning' unless there is evidence that there really has been importuning—that is on the same principle that you would not send a man to prison for robbing unless there was evidence of the offence?—Just the same.

7952. You take month about in the Police Court?—We do.

7953. Could you let us have a record of several months' cases, distinguishing your own?—I will.

[Witness then withdrew.]

Dr. J. C. Ogilvie Will.

J. C. OGILVIE WILL, M.D., F.R.S.E., Prison Surgeon, Aberdeen, called in and examined.

Dr. J. C. Ogilvie Will.

7954. (*By the Chairman.*) How long have you been prison surgeon in Aberdeen?—For 18 years.

7955. In the course of that time you have seen a large number of habitual offenders?—I have.

7956. Is it not the case that people imprisoned for disorderly conduct, begging occasionally, and petty thefts, are in alternatively for drunkenness and offences connected with drink?—That is so. We cannot distinguish the pure inebriate from the one who is liable to a variety of offences induced by inebriety.

7957. After the first imprisonment, has that punishment much deterrent effect?—Very little.

7958. Do you agree that petty theft is largely associated with drunkenness?—I do.

7959. You have a large consulting practice, in which your advice is taken as to private cases of inebriety—would you give us your idea as to whether it savours of disease?—Undoubtedly the brain and nervous tissues of the inebriate become deteriorated, and his moral sense becomes blunted.

7960. What would be the object of proper medical treatment under these circumstances?—To restore the patient's general health, and let the tissues recover their normal condition.

Dr. J. C. Ogilvie Will.
14 Dec. 1894.

7961. You have seen proposals as to so-called remedies—what is your opinion of them?—I think they are utterly useless—the 'gold' cure the 'Tyson' cure, and all the others.

7962. When you are called upon to deal with a private inebriate how do you manage?—I am in a helpless position. I prescribe total abstinence, but it is seldom followed out; I am at a great loss in treating such cases.

7963. We were told of people in the remote Highlands and Islands to whom inebriates can be sent?—I have never made much of these private homes. I prefer voyages in temperance ships, or under control of a responsible nurse.

7964. Have you found that the inebriate stands the nurse?—Yes; but I cannot say that much good has come of that treatment. It does not last long enough. I think the disease is incurable except by prolonged detention. A great deal depends on the individual constitution. Where the malady has been inherited that plays a great part in the matter.

7965. Is there an intimate connection between insanity and drink?—There is. There are diseased conditions which give rise to drinking habits, and which admit of being curatively treated. But I have known only rare instances of people pulling up.

7966. Have you many weak-minded prisoners under your charge?—We have weak-minded prisoners—I would not say a large proportion—people who are hardly responsible for their actions, and who would be better dealt with otherwise.

7967. Are these people habitual offenders?—Some of them are habitual.

7968. How would you deal with an habitual inebriate?—The only chance for an habitual inebriate would be locking him up for a long period. In taking the inebriate you would have to take all the petty offenders whose crimes are associated with drunkenness. There are cases of petty theft not connected with drink, but habitual breach of the peace is almost invariably associated with drink.

7969. Is prostitution connected with drunkenness?—It leads to drunkenness, and becomes associated with it.

7970. (*By Dr. Farquharson.*) You say prostitution leads to drink and not the other way round. If we had no drink should we have no crime? Are Oriental countries free from crime?—I don't know that the comparison is quite fair. I think the connection between drink and crime is as clear as is usually stated.

Dr. J. C. Ogilvie Will.
14 Dec. 1894.

7971. How do you account for the difficulty in curing inebriety?—Partly from its being treated too late. If we could get such cases earlier, the chance of cure would be better.

7972. Would it not be difficult to get sufficient evidence at the early stage?—Often great difficulty.

7973. By the time these cases come under public notice, is not the hope of cure practically gone?—That is why I am so pessimistic in the matter. But I would certainly make the experiment of a prolonged period of seclusion.

7974. Have you faith in any kind of special drink treatment?—None.

7975. (*By Dr. Sutherland.*) Do you find that prisoners convicted of graver offences are habitual drunkards?—No.

7976. It does not conduce to the efficiency of the felon in his career of crime. As to the assumed connection between drink and serious crimes, not including drunken assaults ending fatally, take the case of Italy and France, both sober countries as compared with this, if you found that in these countries serious crime is more rampant, would not that help to change your mind?—I don't know that the statement is correct. I know that absinthe and things like that are used in France.

7977. But, as a matter of fact, you do not see on the streets of Paris, Rome or Naples, the drunkenness that you can witness in the large cities of this country any night?—That would not affect my opinion founded on what I know. I have seen the one thing and not the other.

7977A. You have not much faith in the reclamation of inebriates?—I have had experience of people remaining total abstainers for years—three years say—and then breaking out and becoming as bad as before.

7978. We have been told that in many of the Magdalene asylums 30 per cent. turn out well?—I would like to know how long the reform continues. I would be afraid of their breaking out again.

7979. Would not seclusion for a year or more be not only for the good of the individual but for his family?—I have said that I approve of it. I incline to the opinion that inebriety is incurable, but seclusion for a considerable period would be good for the individual and for society. [Witness then withdrew.]

Col. Thomas Innes.

Col. THOMAS INNES of Learney, called in and examined.

Col. Thomas Innes.

7980. (*By the Chairman.*) I understand you are Chairman of the Joint Committee of Inquiry into the financial position of the local reformatories?—I was Chairman of the Committee which resulted in the promotion of the private Act, under which the reformatories receive a subsidy of £1200—£600 from the county and city respectively.

7981. Did you find that payment of the subsidy was borne patiently?—It is levied in the county under the Local Government Act, and is included in the general county rate — what used to be the rogue money.

7982. Had you any revolt or expression of dissatisfaction against the payment?—No; it is an annual vote by the County Council. The city contributes an equal amount. All the private Act did was to make it legal to give the money. The contribution is given cheerfully both by county and town. It has been frequently discussed, but there has been no serious opposition.

7983. Is there anything you would wish to state with reference to the subject of this inquiry?—If I were allowed to make an observation it would be with reference to the casual poor, and especially the claims of the unemployed. There is an association for the poor, the secretary of which is, I understand, to be put before you. That association was formed a few years ago to organise public charity for the deserving poor, and arrangements were made by means of workshops and otherwise to offer employment that the deserving poor might be distinguished from the undeserving and habitually idle. So far this worked well. But latterly it has appeared to me that the distinction between the deserving and the undeserving has been made a little too broad. There is a considerable number of men dependent on casual employment, who are not undeserving of assistance, and when such men are offered employment at breaking firewood, and find that they can do better going about begging, the arrangement seems rather a failure. It was suggested by a reverend gentleman of some experience in Perthshire, that it would be a good way of meeting this difficulty if some proprietor were to offer land for a fruit farm, upon which, when there is lack of employment, such men might find work that would not be in competition with ordinary labour, but might be a sufficient answer to their demand for employment. Mr Milne says the great difficulty is that a fruit farm would only provide employment when it is sufficiently offered elsewhere.

7984. (*By Dr. Farquharson.*) The work on a fruit farm would be too continuous?—Or not continuous enough. The unemployed would only come occasionally, and sometimes in large numbers.

7985. What is the character of the tramps to be found in Aberdeenshire?—I don't think you can class tramps in one category. I have sometimes admired a man struggling with adversity; and I have known a man

Col. Thomas Innes. 14 Dec. 1894.

give me an honest and consistent account of his earnings; but they will only accept employment when they cannot do better. Mr. Milne told me of a young woman who frequented a neighbourhood playing an accordion. Some philanthropic ladies thought they would like to find her employment, but her answer was: 'Do not 'trouble yourself; I never go home without 2s. and 'sometimes 10s. a day.' I don't think a man who is a habitual vagrant, if he has grown up in the habit, will ever become a steady workman.

7986. How do the farmers regard these vagrants?—They are suffered and treated with consideration by the farmers. Perhaps it is the remains of the old feeling against incurring ill-will. I have not heard of masterful begging, but I have no great experience.

7987. (*By Col. M'Hardy.*) There is a large number of these people in Aberdeenshire—about 517 of an average daily population of them during the year—how are they sustained?—I have no special information, though I have seen them in my own neighbourhood. The worst of them pillage a little and poach a good deal. They have a little traffic in hardware and crockery, and may do something for their shelter. [Witness then withdrew.]

Col. Thomas Innes. 14 Dec. 189

Mr. George Milne.

MR. GEORGE MILNE, Secretary of the Aberdeen Discharged Prisoners' Aid Society, called in and examined.

Mr. George Milne.

7988. (*By the Chairman.*) You are Secretary of the Aberdeen Discharged Prisoners' Aid Society?—Yes; the society has been in existence for about 20 years, having received the approval of the Home Secretary in 1875. It is carried on as a branch of the Association for Improving the Condition of the Poor, without cost to the society.

7989. Of what do its funds consist?—Of donations and subscriptions, amounting to £40 or £50, including payments from the prison authorities.

7990. How many prisoners are assisted?—The average yearly number is 30 from local and 4 from convict prisons. There has been an increase to 47 since the convict prison was opened at Peterhead.

7991. What is your experience with habitual offenders?—The proportion of habitual offenders to the total number convicted seems to be large in Aberdeen, and the lady visitors, who are authorised to visit the wards of female prisoners, have often to report that the women in prison at given dates are almost entirely composed of chronic cases, whom they are unable to help in any way that would be of permanent value. Impressed with this condition of affairs, the committee of the society embodied its views in a memorial to the Secretary for Scotland, about five years ago, offering the following suggestions:—'(1) 'That the law be so altered as to make repeated previous 'convictions an aggravation of the crime or offence 'charged, so that offenders may be convinced that only 'increased misery can result from persistent disregard of 'the law; (2) that, alike in the interests of the 'criminal and the community, some provision should be 'made for establishing Adult Reformatory Institutions 'of an industrial character, and, as far as possible, on a 'self-supporting basis, for the compulsory detention 'of inebriates and such other cases as threaten to be- 'come chronic; and (3) that those who have been 'placed under compulsory restraint be detained for 'such period of time as might give a reasonable 'prospect of their tastes and habits being so improved 'as to admit of their being set at liberty consistently 'with their own interests and the good of society; 'while, in the event of those detained, again lapsing 'into bad habits, it might be competent for the magis- 'trates to recommit them to the reformatory for a 'further extended period.'

7992. I suppose the directors of your society still adhere to these views?—I believe they do in the main. They find that on the habitual offender the existing system seems to exercise no deterrent influence. A few days' imprisonment serves as a physical restorative from the evil effects of their ordinary habits, and the taint of prison life has lost its power; but on the treatment of first offenders much might depend in the direction of cutting off, or at least greatly diminishing, the supply of habituals. The first experience of prison life should be such as will leave a lasting impression on the mind of the prisoner, and awaken the desire never again to repeat the experience.

7993. Would you let us know what you mean by special treatment for first offenders?—It is found that, associated with other prisoners, they become accustomed to their surroundings, and find the prison not so terrible a place after all. I know that in this county habitual offenders do work through the prison, and become associated with younger prisoners.

7994. Have you any experience of certified cells apart from prison?—No.

7995. There is another punishment for juvenile offenders—whipping?—I think if that is to be done it should be by the parents, but it is better than putting in prison.

7996. What is your idea of the most reformatory mode of dealing with a young offender?—I think prison should be the last resort, and, as a choice of evils, would prefer whipping.

7997. Have you come across many who are mentally defective?—I have found many not fit for the fatuous ward of the poorhouse, but so weak as to be unable to defend themselves amongst certain classes of society. I would give powers to detain them in the poorhouse. Unless they can be detained compulsorily, they leave.

7998. There would be difficulties of settlement?—They would have to be dealt with as in the case of other paupers.

7999. The result would be that you would have a person under a quasi-criminal charge in a place where he could not be detained?—The mentally weak must become a charge on the country, and there is no more economical mode of dealing with them than the parochial system. For weaklings our poorhouses are quite suitable, and for those in full possession of their faculties the existing prison system might be adapted so as to include an adult reformatory branch, under prison discipline, but with distinctly remedial aims and methods. The period of detention of a habitual offender should be lengthened, but should be coupled with the adoption of a system of hiring out on probation, which would act as a strong incentive to diligence and good behaviour, and would give opportunities for testing the permanency of any apparent change for the better.

8000. Do you think people would be willing to take them on probation?—The condition usually is to remain 18 months to two years under voluntary detention, and situations are generally found for them out of those Voluntary Homes.

8001. What do you do with the prisoners in the Aid Society?—My work is chiefly in securing employment for them. As a rule, I wish to encourage prisoners to look for work themselves. If I have personally to approach an employer, I feel that I am bound to tell in confidence the history of the person. I seek labour work mostly for the men, and household work for the women. We have tried to deal with habituals repeatedly, but find that, while they are willing to accept any proposal when in prison, they are unwilling to remain in a home, and seldom stay in it for any considerable time.

8002. What do you give them when they are released from prison?—We give clothes if necessary. Convicts get a suit before they leave prison.

8003. Is there anything about it recognisable?—No, it is a tweed suit. I have to provide working clothes.

8004. What is your average expenditure per prisoner?—About 25s.

8005. You try to get a released prisoner away from his old haunts?—I usually look out lodgings for them.

George *ne.* Dec. 1894.

8006. What does that cost?—The last one I lodged cost 9s. 6d. a week for board and lodging.

8007. You want to get the convict away from Aberdeen?—In some cases I urge them to leave Aberdeen. I have just seen a convict's wife away to another place, where I think they will do better, and the convict follows in a few days.

8008. Do you find families willing to receive female convicts?—Many are not inclined to receive them.

8009. Are the prisoners willing to go to homes?—Not usually. As an example—two women, sisters, who had been frequently convicted, when in prison expressed earnest desire to change their habits, and willinguess to go into a home. I made arrangements for their admission, and sent a person to convey one of them from the prison to the home. She reached the home, and went off within ten minutes. After that I sent to the other sister, still in prison, but she also changed her mind and refused to go.

8010. Have you any success with habitual offenders?—There is one case in which a woman, classed as an habitual offender, has been for nearly a year without an offence. That is a rare experience. Those who have been in a first time generally turn out best.

8011. Do you find occupation for them?—Mostly at labouring work: but in a recent case a prisoner who had been a packman asked me to retain his gratuity till he got his licence. That was done, and he is now doing well.

8012. (*By Col. M'Hardy.*) Do you visit the prison?—I visit the prison, but I have access to the prisoners only by their being brought out. I would like greater facilities.

Mr. George Milne.

14 Dec. 1894.

8013. Have the visitors perfect freedom of access?—They have.

8014. What do you mean by a separate system of confinement?—I mean a system under which each prisoner would be separately confined.

8015. Is not that what they have?—I mean that the prisoners seem to get too familiar with their surroundings, and that even long imprisonment ceases to have a deterrent effect.

8016. (*By Dr. Sutherland.*) What would you call a deterrent punishment?—A sufficient period of solitary confinement—say a week.

8017. If you learned that 90 per cent. of the first offenders are deterred, by a few hours in a police cell and leaving a small pledge, or a penalty of 5s. or 24 hours inflicted by a magistrate, why should you wish severer penalties?—It seems to have wrought with the 90 per cent.

8018. (*By Professor Dove Wilson.*) So far as you can you require labour before giving any advance?—We do.

8019. Do you find that your labour department pays its expenses?—No, there is a loss of £100 to £150 a year, which we consider one way of giving relief.

8020. (*By Dr. Farquharson.*) Have you difficulty in getting employment for discharged prisoners?—In some cases we have.

8021. Are you ever short of funds?—Our funds have hitherto been sufficient for our needs. [Witness then withdrew.]

rofessor *atthew Hay.*

MATTHEW HAY, M.D., Professor of Forensic Medicine in the University of Aberdeen, and Medical Officer of Health in Aberdeen, called in and examined.

Professor Matthew Hay.

8022. (*By the Chairman.*) You are Police Surgeon and Medical Officer of Health in Aberdeen?—I am.

8023. You see a good deal of the habitual criminals of the town?—I am only called to see them when there is difficulty in dealing with them—when they are ill or requiring professional attendance.

8024. Are the people of Aberdeen unusually riotous?—I have no means of comparing them with others.

8025. The proportion of arrests on the charge of being drunk and disorderly is enormously greater than anywhere else?—I am not aware, of my own knowledge.

8026. Have you any theories as to the deterrent effect of ordinary modes of dealing with habitual criminals?—I do not consider the ordinary treatment of any service. I have prepared some notes on the subject. (MS. handed in.)*

8027. Do you know anything of Elmira?—I have not personally visited it. I am aware that some difficulties have arisen recently in connection with the institution, but they appear to have no bearing on the principle of treatment.

8028. You speak of dealing with the reclaimable class on farms, and think the cost would be less than on the present system: did you work that out?—I have no special information.

8029. It has been suggested that, after a certain number of convictions, during life or a shorter period, the police might be authorised to bring a complaint, aggravated by the consideration that the accused was a habitual offender, and that it should rest with the Sheriff to decide who should be considered a habitual offender?—I think something might with advantage be done in that direction.

8030. How would you deal with the habitual drunkard who does not come before the police?—I think there should be some means of dealing with such persons. I have often been appealed to about them by their friends, and my advice has been that, where they cannot deal with them domestically, they should be declared insane, and treated in an asylum. But I have generally found that medical men decline to certify for an asylum in such cases.

8031. Do you know of any cases, which might properly have been treated as those of habitual drunkards, having been certified and sent to lunatic asylums?—Yes.

8032. (*By Dr. Sutherland.*) As a medical jurist you have come across cases in which habitual inebriety has been well-known, but has not come under cognisance of the law?—I have, and I think there is great need of provision for such cases.

8033. Your purpose would be served if such persons could be brought before the Sheriff, and an inquiry conducted on the evidence of friends and neighbours and medical testimony in addition?—Yes: in such cases probably the inquiry should be private.

8034. (*By Dr. Farquharson.*) You have told us of one or two cases in which habitual drunkards have been put as lunatics in an asylum. How long would they be detained there?—Till the superintendent of the asylum considered the patient fit to take care of himself when released.

8035. Would the superintendent of the asylum be warranted in keeping the person for a long time on that footing?—I think not, and that some other provision is needed.

8036. Do you think it is possible in this way to cure inebriety?—I am fairly hopeful, from my experience, if the detention is at a sufficiently early stage, and I would give all cases a chance.

8037. Is there not this difficulty—that the evidence in an early stage might be insufficient to satisfy a magistrate?—I hardly think so: even in men of the age of a university student it would at times be possible to give evidence showing the desirability of their being so treated.

8038. In more advanced cases there is not so much hope?—In later cases structural changes occur in the system: it becomes both a moral and physical condition. If the case is got early enough, and treated promptly, I believe that, in a majority of cases, good results may be achieved.

8039. Would confinement for a period of, say a month, serve any curative purpose?—A period of one month would probably be of no use. It would have to be not less than three or six months, and, if brought back again, then for a longer period. That should be left largely in the discretion of the institution

* Appendix.

Professor Matthew Hay. 14 Dec. 1894.

superintendent. There should be a maximum and minimum, within the range of which those in charge of the institution might be at liberty to choose.

8040. How would you treat habitual offenders?—As to general offenders, I have faith in detention if accompanied by education, moral and physical. I judge from the good effects in the Elmira and kindred institutions, from which about half have been sent out on parole, with the result that only 15 or 17 per cent. have lapsed into their former ways.

8041. (*By Professor Dove Wilson.*) In the case of habitual drunkards, do you think short terms of imprisonment do any good?—No, they tend rather to confirm the person in his drunken habits, and he loses his work.

8042. (*By Dr. Sutherland.*) What is your opinion of the 'Tyson,' the 'metabolic,' the 'gold' cure, and such like?—I have not analysed them, but I think them utterly useless. I am not a believer in medicinal remedies for intemperance. [Witness then withdrew.]

Miss Addison.

Miss ADDISON, Matron of Aberdeen Home for Fallen Women, called in and examined.

8043. (*By the Chairman.*) You are Matron of the Rescue Home in King Street?—I am.

8044. How long have you been in that position?—I came eight months ago.

8045. Have you any reports of the operations of the institution?—I put in the two last reports.

8046. How many inmates have you?—Eleven: There were 13 admissions during the year, 9 left of their own accord, 2 were placed in service, and 2 it was thought necessary to send away.

8047. With what kind of cases do you deal?—Young girls that have been astray, or who are in danger of going astray.

8048. How long do you keep them?—For two years. We don't admit them unless they make up their mind to remain two years.

8049. How do you occupy them?—In laundry work and housework.

8050. If they change their minds they can leave at any time?—If they leave they get back their own clothing, but if they remain two years they get a nice outfit.

8051. I see you sent off two; have any others left before the expiry of their term?—They all remained.

8052. Two were placed in domestic service last year: how many this year?—Two; one to domestic service and one to mill work.

8053. I see your collections and subscriptions amount to £187: how much do you make by work?—We have made £263 by washing.

8054. (*By Col. M'Hardy.*) How are your inmates accommodated?—Each has a little room to herself, with a bed. We have 16 beds.

8055. How do you regulate their work?—So many in the laundry and so many at housework. They get up at six in the morning and leave off at six in the evening. Those who light the fires are up at half-past five. They make all their own clothes and the outfits that they receive in going away.

8056. (*By Miss Stevenson.*) Before coming here you were engaged in the Industrial School at Ayr and in Dr. Guthrie's School in Edinburgh—for how long?—For three and a half years in each.

8057. Had you charge of boys or of girls?—Of both. I was for eight months matron of the girls' school.

8058. Did you find that they were already familiar with vice?—Some of them were already familiar with such things as lead to the need for Refuge Homes, from the way in which they had been brought up.

8059. Had you any experience with the unfortunate class of women before coming here?—I had not.

8060. Are you in charge of the institution?—Yes; there is a ladies' committee. The ladies take month about, and come regularly and go over the house.

8061. What is the routine of your day?—One girl gets up at half-past five for work in the kitchen, and another for housework: the rest at six. Breakfast is at eight, and worship after breakfast, lunch at 11, then to work. Dinner at one, and work again at two. After six they have tea, and do their knitting or sewing. There is an evangelistic meeting every Thursday. In the summer time, instead of going into the class-room, they go out and play. When tired they have books out of the library, and games occasionally.

8062. What is the average age of the girls?—From 15 to 27.

8063. Have any of them been in homes before?—One has been.

8064. (*By Dr. Farquharson.*) Do you get many who have been long on the streets?—No; our committee object to taking them when advanced in vice.

8065. Is there no chance of reclaiming them at a later stage?—We have one 26 years of age; she has been well-behaved.

8066. Do they complain of having been harried by the police?—No.

8067. (*By Professor Dove Wilson.*) Have any of them been habitual drunkards?—One of them has been; more or less they have all taken drink.

8068. (*By Dr. Sutherland.*) Do you find that all, or nearly all prostitutes, are drunkards?—Yes, they could not live the life without the drink.

8069. Do you recognise among them different types of disposition and temperament, as well as different degrees of vice?—Yes. I think it is desirable to have them classified.

8070. Is there a risk of those old in vice having a bad influence on the younger?—We make it a rule that they are not to speak at all of their former lives. [Witness then withdrew.]

[ADJOURNED.]

EIGHTEENTH DAY.

DUNDEE, Saturday, 15th December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart, M.P. (*Chairman*).
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

ord Provost ...ow. — 15 Dec. 1894.

LORD PROVOST LOW, called in and examined. — *Lord Provost Low.* — 15 Dec. 1894.

8071. (*By the Chairman.*) You are Lord Provost of Dundee?—I am.

8072. How long have you been Lord Provost?—Since November of last year.

8073. And how long have you been in the municipality?—I have been a councillor for 18 years, and I was a magistrate for 5 years previous to my being appointed Lord Provost.

8074. I understand that you have paid particular attention to the question of habitual drunkenness, and that you think that the question of habitual crime with which we have to deal can be better spoken to by others?—Yes. I mean that I have not given very much thought to the questions with which this Committee is dealing, other than the question of habitual drunkards.

8075. Habitual drunkenness, in order to understand clearly what we are talking about for the purpose of dealing with that, may be divided into three classes, or rather two great classes—those who would support themselves in asylums or retreats, and those whom the county would have to support?—Yes; that is so.

8076. We will deal first with the case of those who would support themselves?—Yes, I have thought of both classes; in fact I divide drunkards into what I would call three classes. I call the first class drunkards pure and simple, who appear before the Police Court—that is to say, those who are not charged with or convicted of crime other than drunkenness. Then the second class I call habitual drunkards who are frequently convicted of other offences—of other petty offences—along with drunkenness; and the third class I call habitual drunkards who don't appear at all before the Police Court, but who, nevertheless, are great sources of trouble to their families and friends.

8077. Well, now, I suppose you prefer to deal with them in the order you have mentioned?—If you please.

8078. Then let us have the case of pure and simple drunkards?—The pure and simple drunkard is he or she who is brought to the Police Court and convicted of being drunk and incapable of taking care of themselves, and so taken up by the police, and dealt with by the magistrate. The principle which pertains now is to fine or imprison for a very short period as the law allows. They either pay the fine, or, more generally, go to prison for a few days. They leave prison raging for drink, and the very first thing they do is by hook or crook—even by selling the garments off their backs—to obtain more drink, and the result is that, in a very short time, they are back again at the Police Court, and back again to prison.

8079. You spoke about imprisonment for a very short time. I believe you have power here to imprison for 30 days?—I will give you the maximum penalty. The maximum is 40s. or one month.

8080. But, practically, such a high sentence is seldom given by the police magistrate? That is the same penalty as in the Burghs Police Act?—The same penalty. Two years ago we practically adopted that. Previously we were not able to give such a long sentence.

8081. In passing—you have been a magistrate under both of these conditions?—No. I have not served on the police bench since we adopted the general Police Act clause, but I am familiar with the work.

8082. Could you give us any statement of your own experience as to the comparative results of your lightest penalty—5s. or 24 hours—and the system under which your maximum penalty in ordinary cases is 40s. or one month? I don't know whether you have power to add 14 days in cases of habituals?—No, I think that the maximum for "drunk and incapable" is 40s. or one month.

8083. Still, there is a great difference between that and 5s. or one day. Can you tell us whether there is any marked improvement?—I cannot give you a comparison, because I have not served on the police bench since we adopted this particular clause.

8084. Have you anything further to say about that class?—Well, the question now is how to deal with that class—I mean what to do with them other than what we are doing. Generally, my idea is that in order to deal with drunkards, it will be necessary to have a separate retreat, or, what I would prefer to call, reformatory, for this class altogether. We will no doubt deal with that a little further on; but I would say, with regard to those convicted of being drunk and disorderly, I would be inclined to recommend that that class be sent directly to such a reformatory. That is to say, I would not in the first place send them to prison. I would send them directly to the reformatory, and my idea of the length of time of detention for habitual drunkards is that it should not be less than 12 months. I have arrived at that opinion from many conversations during several years which I have had with medical men and others, who believe that, in order to get the alcohol poison thoroughly removed from the blood of those miserable creatures, 12 months is the shortest period in which such cure may be expected to be effected; and I would therefore consign the habitual drunkard 12 months to this proposed reformatory—habitual drunkards who were not convicted of any other crime.

8085. And your next class of habitual drunkards?—Well, the next class are those who are convicted of habitual drunkenness with other petty offences, such as assaults, breaches of the peace, and disorderly conduct. I would deal in exactly the same manner with that class, plus punishment in prison for the other offences, and I would do that on this ground, that I think it would be a dangerous precedent in law to say that a drunkard convicted of the other more serious offences in the eyes of the law should simply be consigned to this, what you might call, asylum. I have arrived at this conclusion because, if a drunkard were admitted to a reformatory pure and simple, without paying the ordinary penalty for ordinary crime, then it might very well be asserted that a drunkard committing a very grave criminal offence might plead that drunkenness was the sole cause of this, and therefore he should not be punished otherwise than being consigned to this asylum in a similar way to lunatics. I think that would be a dangerous principle, and, in my opinion, the drunkard who commits crime other than drunkenness,

should first be punished by the magistrate for that offence—I mean, sent to prison—and then be consigned 12 months to this reformatory.

8086. There is a practical question arising here. What do you consider a habitual drunkard?—I have also thought of that, and I think that any one appearing during a year, and being convicted of drunkenness, with or without any other crime, for four times or more, should be held as being a habitual drunkard.

8087. That proposal, as you know, has been very much before us, and we had it objected to in Glasgow, for instance, and in other large manufacturing towns, that a considerable number of decent working men who support their families getting drunk, on pay nights would find their way into the hands of the police four or five times in the course of the year?—I know the point. It has not escaped me. I have no doubt we have the same class in Dundee.

8088. Do you think that could be obviated by committing these men, say to the sheriff, as guilty of such and such a crime, aggravated by habitual drunkenness and repeated convictions, and asking him to pronounce against them as habitual drunkards or habitual offenders? Would you take other evidence than the mere number of commitments?—I would not be inclined personally—I have thought of the subject exactly on the lines which you have stated—I would not be inclined to make any difference between one class and another class convicted at the Police Court. My experience is that the hard-working wage-earning men who simply get drunk on Saturday do not appear at the Police Court with such frequency as that. There are some occasionally getting into a scrape and appearing now and again, but by no means with any sort of regularity. I don't think I could say from my experience that I remember of any working man appearing twice in the year. I am perfectly satisfied he has not.

8089. So you think four would be a safe margin?—My objection to making differences is this, that, if you do make a difference, then that very class would not have the same fear of being committed for 12 months to this asylum, which I think would be a very deterring thing, particularly to that class. It is the very thing that is wanted. We must not forget that that very class sometimes go and spend large portions of their wages before they go home. They then proceed home drunk, and make a perfect pandemonium of their homes, to the total destruction of peace and quietness there, and I feel that if those men—who, mark you, are all very intelligent men—felt that there was a danger of being consigned for 12 months to this asylum, they would think twice—because they are capable of thinking—before they permitted themselves to get into that condition; and I think if we wish to deter we must force on the minds of that class the danger of being sent away for a long period.

8090. We know your views regarding the two classes of Police Court habitual drunkards, and we come now to the habitual drunkard who does not come into that distinction?—Well, of course they cannot be dealt with in the same way—I mean they cannot be committed in the same way, and the question is, how to remove them when they ought to be committed. Well, on full consideration of this matter, my opinion is that the simple certificate of two medical men and a Justice of the Peace or magistrate should be sufficient evidence that these people are fit subjects to be consigned to a reformatory.

8091. Would you have them consigned to a reformatory to keep themselves there? Would you have them consigned to a public reformatory?—I would have them consigned to a public reformatory where they would have to pay for themselves, just on the same lines exactly as lunatic asylums, where we have paying patients and non-paying patients.

8092. At whose instance do you expect them to be committed?—At the instance of their friends.

8093. Would you allow the police to take action in such cases?—I don't think it would be necessary.

8094. About the expense of these reformatories—do you think that Dundee would care to contribute at all towards that?—I think these should be national institutions.

8095. But there is this difficulty, you see, that, assuming that any legislation were to result in the direction you indicate from the investigations of this Committee, it would probably be confined to Scotland?—Yes.

8096. Because the machinery in Scotland is different from that in England, and our remit is simply as to Scotland. There would be some little difficulty in asking England and Ireland to set up a big system of reformatories at their expense, if they did not participate in them?—Well, you will observe that the local public do not in the meantime have to pay for criminals who are incarcerated in jail.

8097. That is quite true?—And I think it would be a burden thrown on the local rates which would not be warranted in the circumstances, because, in my opinion, if this plan were adopted, it would very soon be felt that Government would have much less to pay for their ordinary prisons than they have now.

8098. Well, of course, we have not overlooked that consideration, but I think the result of the evidence placed before us has been to this effect, that the habitual offender—the habitual drunkard—is a burden on the state for his maintenance in prison, on the municipal rates for his handling by the police, and very often on the parochial rates for his sojourns in the poorhouse in the intervals of his imprisonment?—I quite perceive that; still I am of opinion that this ought to be a national movement, supported as ordinary prisons are, from the national purse.

8099. Then we got evidence in Aberdeen yesterday from one of the leading magistrates to the effect that they have there in the city and county both contributed largely—£600 a year at least—towards the maintenance of the reformatory and Industrial School, and he thought they would be prepared there to give a local subsidy in the event of any such institution as you speak of being erected. You don't think that would hold good in Dundee?—I don't say Dundee would decline to do so, if Parliament in its wisdom thought it was the right thing to do; but I am stating broadly in my opinion that this is an institution which ought to be maintained entirely by the state.

8100. Well, of course, probably the Chancellor of the Exchequer might consider the matter from another point of view. But, assuming that powers were given to corporations and County Councils to contribute to such schemes, do you imagine that there would be any likelihood of Dundee availing itself of these powers?—Well, I don't know whether others who have given evidence have considered as to the probable number of such institutions which might be required in Scotland. My idea is that very few indeed would be required, and that one or two central institutions would, at least in the first place, be all that would be required.

8101. Well now you want, when you get the people in, not merely to be locked up, but to be employed. Have you any ideas on the subject of employment during the reformatory period?—Yes. First they ought to be employed—of that there is no doubt—both paying and non-paying patients. I would make them work. As to the nature of the employment, I know that is a most difficult problem, especially in regard to indoor employment. The prison authorities find that to be so, and, other than the ordinary prison work, I don't know I could suggest anything for indoor employment, but I should greatly advocate the idea, in connection with such reformatories, of having some land attached to them, which I should strongly recommend to be worked by spade labour. I think that what you might call very large gardens—if I might use the term—rather than farms, would be a very right thing.

8102. We have also had that brought under our notice, and I think there is not so much difficulty in suggesting work for male inmates, but take the case of females?—Let me say further as to males that, in my opinion, this garden idea would pay, if fruit were cultivated largely, which is done almost entirely by spade. That

Lord Provost Low.

15 Dec. 1894.

is a business that pays, and in that way they could to a certain extent pay their own way, and the burden, whoever it fell upon, would be less, so far as males are concerned.

8103. In connection with the Scottish prisons, there is a considerable amount of sacks made in Dundee, is there not?—I am not aware. I know that many mats are made, and one great objection to that is that the industry seriously interferes with industries carried on by certain charitable institutions, such as Asylums for the Blind, which are seriously crippled in their efforts for that very reason, and hence I said a minute ago that there was great difficulty in connection with indoor employment for prisoners.

8104. We have heard about that. We have also heard it suggested that some of the charitable institutions derive their supply of blind men's mats from the prisons?—That is not so, so far as regards the institution for the blind in Dundee, which is a splendidly organised and well-conducted institution. I had occasion quite recently to speak to the Secretary for Scotland on that subject, and I explained the matter to him, and I can assure you that, so far as Dundee is concerned, the mats are made in the institution.

8105. Now about the females. Of course we know about washing and sewing, but all the institutions may be turned into washing and sewing, and if you are to turn in a large number of habituals—I see the number of drunk and incapables in Dundee last year was some 1600—— ?—Yes, the females are largely in the majority.

8106. That would be a difficult job—you could not turn them all out to washing and sewing, and you cannot turn them on to spade work. There are 1600 apprehensions for drunkenness. You deal with that very considerable number of habitual drunkards, and the secretary says there are some 60 or 80 women up before you constantly. Would not that necessitate finding some other means of employment? Is there anything you can suggest?—I entirely disagree with those who think that those women cannot be employed at outdoor work to a large extent. I would, most assuredly, both for profit and cure, employ them in the open air as much as possible.

8107. That is a desideratum. But how?—At fruit culture again. Why, in the Blairgowrie district, where so many strawberries are grown and other fruits, raspberries and so on, the women do the most of the labour. Women, as a matter of fact, in agriculture perform a very large amount of ordinary farm work, as we know; and in garden work, which this would practically be, those women would do it first-rate. I should have, in this connection, a considerable poultry farm, which again would pay, and could be managed very nearly entirely by women.

8108. We know that poultry farming can be done exclusively by women, but fruit farming would require men, and it would be desirable to keep them separate, would it not?—They must be kept separate, and any men who might be required to assist at such a garden or farm as I would have connected with female reformatories, would not be criminals.

8109. Men of good character?—Men employed by the authorities.

8110. (*By Professor Dove Wilson.*) You would require very few?—Very few. I maintain this could be done well by women.

8111. (*By the Chairman.*) There is another suggestion that has been made to us. It has been suggested that, a number of these female inebriates being mill workers, possibly a small textile factory might be erected, where they could be employed in making materials for the prisons. What do you think of that?—What materials?

8112. Well, such things as rugs, and so on, and bedding?—Well, of course, there would be no difficulty whatever in putting up looms. For instance, hand-looms would be very easily put up. I don't know that I could recommend anything of the nature of a factory.

8113. What I wanted to know was your opinion whether that would be likely to excite opposition among the people who are employed by private firms carrying on similar factories?—I should say this, that, if these people were made to weave common stuff, such as is made in Dundee in such immense quantities, with the view of keeping them employed on the one hand, and of earning something on the other hand, all they could produce of such goods would be so infinitesimal that it would never be felt, and would not raise any trouble amongst the operatives, but it would simply require to be weaving—spinning would be impossible—the object would be to get them employed.

Lord Provost Low.

15 Dec. 1894.

8114. Yes, and employed at trades they have some knowledge of?—Yes; the one difficulty is that I am afraid the people who would be sent from Dundee would not be able to weave even. The weaver in Dundee is, as a very general rule, a very respectable citizen. I don't know that in all my experience I ever had before me a weaver. We find that it is a lower class of the community that come before the Police Court. I should not like to name any particular branch of industry from which these poor women come, but I should say generally that I am afraid very few of them would even be fit to be weavers, because of course it requires some technical knowledge. It is a business not learned now, and I am afraid that not much progress can be made in what I would call the textile industry in any department, unless a factory were erected, which, I should think, would be what would not be approved of at all.

8115. The suggestion was that those girls who turn out drunken women have been brought up to some trade—many of them as millworkers—and that the knowledge thus acquired might be utilised in employing them usefully, giving them habits of industry, and launching them out again on their own lines of industry?—Well, I doubt that there would be practical difficulties; but I would make this suggestion. In Dundee we have a home for women who go wrong. They are drawn from the lowest strata of society. When they go to that home they do not really know anything about the work done there, but they very soon learn it, because these women work, and the work done there exclusively is laundry work.

8116. Well, but we have got laundries wherever we go, and reformatories or Magdalene Asylums. It is always laundries; and what we should like to have is a suggestion regarding something apart from laundries and sewing. We know the beneficial results and everything else?—I cannot suggest anything else, other than—in the summer weather and at suitable seasons—out-door work—fruit culture and poultry farming; and I think that these, combined with laundry work and sewing, would be sufficient to keep these women in full employment, and would elevate their minds and train their eyes and hands as well, and they would come out better citizens than they went in.

8117. (*By Professor Dove Wilson.*) Have you any notion what number of habitual drunkards might be sent yearly from Dundee to this institution?—Well, last year—the year 1893—we had convicted of drunkenness, combined with other offences, more than four times, 12. But then we had an immense number of convictions of one kind or another, a vast proportion of which, I have no doubt, was due to drunkenness—I should have said habitual offenders, who appeared frequently before the Police Court last year. They were charged not with drunkenness, but with the more serious offences.

8118. It is just an idea of the number?—Well, I was to point out how difficult that was from tables which are in our possession. One can only make a guess. Here is how I have put it. I say a proportion of those convicted of other offences induced by drunkenness, more than four times, 15. Then importuning, induced by drunkenness, more than four times, 16, making in all 31. I have no hesitation in saying, therefore, that last year there would have been sent from Dundee not less than 31, and very probably more. If this pla were adopted, the police authorities in charging thes

offenders would take care to charge them with drunkenness, plus the other more serious offences. Just now they are charged only with the more serious offences, and thus any statistical information we have is not accurate on this simple point of drunkenness; but I should say that last year we should have sent at least 31 from Dundee.

8119. And these people you propose to send for two years, or for what number of years?—The people who were convicted of other offences, along with drunkenness, I would send first to prison for the usual period—I mean for assault or breach of the peace—they would be sent perhaps 14 or 28 days to prison for either of these offences, plus 12 months to this reformatory to cure them of drunkenness.

8120. So that, one way or other, there would have been about 30 last year?—There assuredly would have been 31, but very probably many more, because I cannot tell you definitely. I merely guess the proportion.

8121. Does this class of habitual offenders exist to the same extent in the county?—I should think a population like that of Dundee would yield a much larger proportion than a county population.

8122. Now, about the question of rates. Do you not think it possible that if a rate were put on for the whole of Scotland, the counties might object to pay for habitual offenders who come so largely from the cities?—Well, of course, the way I look at it is, that it is in the interests of the country at large, and they might object, but I think it would be a very narrow-minded view to take of the subject.

8123. Is it not the case that the cities vary very considerably also in the proportion of habitual offenders?—I don't think so. I think the numbers, according to my experience, are pretty regular.

8124. (*By Dr. Farquharson.*) Do you think that the habitual inebriate class are on the increase, generally speaking, or rather from your experience?—I would not like to say.

8125. Then your desire for legislation is not based on the increase of that class?—My desire for legislation is based on my present knowledge—on my knowledge of present conditions, I should say.

8126. Then your idea is to send the habitual inebriate who is not a criminal, except as an inebriate, to a reformatory without preliminary detention in prison?—Yes.

8127. How would you manage in that case? Would you send a man like that to a reformatory on the first conviction?—No; I would not send to a reformatory until he was convicted four times.

8128. What would you do with him the first three times?—Just what the magistrates now do. For the first conviction for drunkenness he is generally admonished and dismissed. For the second offence there would be the usual small fine, or short imprisonment, with another admonition from the bench. Thirdly, a slightly increased punishment in the same way, and then with an admonition again that, if he appeared again, he would be sent to a reformatory for 12 months.

8129. Then would he not have a long period of enjoyment of drink before going the length of a reformatory in that case?—You mean after the third conviction?

8130. Between the first conviction and the fourth. He would be practically enjoying the drink without much check or hindrance except fined?—Well, that is true; but we must arrive at some period at which the authorities would be warranted in confining a man for such a long period as 12 months, and I think it would be reasonable to say that a man was not a habitual offender until he habitually appeared for a certain number of times before a Court. That is what, in my opinion, would constitute him a habitual offender, and this institution will be put up only for habitual offenders.

8131. What do you expect the result of long detention to be? Do you expect reform, or only seclusion?—I would expect reform.

8132. You are hopeful of that?—I am.

8133. And are the medical men you have consulted hopeful of reform?—They are.

8134. After a certain long period?—Yes.

8135. Now, as regards cost, your opinion is that the cost would not be very great at first?—My opinion is that the inmates would, to a considerable extent, earn what would defray costs, and that the deficiency should be paid out of the Imperial Exchequer. At the same time, if that was found impracticable, then as an individual, I would not hesitate to say that burghs and counties should join hands and erect and maintain such institutions.

8136. Do you think that the idea of institutions of that kind would act as such a deterrent to the inebriate class that it must———?—I believe it would terrify them. In that way the cost would not be great, because they would take care to keep out of the reach of them. My opinion is, that it would have a splendid effect on the drinking class.

8137. Then your view is, that if Government declined to take any part—in that case do you think localities would willingly bear the burden?—I would strongly recommend it.

8138. Do you think your recommendation would be likely to be successful in Dundee?—I believe it would be successful; but I wish it to be clearly understood that, in my opinion, this thing should be done by the state, because it is to relieve the state of much costs in connection with their prison expenditure.

8139. By the state you mean a purely state contribution? You don't mean the general rates, as the Professor indicated, throughout Scotland?—I mean a state contribution from the Exchequer. I don't mean a purely Scottish contribution.

8140. Or a definite rate of any kind?—Or a definite rate of any kind.

8141. Just merely a plunge into the Imperial Exchequer?—That is my view, but I would not let that stand in the way of erecting this institution.

8142. Now, you expressed an opinion with which I entirely agree, that women might be largely employed in open-air agricultural work?—I did.

8143. It is the case that they do this now?—Yes. I think it would have the effect of improving the physical health of these women, who, we must not forget, are all taken from the slums in the cities, or very nearly so, and whose physical condition is not good; and I think it would strengthen their physical condition, and so, at the same time, in all likelihood, strengthen their moral condition.

8144. But, as regards the fruit industry, would there not be a danger of too many people going into it, and of profits coming down to vanishing point?—No. I think that the demand for fruit is growing enormously every year, so much so, that a very, very large proportion of the fruit required for industrial purposes in this country has to be imported from foreign countries.

8145. Not strawberries?—Not strawberries? Well, I beg your pardon. There is an immense quantity of strawberries now imported from Holland for the simple reason that, as a matter of fact, there are not enough strawberries grown in this country to supply the necessities of the people. But it would be a great advantage to the consumers of this country if more strawberries were grown, because home strawberries are so much better than the foreign strawberries which arrive here always in more or less bad condition.

8146. But in my part of the country it is found that, when the English crop is abundant, the price of the strawberries grown in Scotland runs down to a small price indeed—that the market is entirely dependent on the state of the English crop?—We don't find that here. That is not the case. Last year there was a glut of strawberries in England at a certain period, and yet the price of strawberries in Scotland was maintained—in fact, at a high figure, considering the large crop.

8147. Then you think that industry is eminently adapted for female labour?—Yes, and raspberry growing, of which fruit there is never enough.

8148. (*By Professor Dove Wilson.*) And currants and gooseberries too?—Yes. Both these are crops

Lord Provost Low. 15 Dec. 1894.

which are uncertain in the Scottish climate. Therefore, I would not promise that they would be always so profitable. It would depend of course where the institutions were set down, and that would be a very important feature in selecting sites for the institutions. I mean this, that if it were resolved to put down an institution where a fruit-farm could be connected with it, care should be taken to select a site where fruits more generally come to good crops and perfection, and that is easy to be achieved in Scotland.

8149. But then that would take up only a very short time in the year. How would you employ them after the fruit season is over?—Ah; but the fruit requires cleaning. There is a great deal of work in connection with strawberries during the season, cleaning, and weeding, and holing, and digging manure in the ground, and replanting patches, because strawberries have to be taken up and replanted periodically.

8150. Would you have a jam factory too?—Well, I would not approve of that, because I think that would be going into an industry that would require a great deal more skill than you could possibly expect from prisoners. You would in that case have to employ skilled labourers at very high rates, and go into details which, instead of yielding profit, would yield loss.

8151. Is there much skill required in making jam?—Oh, yes.

8152. Would you include dairy-farming as part of women's work?—There again, I think there would not be sufficient skill. Dairying requires great skill.

8153. You just put in your milk and turn your handle and there's your butter?—It requires such skill that in this country they have had frequently to bring people from Denmark to teach them. That, in my opinion, would not do at all for this particular class.

8154. (*By Dr. Sutherland.*) You favour a sliding scale in awarding punishment to petty offenders?—Yes.

8155. I find that, from your annual returns, practically 7000 people were apprehended by the police during the past year, and of these 5100 were only before the Police Court on one occasion?—Yes.

8156. Don't these figures suggest that the method of punishment—the powers of punishment—you at present possess, is adequate to check almost 90 per cent. of the people coming before the Police Court?—Well, it would appear so from what you say. I am not quite familiar with the figures. I may explain, that so far as they are concerned, Mr. Dewar will be able to speak more particularly to statistics than I can profess to do; but generally I should say that what you say would appear to be correct.

8157. Then you look at 30 days or 40s. to a casual offender not as an oppressive sentence?—Oh yes, I would.

8158. I think in answer to the Chairman, you said you looked on prostitution as synonymous with drunkenness?—No, I did not. I said that out of a certain number of these women who were brought before the Court I took it that they were there consequent upon being at the same time drunk. Drunkenness was the immediate cause of their being before the Court, plus this other offence.

8159. It practically comes to this—that the kind of prostitution that goes on in Dundee is closely identified with drunkenness?—Oh yes.

8160. As a magistrate have you had any experience of well-dressed prostitutes coming before the bench?—We have not much of that in Dundee. Some of them are tawdry dressed, but to say that they are well-dressed would be altogether a misnomer.

8161. In adopting a sliding scale how would the magistrates, changing from month to month, know to award cumulative sentences and penalties?—Well, the previous convictions are notified again. That is again permitted. It was stopped, you are aware. It was found that it was most unsatisfactory—entirely unsatisfactory, that the magistrate did not know anything about the history of the prisoner, and if a man is convicted of drunkenness or any other offence; and the court officials state whether it is the man's second, third, fourth or other time.

8162. In the returns I see it is stated that 79 women have been convicted five times and upwards of drunkenness, drunk and disorderly, and prostitution. Their presence would no longer be required in the city?—Well, you will observe this, that the principle on which I have been proceeding all along has been that when a person is convicted four times in the course of 12 months he or she shall be held to be a habitual offender. We have not had 79 so convicted in one year four times. We would not therefore require accommodation, in my opinion, for a large number. It might be that as time went on we would, but I have told you that, in my opinion, taking last year for example, 31 would appear to me to be the number which we would have had to send to this institution.

8163. Well, the return of the Chief Constable gives the number of 79 women, and only three men convicted five times and upwards for the offence of drunkenness?—Not during the past year.

8164. We have the returns here?—Oh, well, that may be. Of course, you explained that you took a certain proportion of those offences as being related to drunkenness. It may be that all the 79—every one of them were also drunkards, but I should think not. I have taken the proportion, and you have stated that, in my opinion, 31 would be the number.

8165. In regard to the cost at the present time, those people and their dependants in many instances are being maintained in prison out of imperial taxation, in the police cells by the police rates and a Government subvention, and in workhouses by the Parochial Boards out of the poor rates. That being so, do you think it would be a fair thing now to come on the Imperial Exchequer for the cost of these people, which, at present, comes from three sources?—I think it would be the best thing to do.

8166. Have them maintained by the State, and the institution solely a Government institution?—Certainly.

8167. And you would have no local interference?—Just as prisons are—just have a board. I would just have a board to be drawn from various quarters just as now.

8168. (*By Miss Stevenson.*) In the case of those habitual drunkards whose drunkenness never brings them under the notice of the Police Court, on whose evidence and by what authority do you propose to have them certified as habitual drunkards in order that they might be sent to the proposed reformatories?—You may be satisfied with the certificate of two medical men and a magistrate. I mean I would not have them to be brought before any public court. I would hold that just as in the case of a lunatic, this certificate was sufficient, and I would incarcerate them accordingly.

8169. And on the evidence of a man or woman although an immediate relation?—These medical men would satisfy themselves that they were justified in granting such certificate before they did it, and I would be satisfied that they would so satisfy themselves.

8170. Then you attach great importance to the medical certificate?—I do.

8171. And you think it would be sufficient to have this done not in open court but before a magistrate?—I would not have it done before an open court. In my opinion there is no necessity for a court at all. I should say that if two medical men and a magistrate—if these three were convinced that any given person was an habitual drunkard from evidence privately placed before them, that would be sufficient.

8172. In the case of those retreats or reformatories, do you propose that they should be under public management?—Public management entirely.

8173. And you would not approve of their being carried on for the profit of any individual?—I would most assuredly disapprove of any retreats managed for private profit or for private individuals. I have a strong objection to that.

8174. (*By Col. M'Hardy.*) Have you a general acquaintance with the views of the people in Dundee. Do you think that the county is quite prepared for

Lord Provost Low.

15 Dec. 1894.

adopting some change in the system of dealing with the small offender?—I am quite sure of it.

8175. Do you think they would be quite prepared to support some measure devised for their detention?—I have no doubt about it.

8176. In regard to the reformatories of which you speak, you said you proposed to set up two or three for Scotland?—I would have two to begin with—I mean one for males and one for females, separate and in different districts.

8177. Do you think it desirable that such reformatories should be so far as they could be financially, as small as possible—that it is desirable, in fact, to have as few people congregated together as you could conveniently have, in order that they might be dealt with individually?—Yes. I would have them pretty much as lunatic asylums are.

8178. But you would think it necessary that the establishment should be so small, I suppose, that the manager or superintendent in supervising it should be in personal touch with every person there?—Oh, I would have it just as I have already said more than once—pretty much on the same lines as regards size and other control as public lunatic asylums. We have asylums containing a few hundreds of persons, and there, of course, we have a medical man at the head of it, and a staff looking after the patients. I would work it pretty much on these lines.

8179. It has been explained to us that for effecting reformation amongst the persons of whom we are thinking, that it is extremely desirable to deal with them individually. Would you think that an unimportant matter, rather in the gross, as it were?—I don't see how it could be done individually, other than by the managers and those with them taking an interest, as I believe they would do in each individual case. For instance, no question has been put to me in regard to this point, but I think it would be highly desirable that there should be such an arrangement as would enable the authorities of such a retreat to trace as far as possible the history of the patients after they leave the retreat.

8180. We will think of patients while still in the retreat. I suppose it would go without saying that if you had 50 people in any institution they could be more personally looked after than if there were 300?—It depends on the number you have looking after them. I should say 300 could easily be looked after.

8181. But you could only have one governor, I suppose, or head?—One head.

8182. So that, at any rate, each of the 50 could get a fiftieth of his attention, and 300 only one-three hundredth of it?—But I don't think one man would be insufficient.

8183. Then, you would not think that local interest in these institutions would be a matter of very great importance?—No. I would have the board drawn from the various districts of the county, so that each district would be represented on the board with a view just to keep in touch with the institution, but more than that I would not think would be necessary.

8184. You mean the actual administrators of this institution would be a large body?—I think the administrators would be the head of the institution; but what I mean is that a committee formed of members of the public board from the various parts of the country would have the right of visiting the institution as a right, during their terms of office, and generally acquainting themselves from time to time with the satisfactory working of the institution.

8185. There are a great many institutions, such as Magdalene Asylums, and so forth, where the local people take an immense interest in a great many cases, and they come to know the different names of the inmates and take an interest in them. You would not propose anything of that sort. It would be more drawn on the lines of the prisons, I suppose?—Yes. I think the other plan, while admirable in some respects, would not be practicable on the lines on which I am going.

8186. Referring to what you said to the chairman about work other than washing and gardening, is there no other work that can be devised to occupy women more or less, giving them exercise. You don't see how any kind of textile work could be done inside of a small cost?—I confess I see great difficulties. There would be difficulties.

8187. Can you suggest what would be the easiest method of overcoming the difficulty?—The only possible system of introducing any kind of textiles, in my opinion, would be hand-looms. If they could learn to do it during the 12 months they are in the reformatory it would injure no outside industry. I am sure of that.

8188. Would you think that important?—I should think it is important not to run counter to any industry outside. It is well to keep the public always with local bodies in matters like that, and therefore hand-loom weaving would give rise to no difficulty; but what I say is, I am just afraid that it takes such a long time to learn this, that little good could be done with it during 12 months.

8189. And that is the only thing you can think of?—I would say I can at this moment think of nothing else.

8190. In talking about the drunks who do not come before the police—those who don't come to the police court at all—some of them are rich and some poor. The rich, I suppose, you would suggest that they should pay for their own maintenance in the retreat?—Certainly.

8191. What would you do with the poor?—They would have to go in as free patients, just as in asylums.

8192. Then, would you charge that to the State?—Oh, yes.

8193. To the Imperial Exchequer?—Oh, certainly, just the same as in the others. There is no other way of getting over it that I can see. You could not charge it to the Parochial Board under the present law, and there is no other method I can see of defraying the expenses.

8194. Well, I have put down a question here as to what you would do with those persons who were in retreat or asylums for a year. Is a year your maximum or minimum, to begin with?—Minimum. Well, as at present advised, it would be both maximum and minimum.

8195. Would you do anything in the way of procuring a guardianship for those persons when discharged?—It would be an excellent thing if it could be done.

8196. A very desirable thing if you could do it?—Yes.

8197. (*By the Chairman.*) In the case of a man, for instance, who is an habitual drunkard and came home frequently and beat his wife and was cruel to his family, but never fell into the hands of the police, if his wife brought him up on a charge of habitual drunkenness, would you have him supported—and he was not, of course, unable to earn any wages—by the State out of the Imperial Exchequer?—No matter in what way, if he was found to be one who should be sent to this institution, either in open court or by certificate, I would send him there, and if his friends were poor and unable to pay, then he would be supported just as other unsupported ones are, and it would be the greatest relief that his family could get, and the best thing done for himself and society.

8198. (*By Dr. Sutherland.*) Supposing the sentence passed on those people was not actually fixed, who would determine, or on whom would you place the responsibility of determining, whether it would be an advisable step to detain this man or woman for 12 months or longer in the reformatory?—You mean after discharge?

8199. No; after they have been in for 12 months, and it is considered necessary that they should be detained still longer, on whom would you place the responsibility?—I would not give anybody the power to retain any one longer than 12 months. In the first place, I should make a trial of that period and see the result of it. Then it comes to be a question whether, if these people relapse again, you would not give the

rd Provost w. Dec. 1894.

magistrate discretion to incarcerate them for a longer period than 12 months.

8200–1. Do you look upon them as diseased?—I do.

8202. And you are strongly of the belief that medical men should have a considerable say in the destination of those people?—That is, of people who don't come before the Police Court. The medical men would have nothing to say of those who go before the Police Court.

8203. Well, but if you look upon them as diseased, would you not think it advisable to have medical opinion about them?—No; because while no doubt it is a disease, yet it is a disease brought on simply by too much drinking—a disease of the blood I think it comes to be, which, in order to cure, the people must be kept a certain considerable time from getting any more of this poison.

Lord Provost Low. 15 Dec. 1894

8204. And treated?—Well, the only treatment I conceive is to be kept away from it and given food suitable for it, and, as I have said, give them work to do; above everything, keep their minds and bodies employed, and keep them away from drink, and I think a cure would in all likelihood take place.

8205. Do you know anything about the 'Tyson cure' tried in Dundee?—I don't know much about it, except taking an interest in it—reading about it; but, so far as I understand, the results have not been very satisfactory. [The witness then withdrew.]

ieut. . L. Scott.

A. L. SCOTT (late) Lieutenant, R.N., Captain Superintendent of the "Mars," called in and examined.

Lieut. A. L. Scott

8206. (*By the Chairman.*) You are Captain of the Mars Training Ship?—I am.

8207. How long have you occupied that position?—For 2 years; but my father was captain of her for 23 years before, so I more or less know of and have been connected with the institution for all that time.

8208. Would you just please explain to the committee the cases of boys that are sent to your ship?—The majority of them are sent under section 14 of the Industrial Schools' Act—that is when they are found wandering, without having any home, or place of abode, or proper guardianship.

8209. We have not had a statement on the whole thing, so I think you might read the section?—'(14) 'Any person may bring before two justices or a 'magistrate any child apparently under the age of 14 'years, that comes within any of the following descrip- 'tions, namely:—

'That is found begging or receiving alms '(whether actually or under the pretext of selling 'or offering for sale any thing), or being in any 'Street or Public Place for the purpose of so 'begging or receiving alms.

'That is found wandering and not having any 'home or settled place of abode, or proper 'guardianship, or visible means of subsistence.

'That is found destitute, either being an orphan 'or having a surviving parent who is undergoing 'penal servitude or imprisonment.

'That frequents the company of reputed 'thieves.

'The justices or magistrates before whom a 'child is brought as coming within one of those 'descriptions, if satisfied on inquiry of that fact, 'and that it is expedient to deal with him under 'this Act, may order him to be sent to a certified 'Industrial School.'

8210. What are the other clauses of the Act setting forth the description of children to be admitted?—'(15) Where a child apparently under the age of 12 'years is charged before two justices or a magistrate 'with an offence punishable by imprisonment or a less 'punishment, but has not been in England convicted of 'felony, or in Scotland of theft, and the child ought, 'in the opinion of the justices or magistrate (regard 'being had to his age and to the circumstances of the 'case), to be dealt with under this Act, the justices or 'magistrate may order him to be sent to a certified 'Industrial School.'

'(16) Where the parent or step-parent or guardian of a child apparently under the age of 14 years repre- 'sents to two justices or a magistrate that he is unable 'to control the child, and that he desires that the child 'be sent to an Industrial School under this Act, the 'justices or magistrate, if satisfied on inquiry that it is 'expedient to deal with the child under this Act, may 'order him to be sent to a certified Industrial School.'

(We do not take boys under section 16 except under exceptional circumstances.)

'(39) The parent, step-parent, or other person for 'the time being legally liable to maintain a child 'detained in a certified Industrial School shall, if of 'sufficient ability, contribute to his maintenance and 'training therein a sum not exceeding 5s. per week.

'*Note.*—Boys from any part of the country, or of 'any religious denomination, between 12 and 14 'years of age, if physically fit, coming under the above 'clauses of the Act, are eligible for admission to the 'Mars.'

8211. Section 15 provides that 'where a child 'apparently under the age of 12 years is charged 'before two justices or a magistrate with an offence 'punishable by imprisonment, or a less punishment, 'but has not been convicted in Scotland of theft.' Do you not take those who have been convicted? Is conviction for theft a bar to boys being sent to you?—A boy previously convicted of theft cannot be sent to us. On first conviction the charge is withdrawn, and then they are sent.

8212. You told us that you don't take those boys who are under the control of their parents?—There is one very good reason for that. The Government Grant now given is only 2s. a week, and we find that is not enough. The reason is, we imagine, to prevent people getting rid of their children.

8213. But I suppose they are sent to other Industrial Schools?—They can be, but the managers don't care to accept them for that reason.

8214. But they are also sent to other training ships. I had a case brought under my notice of a father having had his boy sent on the plea that he was beyond his control. Is that an exceptional case?—No. For instance, on board the Mars we have four of those special cases.

8215. Well, we come to the next thing. 'The 'parent, step-parent, or other person for the time being 'legally liable to maintain a child detained in a certified 'Industrial School, shall, if of sufficient ability, contri- 'bute to his maintenance and training therein a sum not 'exceeding 5s. per week'—do you manage to get the 5s.?—We don't get it at all. It is collected by the Government to recoup them for the grant.

8216. The Government give 6s. a week for all boys sent under sections 14 and 15?—And 2s. a week for all sent under section 16.

8217. They don't make any difference in the age of the boys, as in reformatories, as to the grant?—No, not in Training Ships.

8218. Do they in the case of the Industrial Schools?—Yes, but I am not quite certain what it is.

8219. We come now to your work. What is the total number of boys?—We are licensed for 400, and we have 395 just now.

8220. And you pass through your hands in the course of the year?—We admitted 118 last year, and discharged 125.

8221. How many boys have altogether passed through the institution?—There were 2564 up to the 31st of last December. That is not counting the boys at present on board, so it would be about another 120 on to that.

8222. Say 2700 roughly?—Yes, roughly.

8223. In the course of 25 years?—Yes, and that is not counting the 400 boys now on board.

Lieut. A. L. Scott. 15 Dec. 1894.

8224. Can you tell us the result in all these cases?—No. We trace them for three years after discharge.

8225. Let us have the result of your last three years' boys?—364 boys left the ship during 1890, 1891, and 1892; 12 have since died; 26 cannot be traced; 15 are reported upon unfavourably; while 311 are reported as doing well.

8226. There has been some change recently in the law as to the admission—the regulations for admission—what was that?—We are allowed now to take them at 11. Previously it was 12.

8227. Is that an advantage?—It is.

8228. In what way?—We get a better hold of them, and there are many boys—big boys—of 11 knocking about the streets, who, if they remained there till 12, would lose a year.

8229. How long are they committed?—Till 16.

8230. Do you keep them till that time?—Yes. We generally keep them only four years. In the case of a boy committed at 11, if he was doing well he would be allowed to go at 15. Otherwise he would be kept.

8231. You don't let out on licence?—Very seldom. We have tried it, but it did not answer as a general rule.

8232. Would it not give you a hold of them if they got it?—Yes, if we could bring them back. But we never have brought them back. We have only done it in two or three cases.

8233. What do you do with your boys?—We try to get them all to go to sea—all who are physically fit and big enough, but of course a great many won't go, and parents object to their going. We sent 44 to sea last year.

8234. Out of 125?—Yes. And three into the navy. And we send a good many into the army bands. We have a lot of musical training. Besides that three to the navy and three to the army bands, 70 went to shore employment, which is practically back to their friends; and three were discharged on account of disease, and two died.

8235. Is not that rather a waste of raw material—that out of 125 trained for the sea for four years you should only be able to give ——?—It would be far better if we could get more to go to sea, but there is difficulty in finding ships.

8236. Even in the Navy?—It is almost impossible to get them in there at all.

8237. Why?—They have a prejudice in the first place against Industrial School boys. In fact it exists almost everywhere. People will not take the trouble to distinguish between Reformatory and Industrial Schools. They don't realise that our boys have done nothing wrong.

8238. But the fact that a number of your boys have erred is against them, though prosecution is not proceeded with?—Yes; well, of course that might be said, but we maintain that all our boys are free from criminal taint.

8239. They are all under 12, the boys brought for theft?—Yes, they are.

8240. Well, a number of those small boys are sent to reformatories, are they not—or only after second conviction?—I would not like to speak on that.

8241. Now tell us what you do with the boys—what you train them at?—Well, when they go on board, the first month we put them with the tailors, learning to mend their own clothes. After that they go to the drill instructor for three months. He sets them up, and marches them about. I must tell you the half of them are always at school, in the educational part, and the other half at the nautical training. After that they are drafted into ———.

8242. You spoke about the different watches?—Yes, one watch is 'school watch,' and the other 'on 'deck watch.' After they have come out of the junior class—from the gymnastic instructor—they are put into the nautical class, many of them who show themselves fit for the sea, and many of them are put into the tailors—we make our own clothes on board—and shoemakers, and a lot into the band, if they have a taste for music.

8243. Do you lean much to pipers?—No; we have not a pipe band. We have about 100 boys always under musical training. Our first-class band consists of 46.

8244. Well, then, you have got a brig, I see?—Yes, we work her in the summer months. She takes 60 boys and 6 officers, practically extra, and we manage during the summer to let them nearly all, or practically all, have a turn in her.

8245. What do you call 'a turn'?—The bigger boys will have about a month or six weeks, and some more.

8246. Do they do everything there?—Oh yes.

8247. Steering?—Yes, and making long trips.

8248. And the smaller ones don't get so long?—Possibly about a week. It is a first-rate thing for their health.

8249. And that ought to make exceptionally good sailors by the time they are done?—So it does. We turn out some splendid fellows.

8250. Do you think there could be any possibility of some working arrangement by which they could be more or less absorbed into the Navy?—Well, generally they are not physically fit for the Navy. It requires a stiff medical examination, and they are very particular about their teeth and every single thing. In fact a boy has to be practically perfect.

8251. Well, about teeth, you would have better opportunities of looking after their teeth?—Oh yes.

8252. Well, your band, is that a good——Do you find that a good thing of getting boys off?—Yes, some of them go into the army. We have sent five into the army this year.

8253. You speak of the Highlanders, I notice?—Yes.

8254. Do they take them from you?—Oh yes, they are very glad to get them.

8255. Now, then again, do you find the army so much more open-minded?—Yes; from them never comes any objection to them. It is only the Navy.

8256. Do you get them all into the army?—Oh no.

8257. What do you do?—They don't always stop in the band. If, during the last six months in the ship they want to go to sea, we take them and give them nautical training.

8258. There is great difficulty in getting bands for men of war?—I don't know that there is. I think they train for themselves now.

8259. Do you know what ships are without bands?—I could not say.

8260. You don't know the curriculum of bandsmen in the army?—No.

8261. Now about your other shore occupations. You say most of these are simply going back to friends?—Oh no, I don't say they fall back into old habits, but the life of their parents. We try to get situations on shore, and to prevent them going back to friends, but if the friends are determined to have them at the end of 16 years, there is no way of preventing that.

8262. Now as to the finances of the concern. Take the educational status of the children. You devote a considerable amount of time to their education?—Just half.

8263. Do you find that the half-time system is satisfactory, and that they make as much progress?—I think so. We only take them up to the fifth standard. At our last examination we had a pass of 99 per cent.

8264. In what standard?—In all the standards, with very few failures.

8265. Who is it who inspects you?—Col. Inglis, who is an officer of the department of the Home Office.

8266. Is his inspection equivalent to and on precisely the same lines, as near as possible, and according to the same instructions, as are followed by the inspectors in the Education Department?—Exactly the same. He is assisted by the sub-inspector, Mr. Robertson.

8267. You get a grant in respect of education, do you?—Our headmaster gets a grant.

8268. Of how much?—£20 from the Education Department.

8269. You think that the results of this half-time educational system are eminently satisfactory?—Quite so.

8270. Now we come to the Educational Statistics. What are they?—They are as follows:—

STATE OF EDUCATION ON ADMISSION AND DISCHARGE.

Admissions.

Read and write very fairly	(Standard 4),	10
,, fairly	(Standard 3),	22
,, a little	(Standard 2),	40
,, very little	(Standard 1),	31
Neither read nor write,	('Infants');	15
Total admitted,		118

Discharges.

Read and write very well	(Standard 6),	27
,, well	(Standard 5),	45
,, very fairly	(Standard 4),	30
,, fairly	(Standard 3),	15
,, a little	(Standard 2),	7
,, very little,		1*
Total discharged,		125

* Discharged on account of physical unfitness, after having been only six weeks in the ship.

ANNUAL INSPECTION.

Government Examination, 8th June 1893, percentage of passes, ... = 98·0.

Average percentage of passes for the past 10 years, ... = 98·6.

At the above examination no boy failed in more than one subject.

Failures in Reading,	2
,, Writing,	1
,, Arithmetic,	6

BALANCE OF BOYS' CASH ACCOUNT.

In hand, 1st January 1893,	£27	19	2
Received during the year 1893,	99	13	1½*
	£127	12	3½
Disbursed during the year 1893,	93	12	7
In Head-schoolmaster's hands, 31st December, 1893,	£33	19	8½

8271. It shows that among the discharges there were only 8 boys discharged under the third standard, and one of those discharged only having been six weeks in the ship when discharged on account of physical unfitness; and only 23 discharged under the fourth standard, whereas upwards of 80 all come in under the fourth standard, and 15 come in unable to read or write? That is practically the effect of it?—Yes.

8272. Turning now to the financial part of the matter. What is the cost of your ship?—It cost £7500 last year.

8273. And what did you receive from Government?—Out of that we received £6118 from Government grants.

8274. And the balance?—Well, the balance of £1400 odds was made up by £54 allowance received from Admiralty towards payment of instructor.

8275. And they only avail themselves of the services of the boys to the extent of three per annum?—Something like that.

8276. Well?—£38 towards cost of maintenance of 'voluntary' boys. We take these cases at £15 a year.

8277. At whose instance?—Oh, the parents make application to the committee, and we generally have two or three on board.

8278. Why do the parents——Are they unruly?—Well, they are generally all boys in somewhat better positions, and do not come exactly under the clauses of the Act. No magistrate could be got to send them; but they are boys who won't attend school, and are beyond the control of their parents practically.

8279. Are not their friends afraid of contamination?—Well, I don't know.

8280. You have not got very much, you say, for them—only £38. That will be representing only two or three boys?—At present we have two or three, then we have income from investments £387.

8281. And you get a considerable number of grants from local authorities?—We get grants from counties and burghs of £312.

8282. Let us have the subscriptions and donations?—£484.

8283. Can you give us the counties and burghs contributing?—Yes; the Edinburgh Town Council £60.

8284. They have increased their grant?—Yes.

8285. Well?—Forfar County Council, £50. They formerly gave £100. Dundee, £20.

8286. Are these the only ones?—Oh no.

8287. I don't think more are mentioned here (page 7)?—I said Dundee gives £20.

8288. Yes; and how much the whole lot?—£312, 13s.

8289. That is, counties and burghs?—Yes.

8290. In respect of what do they give you that. I ask that because it is a very proper thing they should give you; but, I see you complain that Glasgow sends you a lot of boys, and then gives nothing?—Does not give anything.

8291. You don't, therefore, get these subscriptions from Edinburgh and Forfarshire, and so on, in respect of their right to send boys to you?—Well, partly we do. We don't take Glasgow boys if we can get other boys. If we were full, and they wanted to send from Edinburgh, we take them in preference to boys from Glasgow, which does not subscribe.

8292. You take the subscribing counties then first?—Yes.

8293. Is there any rule that regulates the sending of boys to your ship rather than to shore industries?—No, there is no rule; but we have tried to make the authorities see that the bigger boys fit for sea should be sent to the Mars in preference to shore schools.

8294. Take another point. What is your experience about the development of the boys on board the Mars? Is it superior to that obtained on shore?—Very much.

8295. Could your doctor give us any average increase of weight?—I am not sure. I think he could.

8296. You don't offer an opinion?—The Mars is a wonderful place for building up a boys' constitution.

8297. It is a capital thing, you say?—Yes.

8298. Is the moral effect good?—I think so.

8299. Is their sense of right and wrong increased with the boy's general health and development?—I think so. Certainly.

8300. Then do you happen to know at all how the percentage of 'relapsed' compares with that of Industrial Schools ashore? Can you show a cleaner sheet than they?—I don't think——I have not gone into comparison. I should not like to say.

8301. You acknowledge that 15 relapsed out of, I think, 300 boys?—Yes.

8302. About 5 per cent.?—Yes.

8303. Besides a large number that you lost sight of?—Yes.

8304. What machinery have you for tracing them?—We have an agency in Glasgow, Edinburgh, and Dundee, and twice a year we look up every boy and get his address and what he is doing; and, of course, we are obliged to make a Government return once a year on the subject. And they are very strict in checking us. For instance the name of any boy in prison who has been in the Mars goes to the Home Office, and they can put a check on it.

8305. And what do they do? If you had a disproportionately large number, do they threaten to suspend the certificate?—Oh, dear no.

* This amount includes about £70 sent by boys' relatives and friends for their fares home during the summer holidays.

Lieut. A. L. Scott. 15 Dec. 1894.

8306. But you say they are very strict with you?—I mean if we failed to report boys in prison.

8307. And if they found too many boys from the Mars they would request to have explanation?—Yes, I suppose so.

8308. Have you had any mutinies, or any rows?—No, not of late years. In the early days of the ship we had.

8309. Since when were you free of that?—Well, the last serious thing was in 1883, when two or three of them broke into the cabin when my father was away and set fire to the ship. It was put out. That was the last serious thing.

8310. Why do these boys appear to have a tremendous mania for fire-raising?—It is only one or two of them. I think it is some sort of disease.

8311. But it is not confined to boys of that class?—No.

8312. You mention a case here. We had a case mentioned in Edinburgh, and I think there was a case at Aberdeen, and I think there was one on board a training ship in the Clyde?—Yes.

8313. I think if temptations are placed in their way to fire any place, any boy will do it. Now, about your maintaining discipline?—Well, in the first place we have a large and very competent staff, which I think is a great thing: they are always with the boys and understand them. They award very little punishment indeed.

8314. And when it comes to punishment?—Well, we generally punish them by giving them extra work to do—a bit of deck to scrub during play-hour.

8315. And more serious?—We use the tawse.

8316. On the hands?—Yes.

8317. Do you find that that is sufficient?—Quite.

8318. Do any of these boys who come——Are they boys who have been birched?—No.

8319. You know magistrates have power of birching instead of sending to prison?—I have never heard of any boys coming to us who have been birched.

8319A. (*Professor Dove Wilson.*) Boys are never birched except for conviction of theft, so you are practically quite right.

8320. (*By the Chairman.*) And you don't use corporal punishment beyond the tawse?—Oh no, and very little of that. In fact, the more you have the more you want, if people are continually licking boys.

8321. In connection with the industries on board, there is one maritime industry that I don't see mentioned in the report—the industry of fishing. Would it not be rather an appropriate one?—Well, I hardly know. Of course they do a lot of fishing in summer from the brig.

8322. But nothing in the way of a fisherman's life?—Oh no. I don't see how we could teach that as we are situated—up the river.

8323. But from the brig?—Oh yes, at one time we used to have a trawl, but that is rather an expensive thing, and the fishermen don't like it.

8324. You have nothing to do with reformatory boys?—Nothing whatever. Nor do we send any of them there. Some ships and some schools, when they cannot deal with the boys themselves, get them sent there; but that has not been done with us for the last 10 or 12 years.

8325. What is the rule about that?—We saw yesterday in the reformatory in Aberdeen two or three girls who had escaped from Industrial Schools. Have you had any escapes from the Mars?—Not since 18 months.

8326. And before that?—The only time that the boys abscond—they never do so from the ship, but we give them leave to go home once a year. Those who have anything in the way of a decent home go for four days. Sometimes some of them fail to return.

8327. Four days in a year. That is much more than the shore reformatory children get. Is it the same as the Industrial School children get?—I don't know what the arrangements are in the shore schools, but the Government grant ceases after four days.

8328. Then take a Glasgow boy. Who pays his way there and back?—His people do. Lieut. A. L. Scott. 15 Dec. 18

8329. And if his people don't choose to send money for his return railway-ticket would you give him leave?—Oh no.

8330. Can he take four days in the lump?—Oh yes, once a year.

8331. What is the favourite season?—We give them leave directly after the Government Inspection in June.

8332. The season that most would like would be about the New Year?—Yes.

8333. And you would not give them leave then?—Oh no; not at all. It is not good to have them about the streets at that time.

8334. How many training ships are there in Scotland?—Two—the Mars, and the Empress in the Clyde.

8335. This is the only training ship you have had any experience of?—Yes.

8336. There has been suggested training ships in the west Highland district among the hillsmen?—Industrial training ships?

8337. Well, training ships I presume—— (*Dr. Sutherland.*) As feeders to the navy.

8338. (*By the Chairman.*) Are these training ships not certified Industrial Schools?—Oh yes. There is the naval training ship at Queensferry, the Caledonia. She takes boys for the navy. That is entirely different.

8339. Do all her boys pass into the navy?—They are in the navy when they go to her. She is not a very great success in the way of collecting boys. She has been established for three or four years, and I don't think they have many Scottish boys on board.

8340. All your boys are Scottish?—Yes.

8341. (*By Miss Stevenson.*) You said you never take children under the 16th section of the Act because of the Government grant?—I said we seldom take them.

8342. As a matter of fact you used to get a great many Edinburgh School Board cases, who were sent under both sections?—Yes.

8343. Those boys had never been before the Police Court at all, but were sent from the Burgh Court simply as incorrigible and not under proper guardianship?—Yes; I expect the School Board made up the difference.

8344. No; the Government simply accepted the combination of the two sections. That has been altered two years ago, and consequently you have had very few of our School Board cases?—Yes, that is so.

8345. You spoke of the physical condition of the boys being superior. As a matter of fact you require them to be of certain physical development before you take them?—Oh yes.

8346. You have a standard of height?—Yes.

8347. Before you take them in at all?—Yes.

8348. So, consequently, they are naturally superior to shore boys?—Oh yes.

8349. And you find that parents who would object very much to boys going to the ordinary Industrial Schools do not object to them going to the Mars?—I think the Mars is rather favoured among the parents, and it is not looked upon in the same way as a kind of penal punishment.

8350. That is the idea?—Yes, I think that is the idea.

8351. In regard to your supervision over the boys, it is a recent amendment of the Industrial Schools' Act, which gives you supervision up till the age of 18?—That is given out this year.

8352. I was asking in regard to your supervision over those boys. You have that under the recent amendment of the Industrial Schools' Act?—Yes, up till 18; but it has just come into force. At least I am not sure whether it is passed into law, but it only affects those who come now. Those who came before it cannot touch them.

8353. Will you tell the committee what power that gives you?—Well, I cannot tell the committee yet, because I am not certain the thing has been passed into law. I have no official instruction on the matter.

ent. L. Scott. 5 Dec. 1894.

8354. Then your ship is really doing preventive work?—Oh yes.

8355. And the boys who come to you, although they have been before the Police Court, possibly for petty offences, you take them in really as if they had a perfectly clean record?—That is so.

8356. (*By Dr. Sutherland.*) As a naval officer you are quite aware there is a dearth of sailors in the navy?—Yes.

8357. Is there no possibility of getting a number of those boys in the Mars drafted into the navy if some relaxation of the rigid rules of the naval service were made in their favour?—Well, a great many don't care about going to the navy. Up here there is a prejudice against it. The parents object to the boys going to sea, and there is a pretty strong objection against the navy.

8358. But, seeing there is such a dearth of sailors in the navy, don't you think these rigid regulations might be relaxed in favour of the Mars boys?—I don't think that they would relax in this matter. They are very particular about boys going to the navy.

8359. You say there is also a dearth of sailors in the Mercantile Marine owing to the influx of foreign sailors?—Yes.

8360. What powers of detention have you over boys sent by parents or guardians without coming before a court?—Well, we have practically none.

8361. Suppose a boy wished to go?—We would have to let him go.

8362. During your period of office, and with your intimate knowledge of the Mars for many years, how many gipsy boys have you known to be detained on the ship?—We have only had the experience of one boy; but I have no particulars of the case.

8363. Was he a success?—No; not a great success.

8364. Do you recollect a case, in the time of your father, of a boy who was sent to Portsmouth, and who, no sooner than he got his foot on shore after a year's cruise, ran away?—No. *Lieut. A. L. Scott.* 15 Dec. 1894.

8365. (*By Dr. Farquharson.*) At what physical point are your boys found unable to pass the naval examination?—Not big enough, as a rule.

8366. Chest measurement?—Well, they come a little bit under in both chest and height measurement.

8367. Bearing on their health?—Oh yes, generally.

8368. (*By the Chairman.*) Supposing a boy leaves at 16 and goes into the merchant service, what status does he go under?—Many go as ordinary seamen; of course some of them are not so big, and go as boys.

8369. Would such a boy soon be shipped as an A.B.?—Oh yes.

8370. In what time?—I cannot tell. I must tell you the greater number of our boys go in Norwegian vessels than in British vessels.

8371. How do they get on in them?—They get on very well indeed. We have been making inquiry as to that, very few of our boys go away from Scottish ports. They don't care about taking them. We send them to Cardiff, where we have a shipping agent, and they are generally shipped into Norwegian or German vessels, and the result of our inquiry at Cardiff was, that the officers and men, in these Scandinavian vessels are a very superior class—better vessels, and the boys get better food, and are better treated, and they all speak English.

8372. What—the Norwegians?—Yes.

8373. Do they give commands in English?—Yes.

8374. About the Germans?—I don't know about the Germans speaking English.

8375. You don't give them any instructions in the ordinary nautical colloquialism?—No, we have never done that.

ev. Father older.

The Rev. Father HOLDER, called in and examined. *Rev. Father Holder.*

8376. (*By the Chairman.*) Have you been long in Dundee?—For 24 years, with the exception of 10 months I was in Perth.

8377. And I suppose you are very well acquainted with a number of the Dundee population?—Pretty well.

8378. Have you had much work among the poor?—I may say my work has nearly, the larger part—considerably the larger part—been amongst the poor people in this community.

8379. You have an opportunity, which very few men have, of knowing the feelings—the moving feelings—of persons who have been punished by short imprisonment?—I think I have.

8380. Do you find the terror of short imprisonment soon wears off?—I don't think it has any, and, I daresay, that it is safe to say that that has been amply confirmed by the experience I had during the 10 months I was in charge at Perth. I found that short sentences, especially for drunkenness and those many crimes that come from drunken habits, have very little effect.

8381. Of course, it is perfectly evident that if a man is convicted repeatedly for assault, for disorderly conduct, and for breach of the peace, such crimes are committed when he is drunk?—Yes.

8382. Subject, of course, to certain exceptions?—Quite so.

8383. But it is asserted on the one hand and rather questioned on the other, as to whether there is much connection between petty thefts and drunkenness. What is your experience?—I don't think that there is.

8384. You don't think that people who are repeatedly ——?—I think that petty thefts occur—are committed by persons under the influence of liquor, but I have generally found that the offences had been committed—well, through thoughtlessness, through joking chiefly, at the time; and my experience has been that persons under the influence of drink guilty of petty thefts are astonished when they hear what they had done.

8385. I suppose those persons were often convicted all the same?—Yes.

8386. Now, with regard to the effect of long and short sentences. You have been in Perth, and therefore you have seen all sorts of sentences up to a couple of years. You have seen a good deal of the habitual offender class, and I have no doubt you have come across facts?—Yes.

8387. Do you find long sentences are more deterrent, or more dreaded by those people than the short sentences? Or do they become accustomed also to the long sentences?—A good many ex-convicts become almost resigned to long sentences, and I consider that these long sentences with a certain class have no deterrent effect, or very little.

8388. I suppose you are often applied to to help the people to get work?—We want very much an organisation—a larger organisation for them than what we know, as the Prison Aid Society, to help convicts when they finish their sentences.

8389. Not merely convicts?—Well, prisoners.

8390. I suppose you find very few people sufficiently unprejudiced who would be willing to receive them?—Very few.

8391. What reformatory institutions are you connected with?—In this diocese, I am sorry to say, we have none.

8392. But when I speak of reformatories I don't mean in the technical sense of the word?—Oh, agencies for reformation?

8393. Yes?—Well, we have none except our own church influences.

8394. Have you any sisterhoods?—Yes, but they don't undertake that kind of work. They undertake teaching in our schools and visiting the sick. They propose now—in fact, they have formed the nucleus of what is called a 'House of Mercy' for the gathering up of girls who might stray from the path of duty, and of training them as servants. This is in its first stage, because the sisters had not such a response until quite recently that would permit of this.

8395. Of course they have had no experience of that yet?—No; it has not been in operation sufficiently long.

8396. You were talking about the Prison Aid Society, are you connected with it?—No; we have no branch of it ourselves.

8397. Do you work in connection with it? Of course, it is not a denominational concern at all?—I have always taken an interest in the work, and the meetings, and so forth. I have sometimes been present at the annual meeting here.

8398. What are your temperance organisations here?—We have what are called chiefly the 'League of the 'Cross.'

8399. That try to get as many people to take the pledge, and keep it, as possible?—Yes; and what I don't consider here, nor anywhere else, nor in any other temperance association, a very potent factor in the way of reclaiming drunkards at all. As far as I know, temperance societies are gatherings of men and women who do not require to join temperance societies at all, because these societies are made up of people who could be trusted to take their glass of beer or wine, and they band themselves together. They pledge themselves to abstain from what, I daresay, they call intoxicants, in order to be a good example to others. They spend large sums of money. I know in Glasgow of one temperance society spending in weekly or monthly donations such a sum as bought for themselves a large hall, which they manage themselves;—and the director—the clergyman— in charge of it said it was one of the most flourishing in the west of Scotland. But a society composed nearly altogether of men—very good fellows — who don't require to take any pledge themselves, and who made these weekly or monthly sacrifices in order that they might reclaim perhaps ten, or a dozen, or twenty say, drunkards, and those when reclaimed wanting habitual watching over.

8400. Then you don't think that in Dundee the work of your temperance societies goes far to reclaim drunkards?—No.

8401. What is your idea about the reclamation of the drunkard, and remember we are not confined to drunkenness. We are dealing with all sorts of habitual offenders?—I consider that habitual drunkards should be treated pretty well on the same level as we treat young people who are beginning to tread the path of evil, and confine them in reformatories or temperance retreats or something of that kind.

8402. You would do that with those who come into the hands of the police, and would you extend it to those who don't?—Yes, after being properly certified of course.

8403. Well, there are different questions in connection with that. What would you think would be the best basis of definition of habitual drunkards? The number of convictions?—I believe that in police circles a man who has been convicted twice of an offence within a year is considered an habitual offender. Well, I don't think I would go quite so far as that. I would narrow down the distinction. I would not describe as a habitual offender one found guilty twice in a year of the same offence, but, if a man, I think, was found and taken up for drunkenness four times in a year, and especially if this went over a few years, I should certainly hold him to be a habitual drunkard.

8404. Then about the finances—the maintenance of such reformatories. Would you have them supported entirely?—I should think that the maintenance of such institutions should fall to a large extent upon the local authorities, but also pretty largely subsidised by Government.

8405. Among the female habitual offenders that you come across, what do they chiefly work at?—Nearly all millworkers; but, unfortunately, those of them who do go in for drink spend a very large amount of their hard-earned wages on Saturday afternoons in drink.

8406. And, I suppose, a number are leading unchaste lives?—Not, I think, of workers.

8407. No?—There is a distinction.

8408. Between the female who has been convicted four times in a year of offences more or less connected with drunkenness?—It is hardly possible.

8409. And the probability is that she is spoken of as a loose character?—Not of the millworker. In fact, the words used very often here are 'she is not working, 'Father,' which means that she has gone to the street.

8410. Well, I asked you about the occupations of the habitual female offenders because we want some light on how to employ them?—I don't think that largely, at all events, those who are working are immoral.

8411. I thought that even if they had been convicted for prostitution they must have started life with some industrial training in the majority of cases, and the practical question that we want light on is whether that industrial training which they might have received previous to their convictions for drunkenness or petty offences could be utilised in case of detention for a period. Do you think it could? Are there a sufficient number of them working at one class of work so as to enable their work to be organised?—In Dundee nearly all our workers are female workers. The vast majority are working in factories and mills.

8412. At the same class of work?—At the same class of work, or very nearly so—so much so that I cannot very well distinguish it. Their hours are the same, and they are mixed together in their work in the same way.

8413. And, I suppose, the different grades of the work they have to go through are much the same?—Yes; the low and the high mill and factory.

8414. You must meet a large number of cases of domestic misery mostly caused by habitual drunkenness, which never come into the hands of the police?—Very many.

8415. What is your idea of that?—The majority of the cases of habitual drunkards I come across don't get into the hands of the police at all, and some of the most miserable cases.

8416. If you had your reformatory ——— ?—If I had a reformatory I would try to get such cases, first, well authenticated, well certified, and I would deal with them just in the same way—as the offence is the same in itself, and the havoc wrought in the family is the same — as the public ones who come before the police.

8417. At whose initiative?—The initiative in the first place—the representation—of their own friends.

8418. Take the case of a married man who is an habitual drunkard, whose earnings are trifling, whose wife can barely support herself, but whose husband adds something to the domestic income, the wife would be the proper person to take the initiative here?—Yes.

8419. Would she do so, according to your experience?—I don't think so.

8420. Would you care to take the initiative yourself?—It would be a hard thing, in a sense, to do; but there are cases in which I would not hesitate to do it.

8421. You then would think it proper that a member of the public should give information?—Yes.

8422. So as to set the proper authorities in motion, in the same way as you saw a man taking your boots?—Yes.

8423. And we propose that the funds which should support him should support a man sent to this house of reform?—Yes.

8424. And, I presume, the wife would fall into the same position as if the husband were dead, or sent to a lunatic asylum?—Yes.

8425. That is to say the same authorities liable in the one case would be liable in the other?—Yes.

8426. (*By Professor Dove Wilson.*) Do you come across workmen at times who try hard to keep sober, but, notwithstanding, every now and again break out and get very drunk?—Yes.

8427. For days at a time?—Yes.

Rev. Father Holder.

15 Dec. 1894.

8428. What do you think would be the effect of sentencing such a workman to imprisonment for that?—I don't think it would have a good effect. You mean a skilled workman?

8429. Yes. A workman who tries his best to keep sober, and often breaks it. Would it do him any good to send him to prison?—I don't think so. If it was a case where a man broke it now and again I think imprisonment instead of having a good effect would have the reverse.

8430. Might not such a case occur as often as four times a year?—Yes, it might.

8431. Do you think there is any case in which a sentence of imprisonment would do any good in the case of a man simply drinking?—In carrying on drinking, for a lengthened period, do you mean?

8432. Yes—whether you could cure him or do any good by sentencing now and then to imprisonment?—Well, I think that the imprisonment would have the effect of taking his appetite away from this drink. It would have a reforming effect upon him.

8433. Some witnesses have suggested that a short imprisonment simply sends him out thirsting for more drink?—A short sentence?

8434. Yes. What is your experience about that?—If it was a short sentence of a few days or such a period as would not break his appetite away from drink I should think it would have that effect.

8435. (*By Dr. Farquharson.*) I think you said that after prolonged periods of prison detention they get hardened to prison life?—Yes.

8436. Is it because they make them too comfortable in prison?—It is because they have entirely lost all self-respect to begin with. They find it hard to get any kind of employment, and they believe that their prison life is preferable to living here altogether homeless.

8437. And without any kind of means of support, in fact, they look upon prison as a home?—Yes, as a home. I knew of one woman in the Perth Penitentiary who had been 33 years in prison 'doing,' as they say, different sentences. After very great difficulty I got her brother, who is a pensioner, to take her and give her another trial. She was back again in less than two months. I had sent her out, as I thought, entirely reformed.

8438. (*By Dr. Sutherland.*) Do you find drunkenness more common among women than among men?—Yes.

8439. In what proportion?—Well, of course, here, where my experience chiefly lies, the proportion of women is much larger than of men; say that all things being equal, I would see more drunken women on Saturday night in the streets than I would men.

8440. Do you think habitually drunken husbands are of any assistance to their wives and families, or do you find that the wives maintain themselves and children as best they can, in spite of such husbands?—They do that in this town very largely at any rate. Most of the women do support the household chiefly. Last night they were giving in proclamations of marriages for the New Year, and there were two women who came without men at all, and gave in 'cries' and paid for them.

8441. (*By Col. M'Hardy.*) About the Discharged Prisoners' Aid Society, you said that in some way its action should be improved. Would you suggest in what way?—Well, at present the Prisoners' Aid Society is composed of a small number, proportionally at all events, of philanthropically-inclined persons. I don't understand that these Prison Aid Societies are subsidised in any way by Government, but are only kept up or are enabled to do what little work they do achieve by private subscriptions. Here in Dundee the Prison Aid Society commands a small income in comparison to the number of discharged prisoners who are thrown into the community.

8442. Do you mean discharged prisoners or convicts?—Well, here, both come under the same head. The Prison Aid Society takes in convicts as well as those who have been prisoners for short periods.

8443. Yes; but the Prison Aid Society, if it is certified by the Secretary for Scotland, has its funds supplemented by the state. You are aware of that, I suppose?—I was not.

8444. But in what way—is it the smallness of the society or the want of funds that requires to be improved?—I understand it is the smallness of the funds that cripples the service of the society in setting those discharged prisoners upon their feet.

8445. Have cases been brought to your notice?—Yes, cases where convicts, for instance, have, on leaving prison, applied to the Prison Aid Society, and have been furnished only with a supply of tickets for food at coffee houses, without getting any kind of safe lodging for them; and the consequence has been that they very soon fall into former companionships, and, as a result, into the hands of the police.

8446. You would have the society find them lodgings after they are discharged from prison?—If possible.

8447. You are aware that scarcely a convict leaves prison without, at least, a couple of pounds, unless very bad?—I am aware of that.

8448. And that women have generally £4 at their disposal?—Yes.

8449. But you would still augment these means?—I should have free control of it.

8450. That is the present system, that the Discharged Prisoners' Aid Society takes charge of this money, and I don't see, having regard to facts, what you would desire to have. Would you give larger sums of money for their support in life, or what?—I scarcely know what to suggest, but I know the difficulty that convicts do find, is in getting the proper lodgings here.

8451. The idea of putting up a home or house for returned convicts could never be thought of?—It would not work at all.

8452. The number would not warrant it?—No.

8453. (*By the Chairman.*) You have seen a lot of convicts I suppose, when dismissed?—Yes.

8454. Both here and in Perth. Do you find that they go at once to drink if they can manage it, or do they appear to be cured of drinking habits?—Very often I have found that they fall into drinking shortly afterwards.

8455. Is the first they do generally to get a glass, and possibly several?—Very often that happens. I recollect, when I was in Perth, of a girl who belonged to Glasgow, who had a long sentence—of I think about nine years. When she went out she told me that, after the long confinement, she felt, almost before she walked across the Inch, that the very scent of the fresh air and fresh grass nearly intoxicated her. She got into the hands of old companions at the station, and when at Stirling she got into the hands of the police.

8456. We have heard that liquor is forced on prisoners?—Yes, very often, as they are leaving prison.

8457. In Edinburgh we saw Canon Donlevy, who gave us a very interesting account of his work; and he mentioned one case, which was described to us by the Parochial Authorities as a terribly bad and typical, of a woman living between prison and workhouse. He met her in prison, and he told us he had sent her to the country, and she kept straight for six months, and he appeared to be in the habit of taking great pains with those people in the way of their reclamation. Have you had much of that sort of work?—I have had a good deal.

8458. In Perth?—No, here, when they come home from Perth. I find it is very hard to keep them straight.

8459. Have you any machinery for getting them sent to the country?—No.

8460. Your church has no organisation?—Not for that.

8461. For instance, Canon Donlevy might apply to you?—Well, he has never done so.

8462. But anything that was done would be by personal friendship and effort?—Yes.

8463. (*By Col. M'Hardy.*) But there is a considerable amount of correspondence that takes place between Roman Catholic clergymen attached to prisons in regard to prisoners?—Oh yes. I had a good deal when I was in Perth, but since leaving I have had very little except through the visiting clergyman in Perth writing to get suitable lodgings for girls coming here after leaving Perth.

[Witness then withdrew.]

Rev. David Macrae and Mr. James Thomson.

15 Dec. 1894.

The Rev. DAVID MACRAE, accompanied by MR. JAMES THOMSON, Solicitor, called in and examined.

Rev. David Macrae and Mr. James Thomson.

15 Dec. 1894.

8464. (*By the Chairman.*) We have had distributed to us this paper (see Appendix) containing an account of what purports to be the experience of the committee, of which you and Mr. Thomson were members, when investigating the 'Tyson drink cure'?—Yes.

8465. You have signed this?—Yes.

8466. Is it correct? Are the statements contained in this paper correct?—Yes, they are correct. All the members of the committee were not always present, and certain cases were better known to individual members of the committee than to others; but the committee were able to issue that and put their names to it. I was not present at the final meeting, but the one clause to which I attach vital importance is the one towards the end of this report, referring to the time test. I held from the first that this was not, and could not be a cure for drunkenness, which becomes a moral as well as a physical disease, but we watched its influence on the drink crave so long as we had the patients under our treatment.

8467. Tell us briefly about the nature of the circumstances in which the committee was originated and started?—Mr. Thomson will perhaps correct me if I forget any point, but the templars in Dundee suggested this experiment, having seen reports of it. A local committee was appointed. Mr. Stephens, the Tyson agent in London, came down to conduct the experiment, and those members whose names are given in the circular here made a point of being present as fully as possible, morning and evening, to see the medicine administered.

8468. How was it administered?—Mr. Stephens had a bottle for each patient mixed up, bearing the patient's name. A dose was given out of the bottle, then the bottle was given to the patient to take away with him, with particular instructions to hourly take another dose, he having the graduated measure along with him to see that he took the right quantity.

8469. It was drunken?—Yes.

8470. Its composition, I suppose, was a secret?—It is. But we all tasted it.

8471. You selected your men in the first place?—Yes. Some very bad cases.

8472. I have looked over the cases, and I don't see any reference to convictions for drunkenness, or any criminal record?—(*Mr. Thomson.*) We did not have that in view. So far as I am aware, none of those had ever been convicted.

8473. Because a good, typical, chronic habitual is pretty certain to have gone through the mill of the Police Court?—(*Mr. Thomson.*) We have not that in view in the selection of the cases.

8474. How did you get your cases?—(*Mr. Thomson.*) By philanthropic agencies in the town.

8475. And the cases were all sufficiently bad to ——?—(*Mr. Thomson.*) We found after we started that one or two of the cases were not so bad as we would have liked.

8476. But these are the worst?—(*Mr. Thomson.*) Yes.

8477. No. 5—male, aged 30, has been drinking for 22 years?—(*Mr. Thomson.*) He was moving about among liquor sellers, and they gave it to him when about eight years of age.

8478. I have no doubt that Mr. Macrae and the other members of the committee were thoroughly able to satisfy themselves as to the cases being good?—(*Mr. Macrae.*) Some much more aggravated than others. —(*Mr. Thomson.*) We were told they were very bad cases.

8479. You spoke about the importance of the test. Roughly speaking, the result was this, that, after the commencement of the treatment, the drink crave, according to the statement of the patients, disappeared in some cases at once, and in some cases within a few days; that sleep was restored, that the functions of nutrition were resumed, the appetite got natural, and sometimes almost more than natural, and that, in the course of a short time, the people appeared to be in the main completely restored; and that a nausea to tobacco appears to be engendered in certain cases, as well as to drink. Now, Mr. Macrae, as to the time-test? Would you please read the paragraph?—(*Mr. Macrae.*) 'That 'judged by the results of this public test, as applied to 'all the cases taken in hand, comprehending individuals 'from all parts of Dundee and Broughty Ferry, the 'committee feel constrained to admit that the scepticism 'with which they approached this test has entirely 'disappeared, and that the statements made in print 'by Dr. Tyson are fully justified up to the close of the 'treatment, and they will endeavour to ascertain 'whether the benefits already received by the patients 'will prove permanent, which is a most vital point.' You, therefore, understand that our testimony here is entirely to the effect of the treatment during its continuance.

8480. Exactly. Before you go further, the experiment was begun on 5th January, and the date of your report was 2nd February?—Yes. (*Mr. Thomson.*) The test lasted for 3 weeks.

8481. And then you had a week to consider?—Yes.

8482. Have you followed up the cases?—We have, to a certain extent. That is to say, we had two meetings—social meetings with the patients—that we might see them and ask them to give their experience; and it was proposed at the last that we should have another such meeting after a year had elapsed; but so many of the cases have gone back to drinking, that it remains questionable whether it will be necessary, although it would be interesting, to find out from themselves what explanation they can give. For instance, at one of those meetings, one of the patients when asked to report said he had come frankly to say that he had gone back to drink. I asked 'did the crave return?' He said 'No, but I wanted to get back to my old associates in 'the public-house; and so he had.'

8483. I think you had 17?—(*Mr. Thomson.*) We had 19 really, but 20 started at the same time as the others.

8484. And, I suppose, the other two ——?—We had 19 altogether, but two or three ceased taking the medicine after five or six days, really not wanting to be cured.

8485. What was the result? You had 19 altogether. How many fell out?—Out of those 19 cases we find that 15 had lapsed, and 4 continued firm up to 11th October. We had a committee meeting then.

8486. That is from the beginning of January to the 11th October?—Yes; and of those 15 at that meeting the different members who knew the parties reported that in no case had the lapses been due to a return to the craving.

8487. You had 19 to start with. How many dropped out?—One of them dropped out, but told it afterwards.

8488. You said three, I think?—One or two dropped out. (*Mr. Macrae.*) Two were struck out, I think, because it was found they were trifling with it.

8489. And that reduces them to 17 *bonâ fide* experiments?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) There were one or two others we tried, not as test cases, in order that they might get the benefit of the medicine. We have had 19 altogether in hand on whom we can report; of those 15 had lapsed by 11th October.

8490. What do you call lapsed?—(*Mr. Thomson.*) Gone back to drink.

8491. Do you mean one or two drunks or habituals?—They all stated, I believe, that in no case had they gone back because of the return of the crave, but because they wished to join old friends.

8492. Yes; but a man in order to join his old associates did not require to drink a bottle of whisky a day. It must be rather expensive. Here is the case of a teacher—'male, aged 52; been drinking for 20 'years—whisky, as much as he could get. Sometimes 'for six months on end would drink one or two bottles 'of whisky a day; had periodical bouts and once 'delirium tremens.' That must be a very costly thing? (*Mr. Thomson.*) That man has stood firm, I believe. (*Mr. Macrae.*) He was not one of those who spoke

about 'sociality.' He seemed more to be a 'solitary.'—(*Mr. Thomson.*) We have had no further report submitted to us about him.

8493. I was talking about the cost. That would be 3s. or 3s. 6d. a day?—(*Mr. Thomson.*) I don't know where he got the money.

8494. (*By Dr. Sutherland.*) It is his own statement?—(*Mr. Macrae.*) We had to depend for many of those statements on the accuracy of a man's own words.

8495. (*By the Chairman.*) You have not heard anything of the 4 since the 11th October?—(*Mr. Thomson.*)—No.

8496. Were the 15 manifestly improved?—(*Mr. Thomson.*) Distinctly. One of them had a very bloated appearance.

8497. Yes; but at the 11th October. The ones that had lapsed at the time, were they like the 'dog returning to his vomit, and the sow that was washed to her wallowing in the mire;' or in a less disagreeable scale?—(*Mr. Macrae.*) As far as I knew the cases personally, it simply means going back to old ways, which did not mean constant drinking in all cases, but periodic bursts of it.

8498. In the case of a periodic burst it is difficult to say there was any cure until the periodic burst becomes due again?—(*Mr. Macrae.*) I will mention a case not in here, that I took a special interest in, and that perhaps tests better than anything here what the value of this so-called cure is. It is the case of one who has gone professedly three times through this treatment—a man of very sensitive organisation, of great ability—and he was taken at a time when he was not drinking heavily, and therefore it was not so manifest; but after he lapsed I got a hold of him and wired to London for a fresh supply of the medicine, and while his wife said that when once he began there was no stopping for some time, we no sooner began this with him than immediately he was 'picked up,' and the tendency to drink more seemed for the time to be destroyed. So that it was some three months after before he had another return to the craving.

8499. For three times professedly he has gone there, because we have to trust to this man taking hourly medicine; and therefore a Tyson agent might say, 'You cannot say this is unsatisfactory, because,' he could say, 'you did not see the medicine administered hour by hour?'—(*Mr. Macrae.*) We could only see it administered twice a day. They declared they took it, and the result, for the time being, led us to believe they were going on faithfully with it. In the case of this man, I could not be sure that he went through the 21 days' treatment regularly 12 hours a day.

8500. When you tried it yourselves, how far did you go with it?—We merely took a dose to taste it.

8501. But you did not have—any member—sufficient self-sacrifice to see its effect?—Its effect in all cases was good, as far as we saw.

8502. You did not try it on any of the friends of the committee with the view of discovering its therapeutical effects?—(*Mr. Thomson.*) Not more than one dose. It was stated in connection with a test case in Melbourne that more than one dose of the *undiluted* medicine would poison.

8503. Is this the same as what is called the 'gold' cure?—(*Mr. Macrae.*) No.

8504. There is one cure in which the medicine is administered by injection?—That is still another one, and I may mention that this same case that I referred to had already gone through this metabolic treatment in Glasgow.

8505. With what result?—He said it had cured him, but we found it had not, so far as indicated by his after conduct. But the distinction in our mind that had to be kept in view was this—the difference between its influence on the crave and curing drunkenness. I have always maintained that no physical treatment will cure drunkenness, which is the result of mental association and habits, and when it becomes a disease you may cure the drink crave, but, the man can recreate the craving just as a man who has no appetite produces it at first by the same process.

8506. Had you any women among this lot?—(*Mr. Thomson.*) We had. We had 5 out of this 19.

8507. Well, this woman—No. 4—has been in an inebriate home in Scotland?—I believe so.

8508. Where?—I forget where.

8509. Has she lapsed?—She has lapsed.

8510. How many women were in the lot?—Five.

8511. What was their results. Mention what the four who have kept steady were?—There was one woman out of these four.

8512. And you had five?—Yes.

8513. You have mentioned these other cures. Have you had any experience of them?—(*Mr. Macrae.*) The only case of metabolic treatment is the one I have referred to. The Keeley cure, so-called, I have known a few cases of, but two or three I know of were entirely unsatisfactory. One man declared that the money had been mis-spent, because it had not done him any good.

8514. Did Dr. Tyson & Coy.'s agent say—did you ask him as to whether this medicine should be administered in any other way than by the mouth? Does he propose, in dealing with habitual drunkards, to have them march up and give them their dose under supervision?—He would prefer that. If he could get access, for instance, to a home where the medicine could be administered regularly, he believes he could empty all these places in the country through it.

8515. But has he tried that himself?—He has got no opportunity, he says. (*Mr. Thomson.*) They refused (one or two homes) to allow him.

8516. You allowed your 17 to carry on the cure at home?—(*Mr. Thomson.*) Because we could not get people to look after them. (*Mr. Macrae.*) They were engaged at different parts of the town. (*Mr. Thomson.*) Every one of them was working.

8517. It did not prevent their working?—(*Mr. Thomson.*) No; because they took the medicine in a small bottle with them, and took it every hour.

8518. I think you have told us that the nature of the cure is a secret?—(*Mr. Thomson.*) Yes.

8519. What about the cost?—(*Mr. Macrae.*) It is pretty costly. It was charged £10. That is for 21 days' treatment. Then Dr. Tyson himself, too, went to Glasgow, and between him and Mr. Stephens there have been legal quarrels; but Dr. Tyson came across from America to Glasgow.

8520. Where does he hail from? Somewhere in Philadelphia, is it not?—And began treating persons there, and they got a few test cases. He wrote me to go and see them. I went afterwards, and saw some of the patients, and also inquired at Mr. Oates of the Young Men's Christian Association, as to their experience—how the patients were standing there, as compared with the Dundee ones. Tyson charged just £5, and then his Belfast agent sent a circular round offering to supply for £2, so it struck me that very possibly the medicine itself might be a thing of not much commercial value, though not necessarily of less practical value.

8521. But you don't imagine that Tyson would let his agent in Belfast know the composition of his medicine?—(*Mr. Thomson.*) His London agent knows the composition. He told me so.

8522. And he has a law-suit. About what?—(*Mr. Macrae.*) He bought the monopoly for what he called 'England,' and, whether it was owing to the fact that he thought England included Scotland and Ireland, I don't know, but when he found that the agent in Belfast was at work he took action against him and the judges decreed in his favour so far as that specific action was concerned. Then he told me he was to take action if necessary against Tyson.

8523. To keep up the monopoly?—Yes. (*Mr. Thomson.*) He is willing to sell at reduced terms to working people, but that he could make his own terms.

(*Mr. Macrae.*) Yes, and repay himself for the large outlay which he had made, or agreed to make.

8524. You say at the commencement of this circular that this has been tried at Birmingham and Belfast. Do you know anything about the results or alleged results of these trials?—(*Mr. Thomson.*) We don't

know the Birmingham results. (*Mr. Macrae.*) We only got reports referring to the time during which the treatment lasted.

8525. Were the reports the same as yours?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) Quite as favourable as ours.

8526. Was it the Birmingham cases in which Mr. Stead was concerned?—(*Mr. Macrae.*) Of that I am not certain.—(*Mr. Thomson.*) It was a different cure, I think.

8527. Have you looked into the literature and claims of those other cases—the gold and the metabolic?—(*Mr. Macrae.*) Yes, but only the advertising sheets, and so forth.

8528. As to the results, what is your idea of the value of the results from an anti-drunken point of view?—(*Mr. Macrae.*) I think that this treatment undoubtedly destroyed in most cases the craving for the time being.

8529. But how long—supposing a person to be in a home and not exposed to the temptations of society—would that effect last?—We are not in a position to say; but as a cure for drunkenness I don't think it to be deserving of the name. What goes to create drunkenness is still at work in society, and the man cured of the crave goes out and cannot even go to a Town Council banquet, or any place where there is drink, but the old temptations are there, and though the craving may be for the time destroyed, the old associations which I think go deeper than even the physical crave reassert themselves and draw him back into the old drunken habits.

8530. Did the four who had not lapsed go into the experiment with a violent desire to be cured?—(*Mr. Thomson.*) Every one of the 19 test cases said so; but we have reason to disbelieve that statement.

8531. Did you say that some after being cured wished to get back?—Yes.

8532. What you said, Mr. Macrae, would apply to cases treated by prolonged seclusion when they get out unless they become total abstainers?—Precisely.

8533. And lead to breaking their pledges, unless they were determined not to do so?—Yes, unless there is determination—a certain amount of moral power, and will left, and an honest desire to escape. I don't think that anything will cure so long as the conditions of society remain as they are—I mean with temptations to drinking.

8534. Was there anything further done in this cure here?—Of course, this was public in Dundee, and with the signatures appended to this document one would think it would have given rise to a very considerable demand for this Tyson cure and a development of the experience connected with it. Do you know of any cases in which it has been tried since?—(*Mr. Macrae.*) Yes, quite a number, but not the details. I know, in a number of cases, the agent was written to and the medicine got. I mean we know that a number were led by this report to try the cure, but the knowledge of this came in a sense semi-privately.

8535. Do you know of any cases of men who were notoriously intemperate before the results of your investigation were made known, whom you know or whose friends you know, to have written for and put themselves into communication for the cure, and who have since become temperate or are abstaining from intoxicating liquors?—(*Mr. Macrae.*) Yes, there are two or three, but they are all within a few months—one within seven months and the other within eleven months now. I could, I think, put my finger on three cases—one in Glasgow and two in the neighbourhood of Dundee.

8536. Well, I suppose from your experience, it is something to get a drunkard held right for even three months?—Oh, yes.

8536A. (*Professor Dove Wilson.*) Except that it would cost £40 a year.

8537. (*By the Chairman.*) Well, but you say that Tyson's agent is willing to supply the thing cheaper?—(*Mr Thomson.*) Yes.

8538. Which you did pay?—No. It was entirely free.

8539. Have you been applied to by working men?—I have had at least 50 or 60 applications from all parts of the country.

8540. And you know the terms. Is it brought within the range of working men's finances?—Well, if a temperance society recommends a *bonâ fide* case where the party is not able to pay £5 or £6, they will supply it for £2 or £3.

8541. Are you an abstainer yourself?—I have practically been a total abstainer all my life.

8542. Are you acquainted with temperance organisations?—Yes. I am a member of the Free Church General Assembly's Committee and of the Dundee Presbytery Committee on temperance.

8543. Are you a good templar?—I am a blue ribbon member.

8544. Do you happen to come across cases of drunken wives?—In my professional experience as a lawyer I have had several most interesting cases—of husbands being at their wit's end what to do with their drunken wives. I recall the case of one who cleared out the house, and pawned her children's clothes. The husband is a respectable man, constantly employed. I had to advise him. He said he would not mind if she was taken to prison. I advised him to put down something attractive belonging to her child in order that if she disposed of it she might be put in prison.

8545. Has she been put there?—I have not heard since.

8546. You didn't advise the Tyson cure for her?—No.

8547. Why?—Well, I didn't think of it at the time.

8548. Would not that be a far better thing than imprisoning her?—Well, he wished to give her a lesson. But she would not have taken the medicine; she did not want to be cured.

8549. As a temperance worker I am certain Mr. Macrae has come across numbers of working-class families where you have got the wife, and specially doing exactly what you have described—pawns everything, and drinks, and is an habitual drunkard. Have you a temperance organisation availing itself of this offer of cheap medicine for any of those cases, and if so, with what results?—(*Mr. Thomson.*) The difficulty, of course, is that these people will not take the medicine. They are not willing to be cured, and it cannot be supplied against their will.

8550. Had you any medical men on your committee?—No; none would agree to serve on the committee.

8551. There was no suggestion made as to administration by injection?—No.

8552. Which could be done without consulting the patients?—Mr. Stephens said the medicine could not be given without the knowledge of the patients.

8553. He did not recommend it to be given in food?—No.

8554. (*By Dr. Farquharson.*) Had any members of the committee any personal knowledge of the habits of these men experimented on?—(*Mr. Macrae.*) Some of them had.

8555. Sufficient to make you think they were good subjects for this?—Decidedly.

8556. How long after the termination of the cure did these 15 relapse?—(*Mr. Thomson.*) Well, at different periods. (*Mr. Macrae.*) Every time we made inquiry we found that another or another couple had dropped off.

8557. That they lapsed pretty quickly after the termination of the so-called cure?—(*Mr. Thomson.*) I suppose six weeks.

8558. Would you think that effect of the remedy was a sort of mental—a sort of mesmeric?—(*Mr. Thomson.*) No; certainly not. (*Mr. Macrae.*) Excepting that the mere fact that they were daily under the eyes of the committee, and were taking this medicine, would no doubt have a mental influence.

8559. (*By the Chairman.*) Did you try it on a moderate drinker?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) And he has become a total abstainer. (*Dr. Sutherland.*) He was all right before.

8560. (*By the Chairman.*) I am speaking of what

is technically called the 'moderate drinker.' Did you try it on any man of that sort? You say here that one patient 'who had been forty years addicted 'to drink, and took seven glasses of whisky per day 'during his bouts, after treatment said "he did not like 'the smell of it."' Did it occur to you to ask some respectable person, who did not happen to be an abstainer, but who took a glass of toddy, to see whether his toddy would taste like vinegar, or whether he would come to dislike it?—(*Mr. Macrae.*) We did not make that experiment; and would have very probably found difficulty in getting one to take this for 21 days—I mean a moderate man drinking a little daily and liking it, that it would be very difficult to get that man to make the experiment.

8561. (*By Dr. Farquharson.*) Were there any moderate drinkers on the committee, or were they all teetotallers?—(*Mr. Thomson.*) I think they were all teetotallers. (*Mr. Macrae.*) There were others invited, but they did not act.

8562. Did you see the doses administered yourselves?—(*Mr. Macrae.*) Every morning and evening.

8563. Was there any effect produced?—Not at the moment. (*Mr. Thomson.*) It was rather pleasant to take, they said.

8564. You say the medicine has not been analysed?—(*Mr. Macrae*) It has been analysed. The analysis show what has been discovered in it, but there may be ingredients in it that they don't know how to test for.

8565. Do you know the result of the analysis? Was it communicated?—No, it was not. (*Mr. Thomson.*) There was an Australian analysis—that strychnine was in it.

8566. Did you taste it?—Yes. It was more like quinine.

8567. It was bitter?—Yes, it was a little.

8568. There was foundation for the statement that more than one dose would be fatal?—(*Mr. Macrae.*) Not fatal, but having a poisonous effect. (*Mr. Thomson.*) The dose, I suppose, would be diluted. (*Mr. Macrae.*) If I remember the Australian report properly, it was that there was poison in it (that is strychnine), and that in the case of a person suffering from heart affection it might prove fatal.

8569. Had you any medical men on your committee?—We invited medical men, but they would not accept, on the ground that this was a secret thing.

8570. Mr. Tyson's agent did not object to medical men?—(*Mr. Thomson.*) He wished them. A medical man attended once or twice, just to see the patients.

8571. (*By Dr. Sutherland.*) Is Tyson a qualified medical man in this country?—(*Mr. Thomson.*) We had only Mr. Stephen's word that he was a qualified medical man.

8572. In this country?—I don't know; he is an American medical man.

8573. And is administering through agents a solution containing a deadly poison?—He denies that, of course.

8574. Supposing that, in treating a drunken person with heart disease, or any other organic lesion, death takes place, who certifies the cause of death in such a case?—(*Mr. Macrae.*) We never had that question before us, because nobody died. (*Mr. Thomson.*) And he was particularly careful not to take any one suffering from that.

8575. Do you look on this disease as physical or mental?—(*Mr. Thomson.*) Both. (*Mr. Macrae.*) A physical disease, but, allied to it, and anterior to it, and posterior to it, also a mental disease—an habitual inclination of will in a particular direction and inclination towards society, towards festivity, which, in the meantime, means being brought within temptation to drink.

8576. You would not call that mental disease?—When it overcomes a man's reason—when it appears that he is doing an unreasonable thing.

8577. In a public hospital or asylum in this country—in the case of a person suffering from insomnia, hypnotic, or any other medicine may be administered with or without the knowledge of the patient—generally without; and why in the case of drunkenness—which long continued leads to well-marked physical or mental changes, or both—should it be necessary that the patient should know exactly that he is taking this remedy or that to bring about an expected result?—For one thing a man would not be taking food every hour daily. You must have some excuse for getting him to swallow an ounce of this tonic, or whatever it is—and you could scarcely manage it without letting him know he was under treatment.

8578. Does the element of faith enter into the efficacy of the cure?—(*Mr. Thomson.*) The element of will. (*Mr. Macrae.*) And the element of faith, to some extent also.

8579. Can you explain why your committee did not go to the police office or the prison and select some of the most notorious cases of persons who have been convicted hundreds of times, and make experiments upon them?—(*Mr. Macrae.*) I was not one who made the inquiry about that, but I understand that we could not get them. They would not subject themselves to this treatment.

8580. Would you kindly supply me with the names of the four who have stood firm, so that I might make independent inquiry on my own account?—(*Mr. Thomson.*) Certainly—but that is up to the 11th October.

8581. In taking this evidence from each individual, as to their history and habits, was it verified by an independent party?—(*Mr. Thomson.*) Not, perhaps, in every detail.

8582. Are you aware that habitual drunkards are notoriously untruthful?—(*Mr. Macrae.*) Yes.

8583. Do you think that such statements as a labouring man with 3s. a day, drinking daily a bottle of whisky for years, should be accepted without verification?—(*Mr. Macrae.*) In many cases the committee got patients that they knew long to have been habitual drunkards.

8584. Is the dose increased either in frequency or in quantity in proportion to the degree of inebriety which has existed?—(*Mr. Thomson.*) In strength it is increased.

8585. Was there an effort made in Dundee to float a Limited Liability Company after this report came out?—No.

8586. That has been done elsewhere?—Tyson's agent in London has done it.

8587. Are you hopeful of the results?—I have no faith in it, as I have said, as a cure of drunkenness, but I believe it to be a valuable medicine for cases where the one thing that keeps a man from being sober is the drink crave—I mean, if a man has the desire to keep free from drunkenness and has moral power enough left. That is, power enough except for the drink crave. Then its destruction would be his permanent cure, and one or two of our cases were cases that we thought would prove to be of this kind. A man and wife after the crave ceased, moved away from low surroundings, but both have lapsed since. The conclusion I came to was this, that it would be sufficient where a man is only kept to the thraldom of drunkenness by the physical crave—that if the drink crave is destroyed, and he has the willingness and also the moral power to keep from tasting drink altogether, in that case I think, it wouldbe permanent.

8588. (*By the Chairman.*) Did you get any of those men or women when they were in this 'non-craving' condition to take the pledge?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) Some have taken the pledge. [Witnesses then withdrew.]

Mr. JAMES F. BREMNER, Chief-Constable of Fife and Kinross, called in and examined.

8589. (*By the Chairman.*) You are Chief-Constable of——?—Of Fife and Kinross.

8590. How long have you occupied that position?—31 years in Fife; 3 in Kinross.

Chief-Constable Bremner.

15 Dec. 1894.

8591. Have you got any bye-laws on the subject of vagrancy?—No; never framed by the County Councils.

8592. Or with regard to drunkenness?—No.

8593. Drunkenness, of course, is treated as an offence against the licensing Acts?—It is treated in the county under the Public Houses (Scotland) Amendment Act when cases come up—very seldom. In Burghs under the Burghs Police Act.

8594. You have experience of both the systems of short and long imprisonment. Which do you consider is most efficacious?—That is a question of opinion.

8595. That is a question on which I should like your opinion?—Well, I should say that the power now conferred by the Burghs Police Act is a valuable one.

8596. Have you seen any better results?—No.

8597. Does the system of pledges for petty offences prevail in your counties?—Before trial?

8598. Yes; we find in a great many towns that a man found drunk and incapable or concerned in disorderly conduct, or in a petty assault, with 5s. or 10s. in his pocket, he is, after he gets sober, let out, leaving this pledge for his reappearance?—Yes; that prevails to some extent in Fifeshire.

8599. Well, in some places he gives the name of John Smith, disappears, and there is an end of it, leaving his pledge?—Yes.

8600. In other places if he does not appear his pledge is forfeited and he is cited?—Sometimes.

8601. Which system prevails with you?—Persons up for drunkenness are usually dealt with in either of the two ways—either dismissed with a reprimand and ordered to go and sin no more, or else their case is proceeded with in Court in the usual way.

8602. Yes; but before they come before the Court at all?—I don't allow such a thing to be done. I set my face against that. No man taken into custody in Fifeshire under my charge, or by my officers, is liberated without being taken before a magistrate.

8603. On what account do you adopt that system, which, as you know, is not the system operating in a great number of places? Do you think it is correct and just?—Yes, if not, I would not have it in operation. The accused has an opportunity of appearing before the magistrate at the earliest possible time, and making any complaint, while the police are freed from anything like temptation from money that may be left.

8604. Do you think where there is this system of pledges carried on there is a temptation to the police to 'run in' people?—Oh, run them in, I hope not; but it is better not to put a temptation in their way.

8605. Therefore I presume you think, from the words you use, there might be a temptation?—I do, and these are the two reasons I have given.

8606. As regards the prisoner himself, it has been suggested that acceptance of the pledge was a way of letting off trifling offenders whom it might drag down and ruin to bring before the magistrate—that consequently it was more merciful to accept the pledge?—I don't agree with that.

8607. Do you think the police should not judge of an offence?—I do.

8608. Is that system pursued in all the burghs throughout Fifeshire?—It is. I have charge of all the burghs in Fife except two—Kirkcaldy with a population of 27,000, and Dunfermline with a population of 23,000. All the other burghs—there are 17 Royal burghs—are policed by the county under my charge.

8609. Do Kirkcaldy and Dunfermline pursue the same arrangement?—I don't know.

8610. Why have you not urged the adoption of by-laws for vagrancy?—It is not for me to apply to the County Council. I have other work to do.

8611. We were told that Edinburgh had drafted by-laws, and adopted them because of a decision in the Court of Session that a certain by-law was *ultra vires*?—Yes.

8612. Had that decision anything to do with you?—I don't think so. On the question of drafting and afterwards enforcing such by-laws as you point to, I may say the matter has been before the County Council for a considerable time, but, owing to the very large pressure of work in other departments, they have not yet been able to overtake this work.

Chief-Constable Bremner.

15 Dec. 189

8613. Do you think that the usual by-law as to vagrancy is taken from the Burghs Police Act?—Yes, I do.

8614. Do you want this power?—Well, I told the gentlemen who were on the committee of the County Council that, if they thought fit, and had authority given to them to adopt the same by-laws as practically works in burghs, I would fill the jails in a week if I were to carry them out strictly—I mean for begging.

8615. You have got a very large number of vagrants?—We have.

8616. Almost the highest number of any county?—Well, we have a very large number. I can give you the figures. Observe that Fifeshire is really the highway between Edinburgh and the north. A large stream of vagrants constantly pass through from south to north and *vice versa*.

8617. What sort are your vagrants? Any of the tinkers?—Only three families of tinkers who come and visit us periodically.

8618. I suppose for all practical purposes it is not worth counting them?—No.

8619. How do your other vagrants divide themselves? You have got the professional tramp, I suppose, who does not want to work?—That is so.

8620. And you have got working men on the tramp?—We have.

8621. How do you deal with them? What proportion of the one to the other have you?—The police, in the system we adopt in Fife, challenge persons who have, at all events, the external appearance of tramps, and question them about their business and where they are going; but, in regard to whether they are really *bona fide* in search of work or otherwise we must take it as they tell us. We have no means of ascertaining whether they are really telling a true story or not. A number, I believe, do; but it is impossible to distinguish between those who say they are labourers or masons, or other tradesmen, and those who are just professional tramps.

8622. Do you find that many of them who profess to be in search of work are offered work and refuse it?—Oh yes, a good many do. A good many could get work, but won't take it.

8622A. What are the stages—Cupar, I believe, is a fine place?—Coming from Edinburgh they halt at Kirkcaldy. They afterwards walk on to Cupar, and then cross county by Newport, and pick their way over to Dundee.

8623. How are they put up at Kirkcaldy?—In lodging-houses.

8624. No shelter?—No. In Cupar they go to the Inspector of Poor, and they are generally refused relief.

8625. Yes; but we were told by Inspectors of the Poor that it was a very difficult thing when a man came and said he was suffering from lumbago, or some other trouble, and wanted a night's shelter—that it was rather a risky thing to refuse relief?—Well, cases occur every now and then, that I may state come under my personal notice and that of my deputies, in which poor creatures who are out, we will say in all weathers, are refused relief by the inspector, and in such cases we take it upon us to put them into a lodging-house and pay for their bed. It is more as a matter of sympathy than anything else.

8626. Out of what funds?—Oh well, we just charge it against the county.

8627. You don't give them shelter in the cells?—Oh no. They are simply for confining persons charged with crimes.

8628. Yes, but in Glasgow we had evidence that 5000 people were sheltered in the cells?—We give no such shelter.

8629. The Inspector at Cupar does not give assistance so lavishly as to attract vagrants?—On the contrary, the course he has pursued I think, is to deter vagrants rather from coming to Cupar.

8630. Have you any shelters throughout the county?

Chief-Constable Bremner.

15 Dec. 1894.

—None. We have lodging-houses, but, for these, of course they must pay for shelter.

8631. Then how does the tramp support himself By begging? Does he steal?—He really, to my knowledge, moves in a very mysterious way. I am often at a loss to know.

8632. Do you get many complaints regarding him?—Wonderfully few in regard to offences against property, or of assault, considering the numbers that pass through.

8633. As to begging. I suppose he begs?—Oh yes.

8634. Do you get many complaints?—We get complaints occasionally; but I think the disposition of the public, so far as I know them in the landward part of of the county, is rather to relieve the needy-looking tramp than to complain against him. At the same time we have every year, not many, I should say, but several instances of masterful begging, which, when it comes to our knowledge, is at once dealt with by the police—the persons are apprehended and brought before the Court.

8635. How many cases had you of begging in Fifeshire last year?—Twenty in burghs convicted of simple begging, but none in the county of masterful begging. I could not at present give statistics, but I could send them.

8636. That is an offence at common law?—Yes. It is punishable by the measure of the sheriffs' powers in the Summary Court. Sixty days is the maximum, which is very seldom gone to.

8637. You don't have any complaints as to tramps begging?—We have, occasionally.

8638. We were told that in Roxburghshire, under the Trespass Act, they could not sleep in a field, or in a ditch, without the consent of the owner of the place. Do you use that Act?—We do, considerably. We have this year a very large number, compared with previous years, of convictions of tramps who made it a practice to sleep at brick kilns, particularly at one place near Cowdenbeath, where the nuisance was so intolerable that the coalmaster complained, and we had to, night after night, apprehend and take to Dunfermline for trial the tramps found sleeping there. There were over 50 convicted this year for that, and that has had the effect of clearing the place.

8639. What did they get?—Short sentences of imprisonment—under 10 days.

8640. Did you put up any notice?—There have been notices put up, and have been at most of these pits before this plan of dealing with them was adopted.

8641. You would deal with them on your own initiative?—Oh no, only on complaint by the owner of the property.

8642. Although you are not, I suppose, bound to wait for his consent?—Yes. At several of the coal-pits in Fifeshire—at the pit-heads where the boilers are—the masters if they do object, it is very slightly, to the tramps sleeping there if they don't cause any disturbance, because they do some work for the privilege they get.

8643. Do they?—Yes.

8644. It is a sort of cheap lodging-house?—It is.

8645. If the tramps do the work how do they do for food?—I don't know.

8646. They will have to carry their breakfast?—In regard to food, my experience of tramps is that they manage to get whisky when they apparently cannot get food.

8647. Have you any suggestions about them and the extension of the Burgh Police Act clauses to the counties?—No. I should like to see the powers conferred by the Burgh Police Act in regard to dealing with tramps who beg applied to the county; but at the same time it would require to be exercised, I think, with great discretion by the chief of the police, whoever he was, otherwise injustice, I would say, might be done to the honest man really travelling in search of work.

8648. You have no system in Fife such as is in Ayrshire—We have not.

8649. About the drunkenness of tramps. Have you many complaints as to their being drunk, or any breaches of the peace?—Oh yes, a great many breaches of the peace and disorderly conduct go on.

Chief-Constable Bremner.

15 Dec. 1894.

8650. In these cases, of course, you have power to deal with them?—Oh yes.

8651. (*By Col. M'Hardy.*) There is a considerable rise, I see, in your Fife population of persons apprehended for breach of the peace and crimes of disorder generally as between 1885 and 1893? By this return it is 885 for 1885 and 1456 for 1893?—What is the charge?

8652. These are for breach of the peace, drunk and incapable, vagrancy and petty offences. That seems a rather great increase. Can you give any explanation?—I really cannot. Of course what may be called the 'vagaries' of crime are somewhat mysterious to me. We had an increase last month as compared with the same month last year; while in the previous month we had a considerable decrease. I cannot account for these fluctuations, but it may be the increased presence of that class at public works, which undoubtedly affects this.

8653. Was the number of constabulary sensibly increased between those years?—Yes.

8654. By how many?—By four I think.

8655. The number of tramps in Fife daily seems to be something like 500; roughly speaking that seems to be the average number?—Speaking from the half-yearly census I will give you the actual number detected—that from the Sunday after the longest day and the shortest day of last year. The total number in the summer half-year was 533, including children. That was the actual number of vagrants in the county. In December the number was 369.

8656. Well, that is 450 as a matter of fact?—The average?

8657. Yes. These men, you say—are any of them actually remaining in the county afterwards?—No. These are all men who wander beyond the county as a rule.

8658. Do they take about five days to march through the county? Would it be longer than that? I understand you to say that all these men, women and children, are on the march through the county?—Yes; but if they get temporary work they may remain for a time.

8659. What would you take as the average length of time of their march through the county?—I should think five days at the outside.

8660. But if you give a week you get this population shifting 50 times in a year?—But pardon me, I say that perhaps a half of these might find temporary work and remain longer in the county.

8661. But that would represent between twenty and thirty thousand persons passing through the county in a year?—I don't doubt that there is something like the minor figure passing through the county in the year.

8662. A great many of these men, apparently, as we have been told, are actually in search of work—poor workmen who have really to go in search of it?—That is so.

8663. Unable to pay their railway fare?—That is so.

8664. You do assist these men to a certain extent. When they have no money you find them quarters?—Oh, no. I say that sometimes in inclement weather a tramp has applied to the Inspector of Poor—I speak principally of the burgh of Cupar—and he is refused relief, and he comes to us in a pitiful state and appeals to our sympathy. I occasionally pay for his bed and give him shelter in a lodging-house.

8665. But that action of yours is quite on a small scale, and not general throughout the county?—Certainly it is, and it is somewhat irregular.

8666. What would you recommend as to the treatment in the way the country should deal with these men? Should they be provided with some sort of cover during the night?—Do you mean such tramps as you have been speaking about?

8667. Yes—men in search of work, in so far as the police can see and believe, and who is to provide the funds? I wish to ask you if it should be provided?—

Chief-Constable Bremner.

15 Dec. 1894.

I am very doubtful if many of these men would probably put themselves under the restrictions that would likely be attached to such a shelter.

8668. Without going out of the city we are in, there is such a shelter here?—Yes, I know.

8669. Well, possibly something less elaborate than that. You suggest there should be no facility for getting shelter in passing through the county?—Where would you put the shelter? It would be of no avail except in the immediate locality. These tramps are to be found everywhere. You would require half-a-dozen of shelters.

8670. Then you propose deliberately to leave these 22,000 men, women, and children, without shelter?—Oh, they find shelter for themselves.

8671. In what way?—Well, in some mysterious way, they get help and sympathy. They meet with brother tramps, who have begged successfully, and out of their receipts they are supported in some way. I know that a number meet with a regular shelter.

8672. Do you suggest that begging by tramps should be winked at?—No, I don't.

8673. Do you think it should be stopped?—Well, then, you appeal to the sympathies of the law-abiding lieges.

8674. No, no; to the Chief Constable?—Well, you rather put me in a dilemma there, for, though I am a police officer, I have not lost altogether a sort of sympathetic feeling for them, and I have told you how I have acted in cases of distress.

8675. But if these men are to be supported by the population of the county, one way or another, which, I understand, you think is at least a charitable view of the question, that support in an irregular way would probably cost more than if some proper method were adopted. Would it not be better to organise and accept the situation that they have to be housed and helped than to leave them to beg and find what shelter they can?—You would find it would necessarily be that a system of that kind would be very expensive to work, and the number of applicants would largely increase on your hands. I am inclined to say you would be imposed upon to some extent.

8676. But if the entrants had all to pass the constable of the place, would not that be a sufficient check for abuse?—It might, but that points to a very large number of separate shelters in the county.

8677. Yes.—And that would be very expensive.

8678. But not more expensive than the present system?—Well, it would fall on one body.

8679. But the support of tramps, as it stands just now, is a very heavy charge on the county?—I don't quite follow you.

8680. Well, these people who exist in your county every day and night have to be supported. You say they don't support themselves by actual work, and the only other way is by begging?—Yes, to a large extent it is.

8681. Well, that would come to be at a cost of something like £4000, or £5000 a year?—Well, I really could not form any opinion as to that.

8682. Do you ever see anything of the children of the tramps?—We do.

8683. Have you ever thought about what could be done for them. Would you suggest anything for them?—Well, if you are to deal with the children, they would require in the first place to be entirely separated from the evil influences under which they are being brought up, but that means taking them away from their parents.

8684. What can you suggest, with your long experience, in order to get the children educated?—It is very difficult. I could not answer that question.

8685. You don't see any system you could suggest?—I do not, because, unless you take the children and put them into a properly equipped school for a sufficient period, a few days' tuition is practically worthless.

8686. (*By Dr. Sutherland.*) Do I understand you to say that you disbelieve in relief stations with a day's march between?—Well, the question comes in, do you point to relieving stations for able-bodied men?

8687. Yes?—Well, that seems to be a question more for the poor law authorities than for the police.

8688. Would not a system of passports, presented by persons passing from one relief station to another, ultimately lead to the discovery whether they were anxious to work or not, and would it not in some way enable you to check the great and constant stream of vagrancy?—That is charity by another form than merely coming out of begging. We would require to have a considerable number of extra returns for such a thing, and additions to the staff of the working police; and I am not very sure that that would be a duty for the police.

8689. You are not familiar with the German system?—I have read about it. I am not able to answer that question.

8690. With regard to the children, would you be in favour of taking possession of the children and removing them from their environments, and placing them in industrial schools?—For the children's sake, in many cases, it would be well if they were removed from the influence of parents and tramping life, but to take away children from their parents would be almost an offence against our common humanity.

8691. But if these parents are training their children to follow such useless lives, is it not the duty of the State to take them away and to fit them by education for better things?—I concur there.

8692. (*By Col. M'Hardy.*) These apparent increases I referred to, are these in part attributable to the adoption of the Police Acts in the interval in the neighbouring burghs?—I think not. It may to a certain extent.

8693. Do you find breach of the peace and drunkenness, and petty offences more common in proportion among the vagrant population than among the begging population?—I think I may say yes.

8694. Could you tell us the number of vagrants of the tramping class apprehended for those offences during the last year—the number convicted, tramps, persons described in the complaint as of no particular occupation, and no settled place of abode?—There have been 48.

8695. But, I suppose, your apprehensions would be larger?—As a rule they are convicted when apprehended. We seldom apprehend that a conviction does not follow.

8696. (*By Professor Dove Wilson.*) Do you prosecute in any of the Burgh Courts?—I prosecute in the Justice of Peace Court all over the county.

8697. Do you personally prosecute in any of the Burgh Courts?—No.

8698. Do any of your inspectors prosecute there?—No.

8699. Do you use the system of accepting pledges in your county, taken by the police?—No. It may be taken, but it is handed over to the magistrates.

8700. The police don't accept pledges at all?—In a burgh like Burntisland a policemen may take a sum of money from a man detained, but it is handed over to the burgh authorities without the constable retaining it.

8701. It is a pledge of his appearance. Do your constables not keep bail-books?—Yes; it passes directly into the hands of the burgh authorities. The police certainly take these, and hand them over to the burgh authorities.*

8702. They take them and record them in a small bail-book, giving a receipt to the prisoner. That is done in the burghs. Anywhere in the counties? You never do that in the county?—No.

8703. What do you do in the county with drunk and incapable persons?—In the county a drunk and incapable person is locked up for the night, taken before a Justice of the Peace next morning, and usually reprimanded and dismissed.

8704. If a bail is taken in one of the burghs, and

* Chief Constable Bremner explains that in the landward part of the county the police take no bail. In burghs policed by the county the police do take bail, *but only after it has been fixed by the magistrate.* They retain it (the police) until the court which is usually next, or following, day, when it is handed over to the prisoner. The police of *themselves* take no bail—it is only when ordered and fixed by the magistrate who comes to see the prisoner.

Chief-Constable Bremner. 15 Dec. 1894.

is forfeited for non-appearance, what follows then?—Usually nothing; the Burgh Prosecutor takes no proceedings.

8705. Can you tell me anything about the practice in the Burgh Courts in the case of previous convictions for statutory offences? Do they take them into account in passing punishment?—As a rule I believe (I speak guardedly in regard to burghs) that when convictions are known they are libelled against the parties brought up.

8706. That is at common law?—No; in statutory offences as well. A man may be convicted twice or three times in the same year, and the punishment is increased.

8707. But that is under a separate section?—Yes.

8708. Supposing they are brought up under a previous section, and the question is simply as to punishment, do they take previous convictions into account?—If there is any they do. *Chief-Constable Bremner.* 15 Dec. 1894.

8709. How are they known?—By the Prosecutor libelling them in his complaint.

8710. In the Justice of Peace Court do you libel all previous convictions there?—There the cases I deal with are confined to common law cases of a lesser gravity than those that would be tried in the Sheriff Court—cruelty to animals, public-house and road cases. In public-house cases where there has been a previous conviction for breach of certificate, that is libelled.

8711. That is statutory?—Yes. [Witness then withdrew.]

[ADJOURNED.]

NINETEENTH DAY.

Glasgow, Monday, 17th December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman*).
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.

MR. WILLIAM HAMILTON, Chief-Constable of Govan, called in and examined. *Chief-Constable Hamilton.* 17 Dec. 1894.

8712. (*By the Chairman.*) You are Chief Constable of Govan?—Yes.

8713. How long have you been in that position?—Eleven years in November last.

8714. What was your police experience before that?—I was nine years in Glasgow, and previously I served four years in the office of the Procurator-Fiscal for Ayrshire at Ayr, where I daily came into contact with the County and Burgh Police.

8715. The chief problem which we are anxious to get your assistance in solving is in regard to the difference of statistics between Govan and other places—you have a table of statistics before you?—I have been told about it.

8716. It shows that last year the ratio of apprehensions for breaches of peace, petty offences, assaults, drunk and incapables, and drunk and disorderlies was 60 per 1000 in Glasgow, while in Govan it was only 28 per 1000. Now, does not Govan form, so far as any stranger would be able to see, a portion of Glasgow?—It does.

8717. Is the population of the same character?—No; not quite.

8718. What is the difference of the population, and what is the explanation of the very much smaller number of arrests which are more necessary in Govan than in Glasgow?—Our population is composed to a very great extent of respectable working men, that is to say, men who are at all times in employment when they can get it. We have no loafers, no people hanging about who do nothing but commit offences.

8719. But, talking simply of breaches of the peace, petty assaults, and drunk and incapables, and drunk and disorderlies—they are the more respectable and constantly employed population you have?—I think so.

8720. Is there any other reason as to public-houses or anything else to account for the very great disparity and the fewness of arrests in Govan?—It is a delicate matter for me to give an opinion upon, as to the difference between Glasgow and Govan, although I am quite willing to give as full information as I can.

8721. We want to have any hints that will throw light on this matter. In the first place, tell us how you treat your drunk and incapables in Govan, under what Act do you deal with them?—In 1893 we dealt with so many under the Public-Houses Act.

8722. And now?—Well, under the Public-Houses Act, we dealt with 117 drunk and incapables in 1893, and under the Police Act, which came into operation during that year, we also dealt with 166.

8723. You are working under the Police Act altogether now?—Yes.

8724. Under the Public-Houses Act the punishment was 5s. or 24 hours?—Yes.

8725. And under this new Act, the Burghs Police Act, you have powers to fine 40s. or 30 days' imprisonment, and in cases of repeated convictions for drunkenness you have power to inflict 14 days extra without the option of a fine?—Yes.

8726. Are these powers much availed of—have the increases in sentences been commensurate with the extension of powers?—No, I do not think we have had more than three or four cases altogether of fining above the old fine of 5s. or 24 hours.

8727. How many drunk and incapables had you according to the last statistics you have?—283 in 1893.

8728. And what had you the year before?—352 in 1892.

8729. Have you any idea what you have this year?—No.

8730. You have not made up statistics even for six months?—No.

8731. Can you let us know that, because we should like you to fill it up in your evidence, as we wish to compare a year under the old system of 5s. or 24 hours, and a year under the new Police Act which gives you vastly greater powers. We want to see how far the greater powers of punishment have appeared to exercise a deterrent effect?—As I have said already, there are only two or three cases where the power of greater punishment was exercised.

8732. But, I suppose, the extra power is well enough known in your burgh?—Yes; but we have not many who are convicted of drunk and incapable who come before the Court a second time or three times during the year.

Chief Constable. Hamilton.

17 Dec. 1894.

8733. To follow up the drunk and incapable matter, I suppose the definition is the same in Govan as in Glasgow?—I believe so.

8734. That is, a man who is drunk and incapable and not in charge of some friends?—That is so.

8735. When you bring them to the Police Office do you follow the Glasgow system of letting them out on pledge?—Yes.

8736. What pledges?—From 5s.

8737. Can the majority do so?—Yes, I believe so.

8738. If they cannot, do you send out to friends to let them know?—Yes.

8739. We were told that in Govan, which is a comparatively small place, the police know the houses of the different people, and that where they found a man drunk and incapable or asleep near his house they assisted him home to it, whereas, in Glasgow, they simply ran him in?—That is not correct. Our men have got instructions if they find a person drunk to rouse him up. If the person is then able to give his or her name and address, and able to walk, the constable will direct him home. This he will also do if he knows the person, and in either case if friends turn up they let them take charge of him.

8740. Do you find that disposes of a large number?—A good many.

8741. But the man that is simply sleeping hardly comes under the definition of drunk and incapable, that is, if he is able to walk?—It depends upon the opinion of the constables.

8742. What is your opinion on that point? The constables act according to the instructions from the Chief Constable of course?—Yes; my opinion is as I have indicated.

8743. That is, if a man is able to walk and is not disorderly he is rather to be directed and got home than run in? Was that the practice pursued in Glasgow when you were here?—Nearly all the time I was in Glasgow I was in charge of the Detective Department.

8744. But, as a man of ordinary intelligence, and living in or near Glasgow, and formerly being a police officer in Glasgow, do you say you don't know what went on in Glasgow and what goes on in other parts in connection with police business? Is there any difference to explain?—I cannot say there is any difference.

8745. We are to assume that the same thing occurs in Glasgow, and that the police act practically upon the same instructions?—I believe they do.

8746. About your pledges?—If a man leaves his 5s., do you allow him to give any name he likes, and to walk off in the assurance that you will never hear anything more about him, or do you do as we are told they do in Edinburgh and in other places, regard the pledge as surety for appearance at the Police Court, and if the person does not appear the pledge is forfeited, and he is proceeded against by citation?—We simply forfeit the pledge, and no further proceedings are taken, unless it is some serious case.

8747. Does that hold good as to all classes of petty offences and breaches of the peace?—Yes.

8748. With regard to these cases of drunkenness and breaches of the peace, is your practice the same as in Glasgow?—I believe it is so.

8749. We are told that a large number of drunk and incapable cases are converted into disorderly cases or breaches of the peace cases, because the drunk man has sufficient animation left in him to struggle and possibly kick the constables. Is that your experience?—A man who is drunk and incapable is not in a position to kick constables.

8750. As a matter of fact, you don't have many of these cases converted from incapable into the other?—No; none.

8751. About the statistics of the police, what is the number of your force?—80.

8751A. Then your police in Govan are in the number of one to every 792 inhabitants?—That is so.

8752. Whereas the police in Glasgow are in the proportion of one to every 514 inhabitants—has the lesser ratio of police to inhabitants in your case anything to do with the smaller number of apprehensions?—I do not think so.

Chief Constable. Hamilton.

17 Dec. 18

8753. You think you have sufficient police for all purposes?—Yes.

8754. And that if your police ratio were brought up to Glasgow it would not affect your arrests?—I do not think it would in the slightest. In Glasgow there is the Marine Division of Police which watches the harbour with a very small population. In reckoning proportions this would require to be considered as well as the very strong police force necessary in the centre portion of the city for many causes,—entertainments and demonstrations, and the great influx of people from all parts of the country.

8755. We were told that one cause of the very high proportion in Glasgow was that Glasgow was a sort of attractive centre to which a number of people came from all parts, and that the more gay members of the community of Govan came up to Glasgow for their spree instead of taking it out there?—That tells the other way as well.

8756. That is, you have people coming down from Glasgow to Govan, therefore the one counter-balances the other you think?—For 1893 we had 17 per cent. of the total from Glasgow.

8757. I suppose there is always a larger proportion who would come to Glasgow?—I don't know the number that go to Glasgow, but our proportion is 17 per cent.

8758. You mean, do you, 17 per cent. of all crimes?—All crimes and offences dealt with during the year 1893.

8759. Can you give us details?—No.

8760. I would like you to separate the crimes from the offences?—If you take drunks there are 36 per cent. arrested in Govan who come from Glasgow and district.

8761. Can you say the total number of criminals from Glasgow and district arrested in Govan. We want to eliminate the serious criminals, such as burglars and others of that stamp, who would be tried for indictable offences belonging to Glasgow and district. How many of the 17 per cent. have been genuine criminals, housebreaking and burglary in Govan, or how much does the 17 per cent. amount to?—The total number of persons dealt with in 1893 was 2660.

8762. And of these there come from Glasgow and district?—463.

8763. And what is the total number of drunks dealt with?—283.

8764. And the number from Glasgow and district?—102.

8765. And these people, I suppose, get drunk in Govan?—Yes.

8766. Can you go any further with your analysis?—No.

8767. If they get drunk in Govan, this shows that there must be ample facilities for getting drunk there?—We have a fair number of public-houses in proportion to the population, but it is much smaller than Glasgow and other towns.

8768. Have you any theory for so many Glasgow and district men getting drunk in your district?—I believe a number of them come down to Govan to see their friends on the Saturday night, and perhaps some live in Glasgow although employed in the shipbuilding yards of Govan.

8769. But, if they go down to see their friends and get drunk, would not their friends very often get drunk with them?—They might.

8770. And, on the other hand, a number of your Govan people would be up in Glasgow seeing their friends?—Oh yes, a number of our Govan people get drunk in Glasgow. The Glasgow police telephone very often on the Sunday and other days to see the friends of prisoners about them.

8771. And is the proportion anything like the same in the two places?—I don't know.

8772. Does not the telephone guide you in showing that?—Oh no. There are perhaps two or three on a

Chief-Constable Hamilton. 17 Dec. 1894.

Sunday; but they are not always for drunks. They may be breaches of the peace and assaults perhaps.

8773. Do you think the Govan population is a more law-abiding population and more composed of respectable electors than that of Perth for instance?—No, I would not say that.

8774. Your number of apprehensions is smaller than that of Perth, taking the percentage of apprehensions to population?—Yes.

8775. Your percentage in Govan is 2·8, and in Perth it is 3·1?—The number of apprehensions may vary according to how the police force is handled.

8776. That is exactly what I have asked you, but you have not seen fit to answer it. Do you think that Govan has a much rowdier population than, say, Leith?—Leith has a much more mixed population than Govan.

8777. And there should be, according to your theory of the character of the population, rather a higher percentage of arrests than with you?—It depends entirely on the management of the police force.

8778. You have in Leith barely two-thirds of that in Govan, and in Perth—a country town,—a considerably larger number of arrests; and in Ayr you have nearly half as many as in Govan?—Ayr within the last few years has been very much run on by processions from Leith and other places.

8779. Well now, the Leith people are very rowdy, and yet there are only 20 per cent.?—I meant the people who went to Ayr, but I think I had better withdraw the name of Leith specially.

8780. You have told us it depends on how the force is handled, and that is what we want to know—the difference of the treatment, and how we get these apparently extraordinary figures?—In Ayr there are perhaps 10,000 or 12,000 people coming on the Saturday afternoon from all parts of the country, and there are the races also, and these people commit a great many offences. In Govan we have no crowds of that kind, except the football crowd, which is a very orderly one generally speaking.

8781. You don't think the prevalence of football matches increases the amount of drunkenness?—Those who attend football matches may to some extent drink, but I don't think the football matches increase drunkenness to an extent worthy of notice. A few perhaps get drunk.

8782. Let us take Leith and Govan on the one hand, and Glasgow and Govan on the other. There you have Leith which you say has a population composed of more heterogenous elements with large numbers of no fixed employment, and of a less purely respectable working class than Govan; how is it that your arrests are as 28 to 20 greater in Govan than in Leith?—I cannot explain it.

8783. And you cannot explain why in Govan they are 32 per 1000 lighter than in Glasgow?—No, I cannot explain that, but I can say that for many years our percentage has been gradually on the decrease.

8784. When did you go to Govan?—In 1883.

8785. And, before you went to Govan, what was the percentage?—The percentage was 73 per 1000.

8786. It was pretty much about Glasgow's percentage?—Yes, if you take 1883.

8787. You mean for the total?—Yes.

8788. Can you give us the details for the different years?—Yes.

8789. What was it in 1873?—105 per 1000.

8790. And in 1883?—73·39.

8791. And since then?—In 1884 it was 57; in 1885, 41; in 1886, 34; in 1887, 31; in 1888, 38; in 1889, 41; in 1890, 51; in 1891, 44; in 1892, 45; in 1893, 42.

8792. That is for all crime?—Yes.

8793. There is rather a remarkable thing here that you have got only 28 per 1000 for petty offences. You must have 14 per 1000 for grave offences to bring you up to 42, or how do you make up the added 14 per 1000?—If you take offences against property, and those were petty offences, there were 304 in 1893. If you take malicious mischief there were 111 of that class.

8794. What is the population of Govan?—In 1893 it was 63,197.

8795. Glasgow has a population of 672,000, and Govan, according to the statistics I have in my hand, has a population of 65,000?—There is a mistake there, as regards Govan.

8796. Glasgow has more than ten times the population of Govan, and in Govan the number of cases of malicious mischief were only 6½ times less than in Glasgow, which would argue that your population must be much more malicious and mischievous than that of Glasgow?—I believe in all small towns you will find those petty offences better looked after than in the large towns. There are a great many offences that we are almost driven to look after, whereas in a place with a large population, such as Glasgow, they would not be able to deal with them.

8797. For instance?—Destroying coal-cellars, knocking over fences in back courts, smashing down railings, breaking windows, and so forth. In Govan and in many of the smaller towns we have, I may say, more facilities for the breaking of windows than there are in Glasgow. With us such offences aremuch more easily noticed, and are also much induced, as we have more macadamised roads than larger towns, and this leads to these malicious offences.

8798. You do not think the Govanite is more mischievous than the Glasgow boy, but that the paved streets do not give the Glasgow boys the same opportunity as Govan does?—Yes.

8799. And you say the police are driven to look after these offences in a manner that they do not look after them in large towns?—Perhaps driven is not a very good word.

8800. At all events, the police do look after them more efficiently?—Yes. I believe they do so more than is done in a large town.

8801–2. That partly disposes of your original theory about the differences in the amount of original sin between Glasgow and Govan, as accounting for the extraordinary discrepancy in arrests? It shows that your people take the opportunity of throwing stones when it is there?—It is only 111 out of the total.

8803. Yes; but it is much bigger than in Glasgow? My point is this. The offences of malicious mischief are very much larger in proportion to the population in Govan than in Glasgow, which shows that your population has very much the same human nature in it as in Glasgow, but yet your number of arrests are most creditably small, and what I want to know is—we are trying to get at the motives that actuate petty offences—your candid view for the difference between the number of arrests in the two places?—I have given you the numbers for the different years from 1873.

8804. Yes, you have given us the numbers, but you have not given us your explanation?—The explanation is simply a different system of police administration.

8805. Well, let us have the different system as illustrated by Govan? When you went to Govan in 1883 it was 73 per 1000—what time in that year did you go?—November.

8806. In the last year of your predecessor's handling of the police the number per 1000 arrested was 84·79 and in the first year of your handling of the police the number arrested was 57·37, and that number has, on the whole, very considerably decreased, and has never, on any single occasion, reached the percentage of your first year?—You may say the last year of my predecessor was 1882, and the first year of my administration was 1884.

8807. And in the first year of your administration the number of arrests per thousand had fallen from 84·79, or, say, 85 per 1000, to 57·3 per 1000; and under your system the number of arrests has steadily gone down and has never ever approached the figure of 57·3 which you brought it down to in your first year? How is that, and what changes did you inaugurate?—The opinion I formed when I went to Govan was that the police took up far too many persons and interfered in many cases which they ought to have left alone. On Saturday night I patrolled the streets

Chief-Constable Hamilton.

17 Dec. 1894.

to see how the police were doing their duty, and I came to the conclusion that they interfered too much in many trivial cases where a simple caution seemed to me to be all that was wanted. Say, at the Cross of Govan, the police would interfere between two men who had been walking alone in quite a friendly way and perhaps, in the heat of an argument quarrelled and struck one another, and would arrest them, instead of, as I thought they should have done, separating them and telling them to go away home, without following them or irritating them in any way. I gave strict instructions in such cases as these, and I found that such men went home all right; whereas, on the other hand, if they were arrested for a trivial offence, the public formed the opinion that the police were far too officious, and they harboured ill feelings against them, and assaulted them whenever the opportunity arose. The result was that very often you not only had the original cases but perhaps ten or a dozen cases, owing to the irritation caused and the people attempting to interfere with the police when they were taking the prisoners off.

8808. Is there any other decided change that you have made?—At that time the police were very unpopular, and the people being nearly all of one class, seemed to have formed the opinion that the police were there to be made targets of to a very great extent. As I have pointed out, we have a working class community, and if you interfere unnecessarily with a few of that community, that interference affects hundreds, because they are working together—say, in Fairfield yard, where there are thousands of men employed—and they tell one another, and spread about the feeling that the police are unduly severe in carrying out their duty.

8809. Did you give any instructions about altering the system of dealing with drunks and incapables. What was done before?—I had only formed an opinion in a general way that far too many persons were arrested. I had never been in Govan but once prior to my appointment.

8810. Let me go back to your system of not arresting for petty assaults. A Glasgow magistrate told us that he had the idea that in Glasgow the police were over-officious, and he personally patrolled the streets in the same manner as you did, and he came away with quite a different opinion. He said he found, in such cases as you refer to, the police separated the quarrellers and advised them to go home. I suppose you have patrolled the streets of Glasgow and know them. Do you think the system is the same here as in Govan?—To a great extent. I, of course, do not wish to express any opinion regarding the Glasgow system.

8811. You do not think they are over-officious?—In a community like Glasgow, more particularly in the Central District, you require to let people feel that the law has to be enforced.

8812. Your men have in the first place to decide what law has to be enforced, and they take that law, do they not, from the directions of the Chief Constable?—If you were to attend the Glasgow Central Police Court and our Court in Govan you would see the great difference in the class of people in the Glasgow Court from our people. The class of people you find at the Central Court are generally those who require to be dealt with pretty severely.

8813. And you think that, under any other system, that the pre-eminence of Glasgow on this table would remain?—I would not like to express an opinion.

8814. We would like you to express an opinion. You have an opinion?—I would rather not express it.

8815. (*By Dr. Farquharson.*) Do you think the prosperity of the working class has much influence on their drinking habits?—Yes, it has a certain influence.

8816. We were told by a witness in Edinburgh that the more prosperous the working classes were the more they drank. Is that your experience?—Well, yes; they have more money to drink with.

8817. Then Govan is a place where the working classes are prosperous?—Trade comes and goes. Lately trade has been good.

8818. Why, don't they drink more then?—In 1893 trade was not so good as it had been before that.

Chief-Constable Hamilton.

17 Dec. 189

8819. Is there any means of finding out whether there is more or less liquor consumed in Govan than in Glasgow in proportion to its population?—I do not know of any means.

8820. (*By Dr. Sutherland.*) I find from a table I have in my hand that you had a child under eight years in custody for malicious mischief last year. Do you know if that child went to prison?—The table does not show, but I expect the charge would be withdrawn.

8821. I find you have had 134 children under 12 years who have been up for petty offences, and of these 19 have been fined or imprisoned. Did any of them go to prison?—None.

8822. What was done with them?—They paid the fine.

8823. I find that 27 children under 12 years have been birched?—Yes.

8824. Seventy in all?—Yes.

8825. You believe in the birch rod as a wholesome corrective?—Yes, I think it is very good, especially where boys have been banded together for mischievous purposes.

8826. You approve of it being done in the police office in preference to the prison where it used to be done?—Yes.

8827. Did you find any objection raised in the town against birching?—No.

8828. Do you believe in sending children of ten years to prison at all?—No.

8829. Is the probation of First Offenders' Act much taken advantage of by the Govan magistrates?—Yes, in a great many cases.

8830. I presume each case is carefully considered as to whether or not the First Offenders' Act should be applied?—Yes.

8831. In regard to the total number of apprehensions for those petty offences about which we are inquiring, somewhere about 1841 is the total,—do you find that the mild powers which you possess and exercise is a sufficient deterrent?—Yes, I think it is.

8832. Can you tell us the number of people who have only come before you once in the course of the year, and have never come back. Take the drunks, who are only about a sixth of the other classes?—In 1893 we had seven who came before the Court twice, 11 three times, and one four times.

8833. So that the powers you at present possess are adequate to deter?—Yes, I think so.

8834. Of those who leave pledges, do you find that being in a police office is a sufficient deterrent without bringing them to trial?—Yes, of the class of people.

8835. You have no desire to bring up for public trial and exposure any person who is a casual offender when you are satisfied that the fact of his being in the police office for some hours is a sufficient deterrent?—No.

8836. In regard to the previous convictions of prisoners for petty offences, are these convictions made known to the magistrate before the charge is proved?—He must first of all intimate his decision. I find in Govan you have only ten individuals who have been apprehended five times and over, and always for the special offence we are dealing with?—Yes.

8837. A much smaller proportion than exists in Glasgow?—I do not know.

8838. Would it be possible to run up a bigger score of men and women as habitual offenders, if the police exercised any other methods than they are doing at present? I mean to say that if any other methods were adopted of handling the people who were drunk and incapable?—It might.

8839. In regard to the birching of children, I find that Govan is at the head of the whole of Scotland. I suppose that those lads who are guilty of malicious mischief are mostly punished by means of the birch rod?—Yes.

8840. And there is no outcry against it?—No.

8841. Was there any outcry against the system when the whipping was done in prison?—No. I cannot say there was.

Chief-Constable. Hamilton. 17 Dec. 1894.

8842. (*By Col. M'Hardy.*) When you bring up a man for trial for a petty offence, and he says that he is not guilty, do you proceed to trial right off?—Before proceeding to try him, he is asked if he has any witnesses, and if he says no, he is asked if he wants his case continued. If he asks for a continuation, the case is put off for a day or two.

8843. What is the practical result? Have many people had their cases continued?—Very few.

8844. Can you give the approximate number for a year?—It is a very small proportion.

8845. Would there be 20 cases in the year?—Oh yes; perhaps more. But in many of the cases where a continuation is asked, it is really asked more for the purpose of getting the money to pay the fine than for anything else.

8846. But would not they raise the money if they were not continued?—They might, but they would be sent off to prison within two or three hours after being convicted; whereas, when they get the continuation, they have more time to get up the money. And, besides, they are often liberated without bail if they are known, and they can get the money more easily then.

8847. Your constables in the cases in which they have to give evidence have to be present when the Court sits?—Yes.

8848. The next morning?—Yes.

8849. Then there are a great many of these constables who are never called upon at all?—Yes.

8850. But they are all there?—Yes.

8851. So that you are ready in every instance to go on?—Yes, that is the custom.

8852. Is that the custom in Glasgow also?—Yes.

8853. It is not the custom, though, in Edinburgh?—Mr Henderson goes in for the English system, I think, a bit. He was in England himself.

8854. What is the English system?—They are different from us. They do not try cases right off.

8855. How do you deal with prostitutes?—In the way of punishment?

8856. Under what conditions do you arrest them?—Prostitutes arrested in the fore part of the night are brought before the Court the following morning, and are dealt with as the other prisoners are.

8857. Have you plain clothes constables, going in pairs, detecting cases of importuning?—We have not had them for many years.

8858. Is Govan a likely place for prostitutes to be in?—No, we have very few prostitutes. There were only 31 dealt with throughout last year.

8859. In comparison with Glasgow, there is nearly ten times less than the number should be. It should be 300. Glasgow has 2600. There are about ten times as many in Glasgow relative to the population than you have?—There, again, the people go to centres.

8860. Is the principle of arrests of prostitutes—otherwise than that they are not watched by special constables—the same in Glasgow and in Govan?—It is practically the same. They sometimes send out plain clothes men in Glasgow.

8861. We have heard that they do so always?—Not always, I think.

8862. Do you caution these women?—No. Not the class that we have got. There are only 31 dealt with altogether, as I have said, and they were well-known prostitutes; and even though we know they have been convicted in Glasgow, they are simply admonished when they appear the first time. I may say that 30 of them were from Glasgow and only one was a resident in Govan. They come down to our Plantation district, where they find seamen in the vicinity of the harbour. This district is near to Glasgow.

8863. (*By the Chairman.*) I see that before your time nothing appears to have been done practically with prostitutes. In 1865 they are blank in our return; in 1875 there were only 2 arrests made; in 1895 they mounted up to 29. Now, what is the explanation of that?—I really cannot explain it, as I had never been in Govan before I went to take charge of the police.

Chief-Constable. Hamilton. 17 Dec. 1894.

8864. Did you not give new orders?—Yes, because I observed that on Paisley Road and Govan Road, just over the boundary from Glasgow, we had generally a few prostitutes, and I gave orders to have these prostitutes dealt with. I said, in reply to Col. M'Hardy, I did not send out plain clothes men. But at that time I did so, and brought in these women.

8865. Have you got the number of arrests of prostitutes made in 1882?—No.

8866. I suppose we may take it they were almost nil before that time?—I believe that will be correct.

8867. In 1875 there were 2, and in 1865 there were none, and there was a jump up when you took the police in hand?—Plantation district grew very quick, and it may be as the district gradually got populated by seafaring men the prostitutes began to go down.

8868. What is the charge for prostitution?—Loitering and importuning men for prostitution? They are not taken up unless they are seen to importune three or four men.

8869. And what is the evidence required?—That they are known to be prostitutes, and have frequented that district for so long.

8870. The evidence of two policemen is required?—Yes. Two policemen when they have seen those women stopping several men, and when they have been frequenting that place.

8871. Do your policemen go in pairs?—When they do that work they go in pairs.

8872. They are out specially when they do so?—Yes. On Tuesday, Wednesday, and Thursday we invariably attend to the prostitutes, but there is nothing done on the Monday or the Saturday night with them.

8873. That is to say, you have got your single men on the Monday and Saturday nights, and this sort of work may go on under their eyes and they can do nothing?—If it was very glaring they would ask the men on the neighbouring beats to join them. In point of fact there is very little of it on Saturday night.

8874. I should have thought that there would have been more done in that way when the men were drunk and money plentiful?—No.

8875. You never have the evidence of the person inportuned?—No. In just a few cases it has occurred, but in point of fact we never get the person importuned.

8876. You have in the offenders' clause, as breaches of the peace and petty assaults, an increase—in 1885 it was 1007, and in 1893 1558, and the increase is steady. These are your own statistics supplied to the Secretary of the Commission.—I do not quite follow.

8877. For breach of the peace and petty assaults the number arrested in 1865 was only 442; in 1875 it was 1383; in 1885 it was 1007; and in 1893 it was 1558.—Between 1885 and 1893 there was some change in the system of making up the returns.

8878. But that won't explain it here, because none of the other classes of drunkenness vary so much as to account for the change?—Well, I think there was some change.

8879. If you have increased so much over 50 per cent. in your breaches of peace and petty assaults, and if you have increased, not very much, but steadily, in your petty thefts with sentences under fourteen days, your population would now be so much superior, in point of character, to what it was before your advent; and the diminution you have told us of in the number of arrests must be enormously, if not totally, dependent upon the handling of the police?—I believe that is so.

8880. Well, that is a point that I wanted to come to. That is your candid opinion?—It is.

8881. I think you will see that it is a Chief Constable's business to know what the systems are everywhere around him if he wishes to improve his own system. There is a tremendous diversity of handling by Chief Constables. Do you think that any improvement could be made if the Inspector of Constabulary had some power to suggest or bring about something like uniformity of action among the Chief Constables of the country?—In a small town like Govan, with 63,000 inhabitants, a Chief Constable can have much

Chief-Constable. Hamilton. 17 Dec. 1894.

more influence, and a small force can have much more influence over a community than, I think, can be the case in a large community.

8882. As I understand it, Govan is not a small community, but simply a comparatively small slice of a very large community?—That is so.

8883. You are very much like Partick?—No. Partick is more residential than we are.

8884. Partick is a much less likely place for crime?—Yes.

8885. And for drunkenness?—I would say so.

8886. Because there is a large portion of Partick in which there are no public-houses?—Yes.

8887. There are huge districts of Partick and Hillhead without public-houses?—Hillhead is in Glasgow now.

8888. There are fewer public-houses, as a matter of fact, in the residential districts?—Yes. We are pretty much the same in the Ibrox portion of Govan.

8889. Well, in Partick, which is a large residential quarter where the richer inhabitants of Glasgow reside, there is 33 per 1000 of apprehensions over all, as against 40 in Govan?—Partick and Govan systems are pretty much alike.

8890. You are decreasing to the tune of 15 per cent. of apprehensions between 1881 and 1893, whereas your population is increasing 32 per cent: you have decreased 55 per cent. in your drunk and incapables, while the population has increased 32 per cent. That shows that that element can be changed very much by handling?—Yes. As regards Govan it is a purely working-class community. Two-thirds of our community are respectable working men employed in the various shipbuilding yards, and they have the police working harmoniously with them in their districts in many ways. The people, when that is the case, get the opinion that the police are simply part of themselves, and that tends very much to the reduction of offences.

8891. Are your men frequently interchanged with Glasgow? How are your wages compared with Glasgow?—We are a shade better.

8892. Do you take many men from Glasgow?—No, we prefer to have young men from the country, rather than to take them from Glasgow.

8893. Do you prefer to take men from the country rather than trained men from Glasgow?—Well, there is generally something wrong if a trained man wants to leave the Glasgow force, where there are so many more opportunites for promotion, and I therefore prefer the young man from the country.

8894. But does the pay not attract the men from Glasgow?—It is only a penny a week more.

8895. But a great many men do leave Glasgow force for English forces?—We have had none, although I have heard that said.

8896. You know the enormous difference in the proportion of apprehensions in England. In the Metropolitan district there is not one-third of the apprehensions?—Because the system is entirely different.

Chief-Constable. Hamilton. 17 Dec. 1894.

8897. What is the difference?—In a great many of the offences committed in England the complainer requires to go to the Police Court and apply to the magistrate for a summons, and that summons is issued by the police. Now, I believe people do not always put themselves to the trouble of going and making a complaint.

8898. We asked some of the Glasgow police magistrates for a explanation of the difference between Glasgow and Govan in arrests, and they said that Govan was under-policed?—That is not correct, although it is an old story.

8899. I find in the report of the Inspector of Constabulary for Scotland for 1893 that he places Govan among the police forces that require strengthening?—I have pointed out to H.M. Inspector Captain Monro that I think he is in error there, in so far as we have to pay our proportion for the police in the Marine Division of Glasgow who watch the Harbour Dock within the burgh of Govan, and, in estimating the police force in connection with the population, we must count these men in the Marine Division who watch in the Govan district, although they are under the Chief Constable of Glasgow.

8900. Do you think that this table giving the number of police in Govan is not correct, and that instead of your being, say, one to 800, and Glasgow one to 500, that there should be some of the Glasgow police credited to you, which would more equalise your number?—Yes, the Marine Division watching in Govan.

8901. How many men are there?—I should say twelve.

8902. Would that make much difference?—It would make a difference.

8903. It would not make much difference so far as Glasgow is concerned. It would leave Glasgow at about one to 550, but it would bring you up considerably. What is your police force?—We have 80, independent of marine police who watch a considerable area and thus reduce our acreage.

8904. Now about prostitution, how about fines?—The first time they are admonished, and the second time they get 14 days.

8905. You have had experience of Glasgow in the short-sentence treatment of drunkards and under the extended powers, and your magistrates have almost never put the extended powers into operation?—Only in three cases, I think, where they fined them 7s. 6d. instead of 5s.

8906. Have you anything to say about vagrants?—We have very little trouble with them. Vagrants go to a centre, and they pass through Govan to Glasgow

8907. You have some begging?—Yes, not much.

[The witness then withdrew.]

Chief-Constable. Angus.

Mr. JOHN WYNESS ANGUS, Chief Constable of Greenock, called in and examined.

Chief-Constable. Angus.

8908. (*By the Chairman.*) You are Chief Constable of Greenock?—Yes.

8909. How long have you occupied that position?—Eight years. My previous police experience was chiefly in the county of Renfrew. I was Inspector for 13½ years for the lower ward of the county.

8910. What part of Renfrewshire is the lower ward?—The lower ward consists of the parishes of Inverkip, Greenock, Kilmalcolm, and Port-Glasgow. The police district takes in a good part of Erskine and Houston, in addition.

8911. Greenock has a Police Act of its own?—Yes.

8912. And the county?—Is worked under the General County Police Act.

8913. In Greenock I see there has been a steady falling off in breaches of the peace, disorderly conduct, petty assaults, and in drunk and incapables?—That is only for two years. 1891was the highest on record.

8914. I see in 1880 you had a total for these offences of 3000 apprehensions; and in 1891 you rose up to 3518; and in 1892, 3172; and in 1893, 2116?—Yes, and I think I am correct that 1891 was the highest on record.

8915. What do you attribute that to?—To brisk trade.

8916. You have been there for eight years; that would bring you back to when?—I began on 1st December 1886.

8917. You commenced practically in 1887?—Yes, practically.

8918. You did not introduce any great change of system?—No.

8919. Simply pursued the old system?—So far as concerned the apprehension of offenders I simply pursued the old system.

8920. What is the system in connection with drunk and incapables: your definition of drunk and incapable is, that a man must be not only drunk and incapable, but unaccompanied by any friend who could look after him?—Certainly.

Chief-Constable Angus. 17 Dec. 1894.

8921. What instructions did you give to your men with regard to drunk and incapable?—I am sorry I have not the instructions with me, but I shall send a copy to the Secretary. I may explain that I found it necessary to point out to the constables four or five years ago that a man might be incapable of taking care of himself who was not absolutely incapable of locomotion, and that in a town like Greenock, with so many harbours, and where so many cases of drowning were taking place, it was all the more necessary that men who did not know where they were, or what they were doing should not be allowed to wander about, but should be picked up.

8922. Did that much increase the number of your apprehensions?—Slightly. And I intend to state frankly to the Committee that I have frequently impresseed this upon the members of the police force—the night force I speak of. If they pick up such men it means that their sleep will be broken next day in order to attend the Court, and, therefore, they are not desirous of taking such men. And I have a suspicion that they pass over many cases, because we have cases of drowning very often.

8923. You do not think that they sweep up all the cases?—I am certain they do not.

8924. You often, I suppose, have occasion to take a stroll through the streets at night?—Yes.

8925. And your opinion is based upon what you see?—Precisely.

8926. I suppose what you say as to the men having their sleep disturbed by having to be present at the Police Court if they have arrested drunkards, holds good in every town?—So far as regards the night force.

8927. Therefore it is at personal inconvenience to themselves that constables arrest drunk men, except in Edinburgh?—Well, yes. In Edinburgh they have a different system. They have three shifts.

8928. They have got this difference that, if a man pleads not guilty he is remanded in order that the constable may attend next day?—Yes, but that is not the case with us.

8929. If that was much of a factor in the matter, don't you think that Edinburgh arrests under that system should be much more than the arrests in other places?—I would say so.

8930. Yet Edinburgh is not very high. Edinburgh has only 24 arrests per 1000, whereas Greenock has 23?—Yes, but there is a very large extent of Edinburgh with a residential population that do not fall into the hands of the police, I think.

8931. Greenock is a fairly drunken place?—It is. That is to say, it comprehends a very large number of the lower Irish class, a population who work about the shipbuilding yards. They are of a rougher class than the population in an inland town like Paisley, for instance. Then we have got seamen, another rough class.

8932. You have got a great falling off in the number of your apprehensions. Do you attribute that entirely to the bad trade of recent years?—Not entirely. It certainly has had a large effect upon it, but probably an equal effect has been had by the system which I have pursued for a number of years with shebeens. It still continues. I have got special men who are specially acquainted with the shebeens, and with the characters who frequent them, and the same men, I think with one exception, have been at work all the eight years, Sundays and after hours, visiting these houses, according as they think there is any drinking going on in them. We have had so many apprehensions of men drunk or drinking in these places, that now, practically, no one but a drunk man will go to them.

8933. Do you think then that shebeening is largely responsible for the drunkenness in Greenock?—To a great extent.

8934. Have you any idea of extent of the proportion it constitutes?—I think you might say almost every case after 11.30 p.m. Eleven o'clock is the shutting hour for the public-houses.

8935. If you think a man is not run in or arrested before 11.30?—He has been at some of these places getting drink.

8936. What is the proportion of drunks you arrest after that hour?—I have not made it up specially, but I shall furnish you with it.

8937. Roughly speaking, can you give us it? Is it one-third?—About one-fourth. I should say rather under that, but it is not far off the mark.

8938. We are not talking specially of drunkenness, but of cases caused by drunkenness,—petty assaults, breaches of the peace, disorderly conduct, and drunkenness?—Yes.

8939. That is surely an inordinately high proportion; there must be a lot of shebeens in Greenock?—I do not go the length of saying that that is the exact number, but I know that I sign warrants for searching and examining these places to the average of about 152.

8940. In a year?—No, every week. The warrant only runs for a week under the Public-Houses Act.

8941. How many visits to shebeens will your men make in the course of a week?—They certainly visit every shebeen weekly, sometimes probably several times in a night. If they see that the people are in bed, and the house is quiet, they do not disturb them.

8942. It must be rather a lively sort of life that of a shebeener, liable to so many visits?—No doubt; but, of course, the moment the traffic ceases, and the people cease to go about the place, our men stop going.

8943. How many convictions had you for shebeening last year?—It has been going down every year, but I have not the exact figures with me. I had a good number three or four years ago.

8944. Do you find that your prosecutions for shebeening are generally successful, or are they difficult to obtain convictions in?—We have no great difficulty.

8945. Do the men who visit the shebeens say that bad liquor has to do with the supply of drunkards?—The liquor is something extraordinary. In fact it is not liquor, it is more like firewater. I should have plenty of samples in my possession.

8946. You might send one to the Secretary?—I shall do so.

8947. It was stated to us, in regard to these shebeens, that it was a popular delusion that there was so much adulteration of the whisky supplied here, and that there was no marked difference between new and old whisky?—I never tasted it, but the smell is quite sufficient.

8948. You get samples—what are they for?—They are what has been seized under a certain section of the Public-Houses Act.

8949. Can you send us one or two specimens?—Certainly. I shall look if I have them. I know I have beer, but we generally empty the whiskey every month or two months into the drains, and I am not sure that we may have it beside us just now.

8950. Have you many habitual drunkards? Many men who are convicted of the same offences several times in one year?—5 men and 23 women.

8951. You had 1 man and 10 women arrested 5 times during 1893 for offences connected with drunkenness?—Yes.

8952. You had 2 men and 6 women arrested 6 times; 2 men and 2 women 7 times; 3 women 8 times; 1 woman 10 times; and 1 woman 11 times?—Yes.

8953. I see the women are very much worse as habitual offenders than the men with you?—Yes.

8954. Now, we have been told that if we were to lock up 50, say, in one place; and in another, say, 100; and so many in another, possibly even a larger proportion, it would enormously diminish the number of offenders?—So far as we are concerned, the larger proportion of our offences are attributable to 335 individuals.

8955. But that would be a pretty big number to lock up for a place like Greenock?—No doubt, but of that proportion I think 129 or 130 are prostitutes, and that is one of the matters which, if anything is to be done at all, I should like to see something done to.

8956. The Glasgow authorities told us if they could

get 500 locked up it would enormously decrease their pre-eminence among the cities of Scotland in regard to the proportion of arrests. 500 in Glasgow would be equivalent to considerably less than 100 in Greenock, in fact, to 50 in Greenock, in point of population?—Yes, that would be like it.

8957. But you think you would want to lock up more than 50?—Taking 7 convictions as the number to require a person to be an habitual offender, we have 335.

8958. Seven convictions in their life?—Oh no; I say within three or four years—within a very recent period.

8959. That is a very important point. You say 7 convictions within how many years?—I would say within four years.

8960. You would not guard that by any number within one year?—No, I do not think so. It just struck me when this was sent down to me that it would not accomplish the purpose in giving an exact view of the characters, because we find very often that for a year or 18 months some of the very worst characters—I cannot explain the reason—will draw up, and we will never see them. Then they may come back and we shall have them quite a number of times within a very short period.

8961. But it is a great thing to have them draw up for a year?—Certainly.

8962. You were talking about the number of prostitutes and their effect in swelling your list. Is Greenock more infested with prostitutes than other places?—Well, in proportion to the population, I believe, it is. I know that our number is about 129 just now.

8963. You seem to have come down greatly in the apprehensions of prostitutes. In 1875 you had 35 prostitutes arrested, in 1885 you had 63, and last year you had only 22?—Ah! but that would be only one view of it—that is for importuning. They figure more largely in these cases of breach of the peace by a long way. We have got the importuning on the streets almost put down, but in other offences—in drunkenness, petty assaults, and breaches of the peace they are a perpetual nuisance.

8964. In the first place, tell us how you would deal with them for offences of prostitution: what is the crime?—Importuning or loitering for the purpose of prostitution.

8965. Do you employ men in plain clothes?—Yes, whenever there is any complaint that they are beginning to come out again on the streets and stopping people or making remarks to the passengers.

8966. Do these men go in couples?—Yes; but singly, at a certain distance apart, so as to be within sight of each other.

8967. And the evidence that is given is of course that of those two men?—Yes.

8968. You never take the person importuned?—There is great difficulty in getting them to come. They won't even give their names.

8969. What is the punishment?—40s. or 30 days is the maximum.

8970. Do they generally pay?—The general punishment imposed is about 10s. 6d., and they generally pay and don't go to prison.

8971. What would 10s. 6d. mean in the way of imprisonment?—About seven days.

8972. They are not harshly treated?—Certainly not.

8973. Do you think your bailies treat them too lightly?—In the case of those offenders who come back after seven convictions within three or four years they are far too lightly dealt with.

8974. But we are talking about these offences of prostitution: a prostitute gets run in twice or three times, or possibly more for drunkenness or breach of the peace for one time she gets in for prostitution?—I should say oftener even than that.

8975. With regard to the other offences, you have got considerable powers, but you do not treat the crime of importuning very severely—they don't generally give them thirty days?—No; generally about 10s. 6d.

8976. What is given for breaches of the peace; that will run up much higher?—Oh yes; but it varies according to the magistrate who is sitting. Very frequently they get thirty days for breach of the peace.

8977. I forgot to ask you what your powers were in the way of punishment for drunk and incapables under your Police Act?—For the first offence it is 40s.; but after they have against them six convictions for drunkenness the magistrate can imprison them without a fine for sixty days.

8978. You are aware that under the Burghs Police Act they have got a punishment for the first offence of 40s. or thirty days, and after three repeated convictions within a given period there can be an addition of fourteen days without the option of a fine. In the case, therefore, of the person who can pay a fine, you seem to have a severer punishment than in any other place we have come across; you have greater powers under your Act than others?—I think so.

8979. Are these often exercised?—Not very often.

8980. Can you give us an idea how many men were sent thirty days to prison for simple repetitions of drunkenness?—There has not been a single person during the last eight years.

8981. Before that?—There were some after the Act came into force—after 1877.

8982. Why were these severe sentences not given; did public opinion revolt against them?—I don't know; but there was a considerable agitation for larger powers at the time the Greenock Act was got in 1877. I am speaking from personal knowledge, because I was resident in the town at the time. They got these larger powers, and, for a year or two, I believe they exercised them; but a change of magistrates occurred, and they did not feel so strongly, and they dropped into the old rut and took a milder view of the matter.

8983. What is the usual punishment for drunk and incapable?—For a first offence 7s. 6d. or 5 days.

8984. And for the second or third or fourth offence?—We don't generally make any difference until they come up to over six convictions.

8985. And then?—They may give them sometimes 30s., sometimes £1, and on an occasion they send them to prison without a fine for thirty days.

8985A. But that, I think you say, has not been done for eight years?—No, not with regard to anyone not a prostitute.

8986. Then they send prostitutes occasionally to prison thirty days even for being repeatedly drunk?—Yes.

8987. When you speak of convictions, I suppose you speak of all convictions of this class, whether simple drunkenness or petty breach of the peace, or any other of the drinking class of offences—disorderly conduct, petty assault, and prostitution?—No; in dealing with these previous convictions, we confine them strictly to drunk and incapable.

8988. You don't even take in drunk and disorderly?—No.

8989. Then have you many drunk and incapable six times up?—Yes.

8990. Could you give us any examples of women so frequently convicted as drunk and incapable?—Yes. There is one, Rose A——, convicted eight times of being drunk and incapable; then there is Ann B——, six times; then Mary M——, five times. These were all in one year.

8991. Have these women any other convictions against them in the year, or do they run entirely on drunk and incapable.

8992. They do not run entirely on drunk and incapable. Rose A—— was alone drunk and incapable; Mary M—— has three breaches of the peace and three convictions for importuning against her.

8993. Well, that is exactly the thing. Don't you think that your system is rather defective in this, that a woman who has been five times convicted of drunk and incapable, if she is arrested when she is absolutely drunk and incapable, and records the sixth charge of that kind, she can be sent to prison for thirty days without the option of a fine; whereas, if she is arrested

Chief-Constable. Angus. 17 Dec. 1894.

a little earlier before she gets incapable and breaks a policeman's head or commits an assault, she does not come within the scope of your repeated conviction clause?—Not unless she has convictions for assault against her.

8994. But an assault won't count in with your drunk and incapable?—No.

8995. The assault is subject to a bigger punishment, I suppose, is what you would say?—Undoubtedly.

8996. About your systems in the counties: you have seen a different system from that which prevails in Greenock? In Greenock there are very heavy penalties and under a special Police Act. Take it in the case of drunkenness. You tell us that they run up to thirty days without the option of a fine. In certain cases in the counties, they cannot give more than 5s. or 24 hours?—They cannot give more than that.

8997. Now, you have had experience in both: do you find the best results in the burgh?—Decidedly yes.

8998. To such an extent?—The fact is that without these powers we could not maintain order as we do. The difficulty of dealing with drunks in the county—I speak with perfect knowledge of the subject, because I was for a long time in the county—is this—that every drunk and incapable they prosecute, the expense of the prosecution will run up to eight shillings or nine shillings, and if the man has to be taken from a distance to the Court it would be more. These are the fees under the Sheriff Summary Jurisdiction Acts and these exceed 5s., supposing the offender pays his fine, and, consequently, the authorities in the counties set their faces dead against prosecuting men for being drunk and incapable.

8999. What is Port-Glasgow under?—A Police Act.

9000. What burgh in the district have you formerly had that was under the County Government?—Gourock was the only one, but there we did not prosecute for being drunk and incapable, as we had no Police Court.

9001. You had no other burgh under the County Act?—No.

9002. What system do you pursue in Greenock with regard to pledges?—Prior to my taking office in Greenock there was an order given—I do not know the date—with regard to persons apprehended as drunk and incapable. No pledge of less amount was to be taken than 10s. That has been adhered to ever since, and is still adhered to for first offences. The magistrates of course never exceed—I should say rather with rare exceptions exceed—7s. 6d. as the punishment for the first offence, and frequently it is only 5s. The result of that system is this, that instead of having a large number of forfeitures as in other places, we have very few. The offenders appear at the Court for the purpose of getting back their 2s. 6d.

9003. What was the pledge before this order went out?—The pledge before that would be 7s. 6d.

9004. Are very many of yonr drunk and incapables found with 10s. on them?—Oh, yes, a good many.

9005. Out of ten men, how many would you find with 10s.?—I would expect to find at least four out of the ten.

9006. Would these be sailors?—Very frequently tradesmen or workmen, and sailors too. If seamen have newly arrived they are more flush of money of course.

9007. Do these workmen consider it worth while exposing themselves for the sake of getting back 2s. 6d.?—Well, it only loses them an hour's time, and a very large proportion of them—I am surprised at it, but it is a fact—a very large proportion of them turn up for the 2s. 6d.

9008. Do you take any trouble to get the correct names, or do you take "John Smith" or any other name they give you?—If a man is brought in and gives a name known to be false, of course it is at once corrected, but usually we have no mean's of knowing, unless the prisoner sends out to some person in order to raise his pledge. Then we get the correct name, and it is put down.

Chief-Constable. Angus. 17 Dec. 1894.

9009. Do you send out for many of the prisoners?—Yes, we send out a good many messengers.

9010. How many of your drunk and incapables remain with you all night for want of money to pledge them out?—About a half.

9011. What do you do with prostitutes: do you accept pledges from them?—Yes.

9012. But they are known?—Yes.

9013. You told us that prostitutes are occasionally sent without the option of a fine for thirty days' for being drunk?—Occasionally, but very seldom.

9014. Would you take a pledge from a notorious person who might be dealt with in that way?—Oh no; there are several we would not,—the like of Mary M—— for instance.

9015. That is left to your discretion?—Yes; I have absolute discretion up to the limit of £20, notwithstanding the magistrate's order.

9016. Under what power is that?—Under our own Police Act.

9017. You are not much troubled with vagrancy?—Very little.

9018. I see you have 37 arrests in 1893 against 89 in 1885?—Yes.

9019. Has vagrancy decreased?—We are generally most troubled with vagrancy when there is any talk gets up about the destitution in towns, and talk about the want of employment.

9020. How is that?—They get to know it in other parts of the country, and they come in, thinking to pass themselves off as unemployed, to share in what is being given.

9021. That is to say, when there are soup kitchens and such like got up for the relief of the destitution that they come?—Precisely.

9022. Have you any number of honest workmen on the tramp going to Greenock or passing through Greenock?—We have them; but these men don't go to the Model Lodging-House or the Refuge in Captain Street. It is the vagabonds that we find there.

9023. Is the lodging-house a private lodging-house?—Yes.

9024. And the Captain Street Institution is called the Buchanan Night Asylum, I think, is it not?—Yes. It was established by a person of that name, who left money to provide for destitute persons who might be on tramp. It holds about thirty, and they get supper and breakfast.

9025. Does that bring many people about Greenock?—I don't think so. It does not seem to have any great effect in bringing them.

9026. But you think the honest, decent working man in search of work does not go to these places?—No; they generally manage to find fourpence to go to other lodging-houses.

9027. But the fourpence will only cover their bed, not their supper?—That is quite true.

9028. And, if a man is hard up, say he has not got a shilling or more than a shilling in his possession?—Generally some one gives them. We have plenty of them applying at the police office, and we give assistance to them when we are satisfied that they are respectable.

9029. Do many come to you?—Plenty.

9030. And you give them some assistance?—If satisfied that it is a *bonâ fide* respectable person who is hard up we do; but if I am satisfied that it is one of the tramp class we send him to the Buchanan Night Asylum.

9031. And you give them up to what extent?—That is left to myself—perhaps 1s.

9032. That comes out of the police funds?—Sometimes I give it out of my own pocket and sometimes out of the fund.

9033. But it is a recognised charge?—Yes. We used to have a police poor-box in my predecessor's time; but it went down somehow, and, instead, I have given applicants something and charged it up to the Commissioners. The magistrates have never checked me for doing so.

9034. I don't know if you are aware that some five

Chief-Constable Angus.

17 Dec. 1894.

thousand find shelter in the police offices of Glasgow during the year?—We don't give them shelter in Greenock at all.

9035. How many of the decent working class would you assist in the course of the year?—I would say about an average of 100.

9036. With regard to these lower class tramps who go to the night refuges, will they take them in under the influence of drink?—No.

9037. Is there a strict rule to that effect?—There is a rule that every person who is to get in, unless he is sent up by myself, must be there by 9.15 at night. There is always a policeman in attendance there every night to assist the superintendent in maintaining order, in case any man wanted to take advantage, such as for instance a man under the influence of drink.

9038. Then does the 'influence' extend to the smell of whisky?—Not exactly to the smell, but if by his conduct he showed distinctly that he would be a nuisance.

9039. He is not allowed to remain?—No.

9040. You, of course, only send sober men there?—Of course.

9041. And they take them up to any hour on your recommendation?—Yes.

9042. In the county where you were inspector was there any provision for tramps?—The law is that any person found there at night, and who is certified by a medical practitioner to be unable to proceed further on his journey, the Inspector of Poor must provide for that person. In the parish of Kilmalcolm they had a system of allowing fourpence per night to tramps, instead of sending them to the doctor or being bothered with them, and found lodgings for them in the village. That is carried on yet; but they have stopped the money, I believe, because it brought so many.

9043. You speak of what you personally know?—It was in my time. I had to interfere and stop the constable, who was practically acting as Inspector of Poor, from distributing the money. We found that in a great many instances it led to breaches of the peace.

9044. Could the man get drunk on fourpence?—Well, they had generally something before, and it brought these people there. I saw Mr. Knox, the Inspector of Poor, about it, and he stopped the money, and gave them instead a ticket for their lodging.

9045. That is very good so far as their lodging is concerned, but they get no supper or breakfast?—There is no provision for food.

9046. In any other part is there any provision for that?—Not that I am aware of, except the Poor Law. Captain M'Hardy of Ayrshire deals with them, I believe.

9047. Do you recognise his passes?—Not we.

9048. I suppose you know what is going on in Renfrewshire?—Oh yes.

9049. You have a vagrancy clause in your own Act?—We have.

9050. Do you know what it is?—It is the Burgh Police and Improvement (Scotland) Act, 1862.

9050A. In the Greenock Police Act?—Yes, incorporated.

9051. Well, in the counties, the County Councils have power to make by-laws, and in some counties they have made a by-law similar in terms to the Burghs Police Act, and in other counties they have not?—Well, that has been held illegal.

9052. Well, we know the ins and outs of that. It has hardly been held to be illegal, and in some counties they are acting on such a by-law: do you know if they have passed such a by-law in Renfrewshire?—I have not heard of any such by-law being passed in Renfrewshire, but they have a special power in Renfrewshire. They had a special Act for vagrancy, and there is nothing that I know of has repealed that Act. Although it has fallen to a certain extent into disuse, it can be worked yet.

9053. What were the powers generally?—That we could send a vagrant to prison for sixty days for being a vagrant.

9054. That is to say, being there with no apparent means of livelihood, and no abode?—That is so.

Chief-Constable Angus.

9055. That appears to be a stiffer piece of legislation than in any other county we have come across?—No other county has such powers as far as I know.

17 Dec. 18

9056. Could you refer us to the Act?—It was called Colonel Muir's Act. It was passed in 1848 or 1849. I shall get a copy of it and send it to the Secretary.

9057. Have you had to deal with many vagrants in Renfrewshire?—Oh, yes. In the east end of the county, before I became an inspector, we were very much troubled by a class which they called the 'dossers' coming from Glasgow, and we dealt with them in Pollokshaws, and we always acted upon this special Act in Pollokshaws.

9058. That is pretty close to Glasgow?—Yes.

9059. You stopped them at once?—We apprehended them at once, knowing that they were persons of bad character, sleeping about the kilns and out-houses, and so forth.

9060. But you could deal with them under the Trespass Acts?—(*Col. M'Hardy.*) The Prevention of Crimes Acts. I am speaking of the time prior to the Prevention of Crimes Act, to a period between 1863 and 1869 when we worked with Col. Muir's Act.

9061. But if it were Col. Muir's Act it would be a public Act, not a private Act?—He was a member of Parliament. It was at his instance that the Act was obtained. He was the father of Col. Muir who was M.P., and who died some years ago.

9062. (*By Col. M'Hardy.*) In Greenock the Greenock Police Act is a special Act that was passed for Greenock: was it intended to allow proper development—to give extended powers of imprisonment for offences of disorder?—For offences of drunkenness.

9063. Well, what I mean is drunkenness and disorder?—Yes.

9064. What was the extreme limit of the powers conferred under that Act to the magistrates for these offences?—That is, cases of drunkenness?

9065. Was not disorder brought in?—No; if you come to breach of the peace, which is, of course, disorder, the magistrate can give anyone sixty days, that requires no Act.

9066. For crimes of disorder, including breaches of the peace and disorder, they had power to give up to sixty days?—Yes.

9067. There was no such power under any other Police Act in Scotland?—Oh yes.

9068. At that time?—Yes.

9069. Where else?—I think the general power was that in cases of breach of the peace the magistrate could give £5 with an alternative of 30 days, or 60 days without a fine, in virtue of a certain section of the Summary Jurisdiction Act.

9070. Then was there any great necessity for claiming these extraordinary powers in this particular Bill?—The special powers were confined simply to drunk and incapable offences.

9071. You have at any rate special power in regard to the drunk and incapable?—Yes.

9072. And the outcome in real practice has been that the magistrates have not taken advantage of their extreme powers, but as a rule have worked upon lines more or less similar to magistrates in other towns?—Precisely.

9073. Are you in sympathy with any associations for the reclamation of offenders—prostitutes for instance. Do you do anything to help them to be placed in homes?—We do, whenever we have an opportunity, but, unfortunately, we cannot get them to go.

9074. Through your own instrumentality you have not sent a great many cases to these places?—We send all we can get to go, but I think that seven or eight would be about the number I have got to go.

9075. Do the magistrates ever offer the alternative to a girl of that sort?—Not before sentence.

9076. After she is sentenced?—Yes.

9077. Do you receive any remuneration from the Prison Commissioners for conveying prisoners from the police office to the prison in the town?—Yes.

9078. (*By the Chairman*). How much would you get?—It is one and twopence per prisoner.

9079. (*By Col. M'Hardy.*) Is it not consolidated?—Yes, we made an agreement with the Prison Commissioners. It is really not a source of revenue to us.

9080. But it is better than getting nothing?—Certainly.

9081. (*By the Chairman.*) What is the amount of your pledges?—I have not the figures, but I shall put them in.

9082. Do you entertain any views as to how these habitual offenders might be best dealt with?—I think that after a third conviction within, say three years, that there should be a specified period of imprisonment.

9083. And you would treat it by imprisonment?—Yes.

9084. You have not considered the idea of confinement in a reformatory institution?—What I would aim at, in the first place, would be to stop them before they get to be, what I would call, habitual offenders, by having seven or eight convictions against them.

9085. But how would you stop them?—Well, suppose a person had three convictions against him, it would be a great deterrent if that person knew that on coming up the fourth time he would get a certain specified period of imprisonment.

9086. What would you say for the fourth time?—I should say not less than 40 days.

9087. For drunkenness?—For drunkenness, breach of the peace, or any of these petty offences.

9088. Do you include drunk and incapable in these?—Yes.

9089. But your people have not acted on their powers?—I am quite aware of that.

9090. So that you don't want any legislation unless to render it impossible for them to give a smaller sentence, which would be rather a new line?—We have undoubted power to go up to one month for drunkenness, and for breaches of the peace and petty assaults 60 days.

9091. You mention that you have sent some of your prostitutes to institutions—there is, I understand, a place—a laundry—in Greenock under the auspices of the Prisoners' Aid Society?—Yes.

9092. Do you send many of them there?—I have never myself sent one there. I don't know that they would receive a prostitute there.

9093. They would not receive any one but a discharged prisoner?—Yes; those they receive are on the verge of prostitution, whom they think they might save. There is another place for fallen women out at Ingleston.

9094. You send a very considerable lot of boys to the 'Mars' Training Ship?—We do.

9095. What are the results?—I think very good.

9096. Do you send any to the 'Empress'?—We send to both ships.

9097. And you think that the results are good?—Yes, I think so.

9098. Do you send many to the reformatories?—We have a good few in Kibble and some at Stranraer, all, with one or two exceptions, good.

9099. Do you think the reformatories or the Industrial Schools are better?—With both the results are good, except in Dalbeth for Roman Catholic boys. There is such a large number of bad boys there that if a boy is not vicious when he goes he comes out fully developed.

9100. Do you birch many boys?—We did up till last year, but they have been falling away. Some of the magistrates are against it.

9101. What is your idea of it?—For the first and second offences my idea is that it does a great deal of good.

9102. For juveniles?—Boys under fourteen.

9103. Would you extend the age?—There is a question whether it does apply after fourteen, but I would not extend it after fourteen.

9105. And it is probably better than sending the boys to prison for a short time?—Very much better for the first or second offence.

9106. You have no certified police cells, having a prison in the town?—No.

9107. (*By Dr. Sutherland.*) Do you find drunkenness more common among women than among men in Greenock?—Oh yes.

9108. You spoke of seven convictions over several years: don't you think that a rather hard and rigid definition of an habitual offender?—I don't think so.

9109. Do you mean to say that you would class as such respectable working men, citizens and sailors, who might get twice into the hands of the police in one year?—No.

9110. Then you can have no experience in Greenock of working men, sailors or others who are in no sense of the word idlers or wasters, who get into prison once or twice in a year, leaving a pledge or getting off with a fine?—The cases are very, very few.

9111. But you can conceive under such a definition that the family of a working man getting run in once or twice a year would be dealt with hardly?—I should certainly consider any one with seven convictions in four years should be dealt with as a habitual offender.

9112. That is to say, one and three-fourth lapses per annum would render him liable to be classed in the category of habitual offenders?—Yes.

9113. Why do the magistrates not act upon their present powers?—I cannot say for that.

9114. Does the Public Prosecutor give any idea to the magistrate as to the previous history of the prisoner before passing sentence?—He does.

9115. And, in spite of that knowledge, he refuses to act up to the full powers the law gives him?—He does not do it.

9116. In suggesting that you would give 40 days for drunkenness, or 60 days, have you considered what the sentences are now being passed by sheriffs and by sheriffs and juries for serious assaults, and for offences not of a petty character: do you know that the punishments for these things are less now than they have ever been?—I know that.

9117. Do you think public opinion would support you in giving 40 and 60 days to drunk and incapables, even for four convictions?—I do not look upon imprisonment as a matter of punishment to many of those people, unless it be in depriving them of their employment and liberty.

9118. Do you expect any more reformation from 40 days than from seven?—Certainly.

9119. Within the last few years have you found that the sentences in Greenock have increased as to time on the average?—I think they have decreased.

9120. How many people are apprehended for the first time in Greenock out of your 2116?—About one-half.

9121. Of those apprehended for the first time, how many come back in the course of the year in question?—Not above 500.

9122. Five hundred of 1000 come back to you for a second time?—I think I have the figures here.

9123. Is that not phenomenal—we have had towns where there was only five per cent.—could you give me the figures of these?—The apprehensions and citations are together.

9124. Well, you have 2116?—Of that 1800 would be cited or apprehended for the first time.

9125. How many people have been apprehended only once during the year?—I have not the figures separated here, but I shall fill them in.

9126. Assume that you find that 90 per cent. were apprehended during the year in Greenock and did not return again during that year, would that not indicate that the powers you at present possess to deal with these minor offences is adequate enough?—If there were 90 per cent. that did not come back again that year, certainly I think it would.

9127. (*By Dr. Farquharson.*)—You were telling us

Chief-Constable Angus.

17 Dec. 1894.

to do—something, at all events—with the violence and disturbance coming from inebriety?—It certainly has to do with drunkenness, and I have no doubt with violence too, because that very bad class of whisky certainly affects them in a way that ordinary malt whisky doesn't do.

9128. A smaller quantity would have a greater effect upon them than a greater quantity of good whisky?—Yes, and a different effect; it affects the limbs.

9129. Is it anything that they put into the whisky, or is it new or raw whisky?—Well, new or raw whisky is very bad in that way.

9130. Do they put anything into it?—I think there must be spirits of wine or something like that in it.

9131. Could they afford to do that—is not spirits of wine expensive?—Certainly, it is expensive; but they can get other kinds of spirit, what they call 'finish.'

9132. Could the Adulteration Laws not be put into force against that class of liquor in Greenock?—We have undoubted power in regard to that in Greenock; but I have not seen it used in regard to ordinary spirit dealers, and it is no use trying it with the shebeeners, because they only keep it in the place for a night; they must always guard against having more than a gallon or we can seize it.

9133. There is no difficulty in putting the clause into effect?—No.

9134. Does it require any particular kind of evidence to apply the Adulteration Clauses?—If an inspector under the Food and Drugs Act goes into any spirit shop he is bound to be supplied with any class of liquor he likes to ask for the purpose of testing; and the question only is—is there any difficulty in the analyst determining what is in it? [The witness then withdrew.]

Mr. John Y. King.

MR. JOHN YOUNG KING, Solicitor, Glasgow, called in and examined.

9135. (*By the Chairman.*)—You are a solicitor in Glasgow?—I am.

9136. You have taken an interest in the Society for Improving the Condition of the People?—That is so.

9137. In connection with that, you acted as joint-convener of a sub-committee on petty criminals and vagrants?—That is so.

9138. And you made a report?—Yes.

9139. Would you very briefly tell us your proposals as to the treatment of juvenile delinquents?—I do not know that I can put it more briefly than in the three recommendations given in our report. They are as follows:—(1) That a measure proceeding on the lines of the Glasgow Juvenile Delinquency Prevention and Repression Act, 1878, should be made applicable to the whole of Scotland; and that the powers conferred by that Act, as well as by the General Reformatory and Industrial Schools' Acts, should be amplified in the matter of withdrawing children wholly or partially from the influence and control of unworthy parents, or other persons working as guardians. It is believed that the Day Industrial School system is most valuable, as securing for the children in many cases a strict discipline and healthy upbringing, without absolutely breaking the family tie.

9140. Before you go farther, would you explain to us accurately what is the Day Industrial School System?—Mr Morison, a member of this Committee, takes a very active part in the working of that system which, I understand, has to a large extent taken its rise from this Act of 1878. Full power is given by that Act to establish schools at which the children shall not be lodged at all, but simply taught during the day and sent home to their parents at night.

9141. Do you happen to know the powers under which they are committed, and how their attendance is insured, and what there is to prevent them breaking away from the restraint?—As I understand the provisions of this Act, it practically applies to children who are, under the existing law, amenable to the provisions of Industrial Schools Act; and the idea of those who have been working this was, that the power of interfering with the children of parents who had not been convicted of crime might be somewhat amplified, so as to enable those who are taking an interest in the working of these Acts to take charge of such children, provided they could satisfy a magistrate that they were being exposed to absolutely demoralising influences.

9142. Well, take a concrete case. It has been urged upon us by witnesses in various parts of the country where they are troubled with tinkers—a class of vagrants who dwell in tents and wander about the country,—that power should be given of separating their children from them. Is that what you want, and to put them into schools?—Well, we had not before us the matter of vagrancy, that rather applies to the country districts. We were speaking from the experience of gentlemen who have been working these Acts in Glasgow.

9143. It is quite clear that the extension of the Glasgow Act would not have any beneficial effect upon Glasgow, because it cannot matter to Glasgow whether Aberdeen or Dundee has an Act or not. You have an Act in Glasgow?—That is so. The making of the Act applicable to Scotland generally would have no effect on Glasgow except by way of stopping the influx into Glasgow.

9144. You don't know the exact powers of this Day Industrial Schools' Act?—I have not paid special attention to it.

9145. Then, give us your second recommendation?—The second recommendation is that no child under 12 years of age should in any case be imprisoned for a petty offence; and that where a child is sentenced by the magistrate to be sent to a reformatory or Industrial School, such child should not be previously sent to prison.

9146. You are aware, of course, that the child going to a reformatory need not now be send to prison?—Yes.

9147. Take the first part of your recommendation—that no child should be imprisoned for a petty offence—what is the idea?—The birch.

9148. Not reformatories?—That they should be sent to an Industrial School without going to prison.

9149. A certain number of children would be sent to reformatories or Industrial Schools—now it is rather a serious thing to send a child to a reformatory, and the effects upon a mischievous but otherwise excellent child might be very bad; and you—or did your whole Committee—approve of the birch?—Yes, the whole Committee. Eight or ten of the Committee took an active part in the working out of these details.

9150. But you are sure that the birch was what they approved of?—Yes.

9151. And after that?—They thought that the Industrial School would not be so prejudicial as the prison.

9152. Now, give us your third recommendation?—It is that the powers conferred on sheriffs and magistrates by the Lord Advocate's regulations, in regard to the birching of juvenile male offenders, should be more fully taken advantage of in dealing with boys who are not to be sent to reformatories or Industrial Schools. Might I say, for myself and apart from the recommendations of that Committee, that I think it would be a most important thing if it were possible in dealing with those children who have not lapsed, but who are living under conditions which tend to demoralise them in dense populations, to make some provision, either through the Board Schools or otherwise, for providing places for recreation, that is for those children living in small houses who cannot reasonably be kept cooped up in a single apartment, or even in a house of two apartments, after they are done with school work, with the result that they get on to the streets, loaf about the corners and the theatres, and so forth, and get into bad company and mischief. My opinion is, that if it were practicable to provide halls where gymnastics and other exercises could be engaged

. John Y. ng. Dec. 1894.

in under some kind of supervision, a great deal of good might be done.

9153. But you have got gymnastics already in the parks, have you not—in the green, I mean?—Yes, in one corner, but that is at the extreme end of Glasgow.

9154. You are for extending that system?—That is so.

9155. Now, what are your recommendations in regard to adults?—In our report we say:—'The present 'system of dealing with this class is, in the opinion of 'the sub-committee, productive of much harm, and the 'sub-committee recommend—1st, That a system of 'cumulative or progressive sentences should be adopted 'and rigidly enforced.' The Committee were unanimous in that.

9156. That is, with regard to drunk and incapable, riotous and disorderly, and habitual offenders generally, that cumulative and progressive sentences should be adopted and rigidly enforced?—Yes.

9157. But what sort of steps would you take? Let us take the case of a drunk and disorderly, or breach of the peace, which is generally combined with drunkenness, for your first offence; give me an illustration of what you would do?—Well, the Committee do not profess to give a precise definition, but what they were desirous to guard against was that an offender who has been frequently before the Court should not possibly be dismissed with an admonition.

9158. Now, you are a solicitor, and you are aware of Lord Kingsburgh's Act that did away with the system of bringing forward the number of previous convictions in evidence and held them back, no mention of them or facts bearing on previous convictions being allowed until after the man has been found guilty: you are also aware that in Glasgow that practice is acted on in the case of Police Court offences?—They are not referred to until after the conviction.

9159. I suppose you are further aware that the police magistrates have no means of identifying or knowing anything about the previous convictions for petty offences in other Courts?—That may be; that is to say, there are a number of Police Courts in Glasgow, and a man may have been very often convicted in one who is run into another.

9160. And may be a first offender there?—Yes; but surely it should be possible in a city like Glasgow to establish some system of identification and registration.

9161. But take another instance. In Glasgow there is a very large class of men—the class you refer to—who are let out on pledge. The man who has five shillings or ten shillings can almost always get out on pledge, and he does not require even to give his own name if it is not known already. Would that not interfere with the practicability of such a scheme as you speak of?—The question is whether such a system should be continued.

9162. Under that system, do you think it would be practicable?—Unless they were taking the name and carrying out a system of registration, and holding that the man who forfeited his pledge was practically pleading guilty, there would be a difficulty in carrying it out.

9163. You are an outsider and a lawyer, and I should like to have your opinion on another point. In Glasgow, if a man gets out on pledge and forfeits it, the forfeiture is held as purging the crime. In Edinburgh, if he leaves his pledge, it is regarded as a pledge for his appearance before the magistrate, and, if he does not appear, his pledge is forfeited and he is then cited. Which do you think is the right way?—I have no hesitation in saying that the Edinburgh plan accords with sound principle.

9164. That would enable that cumulative system to be carried out; but take another case. We found in Edinburgh Prison, for instance, a prisoner who was said to have been in fifteen or twenty times. Dr. Sutherland, who, as you know, is connected with the Glasgow Prison, recognised her as having been in probably a hundred times before in Glasgow Prison, and she had on her card previous convictions, say 26, or whatever it might have been?—I quite grant it might not be possible to ascertain all the facts about a prisoner.

Mr. John Y. King. 17 Dec. 1894.

9165. So that it would not be possible to rigidly enforce it as you recommend?—Well, there might be many who would get off, but as the system was worked out, it would become more effective.

9166. Now, read us your second recommendation in which you explain more accurately what you mean?—'That after six convictions have been obtained against 'the same person within twelve months, or after twenty 'convictions spread over any period, the offender should 'be declared a "habitual drunkard," and should be 'committed to an Inebriate Home, or otherwise boarded 'out, under suitable conditions as to health, diet, and 'industry.' Of course no committee could profess to be dogmatic as to the number of convictions which should produce that result.

9167. I see in the preceding paragraph you speak of the 'habitual offenders,' and here you restrict the term to 'habitual drunkards'—do you consider every man a drunkard in whose crime drunkenness forms a portion?—That is so.

9168. Then you go on to your third?—Yes, it is:—'That a vigorous effort should be made to enforce, and, 'if necessary, amend, the law as to supplying liquor to 'persons in a state of intoxication; and that the supply 'ing of liquor to persons who have, to the knowledge of 'the publican, been declared "habitual drunkards," 'should be made punishable as an offence under the 'licensing laws.'

9169. Now take the first part of that? Have you any reason to believe that a vigorous effort has not been made to enforce the law in the matter of supplying drink to drunk persons—had your committee any reason to believe that?—There was no special inquiry made by the Committee, and different members of the Committee had different views upon that point; but there was an impression that it should be possible to trace the infringement to its source by the enforcement more strictly of the present law.

9170. It is an offence against the licensing laws to supply liquor to a drunk man, but the police say there is a difficulty in enforcing that, and, so far as I am aware, temperance or philanthropic organisations have never attempted to detect crime or give information to the police?—That is the case, and, whether a society like ourselves should take any active participation in that, I don't know.

9171. That is what I was going to ask?—They have not done anything. These proposals were only a recommendation to the general committee of the association.

9172. Now, had you any ideas as to the amendment of the law required?—Well, different views were discussed, but it is very difficult, I confess, to say how the statute could be improved in that particular. In my impression it is rather a matter of enforcing the law.

9173. Parliament of course would not give amendments to the law where there are already powers that could be enforced. Any organisation or society would have the power to obtain evidence—the police won't prosecute for want of evidence, but temperance or philanthropic organisations might send people to public-houses to get up cases and have the matter tested?—Well, that is a matter which was submitted to the General Committee for consideration, and they have taken as yet no step in that direction.

9174. You mention as a method in which you propose to amend the state of matters, that the supplying of liquor to persons who have, to the knowledge of the publican, been declared habitual drunkards, should be made punishable as an offence under the licensing law—we have had that proposition brought before us frequently, and I would like to ask you how you would make it effective. In Glasgow of course there are a great number of drunkards and a great number of publicans: do you think it would work in a great city?—That difficulty lies on the face of it. Some of the Committee thought a heavy onus should be laid on the publican; that a list should be supplied to the publican of habitual drunkards, and that he should be

instructed not to supply them; but the majority of the Committee took another view, and said that the onus should be thrown upon the Prosecutor, and that, while many cases might pass unpunished, yet there were many cases in which the publican could be punished, as many of the cases were notorious, and a spirit of watchfulness would be fostered.

9175. Take another instance: if the drunkard was to be prevented from procuring his liquor directly, you would make this apply to grocers as well as publicans, and that would make your difficulty much greater?—Yes, it would.

9176. If a drunkard could afford to buy a pint or a quart, or whatever is the smallest quantity that can be sold by a licensed grocer, he would, of course, still be able to get drink?—Yes; but it is not that class of persons that were specially in view. The class we want to get at are those who go in and sit in the public-house.

9177. And, don't you think, that if a man might send in a friend to get drink for him that that would militate against your proposal?—The fact that it might be evaded should not prevent some attempt to deal with the difficulty.

9178. You have paid some attention to the matter of the habitual drunkard, and you have got some suggestions as to the amendment of the law. You say you should like to emphasise the recommendations of the Inebriates Act, 1879 and 1888: how would you have it amended?—I would make it possible for the relatives of an habitual drunkard to subject him to restraint, and to have him confined without his consent.

9179. As a solicitor, would you please let us have your ideas as to procedure?—I should proceed very much as in the application of the lunacy laws.

9180. Before the sheriff?—Yes.

9181. *In camera* or open Court?—I think it should be *in camera*.

9182. Unless the man proposed to be dealt with wished it otherwise?—That is so.

9183. At whose initiative would you allow this to be taken?—At the instance of members of the family. The class of cases I have constantly to deal with—and, I suppose, my experience is like that of other members of my profession—are those of people often in good position. I have had cases of sons and daughters saying that the father or the mother were conducting themselves in such a way that it was most important they should be restrained, one spouse complaining of the other and so forth, and neither the minister nor the doctor having been able to influence them, I have been appealed to to persuade the offender to go under restraint.

9184. Now, we shall take an opposite case. Suppose you have got a son or a daughter—especially a son—who has taken to drink, and the father has a very sharp way of dealing with the son. He says: 'You must either go 'to this retreat for so long, or you must clear out and 'starve,' and the son goes voluntarily under this influence?—I have never had in my experience the case of a man who went voluntarily to these retreats.

9185. Not even a son?—Not even a son. I have had two or three cases of married women going because they were afraid they should be separated from their husband and children.

9186. We have seen a number of women in the same position, who were not there of their own free will, but because they were told that they must stay there or starve, and I think you may take it that occasionally a number of sons do go under these conditions. But reverse the case; do you think sons could venture to take action, even in extreme cases, against fathers on whom they are dependent?—I have not the slightest doubt that in many cases they would.

9187. My point is, do you think you could get members of the family to take the initiative against a parent who is not a lunatic, and who can therefore change his will; who can change the whole of his monetary dispositions after the Act was taken, and their cards, so to speak, were exposed?—Well, take a case in my own mind just now. There was a large family, and the family would have acted unanimously in having such an act as I suggest enforced. The man—a gentleman of good business experience and an intelligent man when he was free from the influence of liquor—would not have done anything to pass over his family as a whole, and the whole family would have unquestionably combined and taken that step, and their belief was that they would have had the thanks of their father after he had been subjected to treatment.

9188. Well, take the case of a working man again: where a working man is the offender, do you think you would get many wives to go before the sheriff and get him locked up?—I think they very likely would, on the very same principle.

9189. Probably a son in a working man's family would be more independent than among the wealthier classes?—That is so; but among the working men it might possibly be chiefly those who became amenable to the police who would fall to be dealt with.

9190. That is quite true, but we have it in evidence that a very large number of habitual drunkards never come into the hands of the police?—There is not the slightest doubt that there would be difficulty in getting a wife to make application of that sort in regard to her husband among the working class; but, at the same time, we have the same difficulty in the wife giving her husband in charge for assault, and, though that is a graver step than the other (because the other has always this to get the husband to condone it that it was for his good), you find that the wife frequently gives her husband into custody for assault.

9191. But, don't you often find that she comes up afterwards and perjures herself in order to get him off?—They often do.

9192. You mention that you have persuaded a good many women to go into retreats; have they remained there?—One came under obligation to stay twelve months, but she was allowed out at the end of six months.

9193. And was she cured?—For a long time she was, but she fell away. She had not been subjected to medical treatment: it was simply the ordinary abstinence of a retreat.

9194. Can you give us another case of cure effected?—Not by the simple abstinence treatment, but this same lady has been cured by the 'metabolic' treatment.

9195. Can you explain the 'metabolic' treatment to us, and why it is called that?—Well, it is an American method of treatment, and I am not in any way associated with the gentleman who owns it, or he would have taken a different course than he has taken. The treatment, so far as I can judge from the outside, is very much the same as Keeley's 'gold cure,' although Mr. Coykendal, who owns it, claims that he has made a considerable advance on Keeley's system.

9196. How is the cure administered?—It is partly subcutaneous, and partly stomach treatment.

9197. There is a liquid used which is taken by the stomach, and partly by means of subcutaneous injection?—That is so.

9198. We were told, for instance, with regard to another cure—Tyson's—that it was a liquid of which a certain dose was taken every hour for twelve hours per day, and this treatment was continued for twenty-one days: is there any similar absorbing direction given with yours?—The patient requires to be treated subcutaneously, as well as by the stomach, four times at least in the day.

9198A. And there are different drugs given for the stomach, and for subcutaneous injection?—I understand so. The two go on concurrently, and the treatment is continued for at least 21 days, and four times a day, I think.

9199. Will you tell us how you came to know about it?—It was in this way. The son of a well-known Glasgow merchant was settled in America, and he gave this Mr. Coykendal, who came to this country in May or June 1892, a letter of introduction to myself. I found that he wanted to establish a company to carry on business in connection with his cure. I took no

Mr. John Y. King. 17 Dec. 1894.

part in that, but, as I was anxious to verify the extraordinary report that my friend had given me, I asked Mr. Coykendal him if he would have any objection to allow me to submit the treatment confidentially to a physician in Glasgow, and I said if this physician should speak well of it, and assure me that there were no risks attached to the administration of it, I should supply him with a patient or two. He agreed to that, and I got an assurance from this physician that the treatment was thoroughly scientific, and that it would do no harm, if reasonably administered although he was not satisfied that the system would secure the results claimed for it. Well, the results of the treatment were certainly very remarkable. There are cases which, to my knowledge, have held good for two and a half years, *i.e.*, since the treatment was administered in July 1892.

9200. What sort were the cases?—The first was that of an employee of a well-known man in Glasgow. The employee's father had been a confirmed drunkard and had died an inebriate. The son also had for many years been a confirmed drunkard, and, although the employer was most anxious to retain him in his service, he had been compelled to send him away. He had married a most respectable woman, but she also had broken down, and their house was simply a place of wretchedness. The poor fellow had tried very hard to break off the habit time after time, and was an abstainer for short periods, but always broke through. Well, his wife was treated first, and he himself immediately afterwards. The result was that the craving for drink was entirely removed, but, about six months after they were treated, their only child was run over by a vehicle, on the street and had been taken to the Infirmary and was about to be operated upon. The husband and wife were going there so as to be at hand when the boy was being operated upon. On the way to the infirmary the wife felt weak from excitement and apprehension and the husband wanted her to go into a public-house and take some brandy. She objected, and said she had no need of it, but he insisted. The result was, that within a day or two, both husband and wife were back in the old state. The employer had his eye upon the man, and, seeing that something had gone wrong, he went to the house and discovered the state of matters. He persuaded them to renew the treatment for about a week. They did so, and ever since there has been absolute abstinence. That must now be about two years ago. That is to say, it is two and a half years since the wife was treated, and there was only that short relapse.

9201. Now, give us another?—The most recent case is that of the lady I referred to, who went to a retreat and broke through after a considerable time. She was treated about twelve months ago, and the result has been perfectly satisfactory till now.

9202. In how many cases?—About half the cases I know about have been successful, and the other half unsuccessful.

9203. But how many cases do you know about?—Personally, I know about one dozen.

9204. You don't call the case successful unless the abstinence has lasted for more than a year?—That is so.

9205. That is a very considerably higher percentage of successes than that which is claimed by the Committee that gave evidence before us in Edinburgh as to their experience with the 'Tyson' cure; but, have you made any experiment in conjunction with any committee or anything of that sort?—I have not, for this reason, that I am almost certain I shall have authority to place the whole thing frankly and fairly in the hands of the medical profession. I have urged the proprietor to allow me to do that, and I believe I shall get authority. The gentlemen with whom I am associated paid a considerable sum to the proprietor for leave to use his method philanthropically.

9206. Your friend has the right to use it philanthropically?—Yes.

9207. Without much cost?—The medicines in each case cost about one guinea.

9208. Did you ever try a good, hardened police court habitual, who had half a dozen convictions against him?—Well, this gentleman — I suppose I may give his name—Mr. Johnston, J.P., of Rutherglen—said that no court could produce a worse character than the man of whom I have spoken. When Mr. Johnston was asked to take an interest in this treatment by the same gentleman who communicated with me from America—he also was personally known to him—he said, thinking to get quit of the matter, 'I will give you a case and a few guineas, and if 'you treat that case effectually you will manage any 'case.' From the description I got I do not think there could be a worse case. But, bear in mind, unless the patient really wishes to be cured—if it is merely a demoralised habitual who has got the swinish impulse to drink—nothing can possibly cure him of drinking.

Mr. John Y. King. 17 Dec. 1894.

9209. But the claim of the Tyson cure was that it created a perfect aversion to drink?—There is an aversion which lasts for a month or two by our cure.

9210. Are you sure that there is so; did you ever take any steps to try it upon a moderate drinker?—I did not do that, but I was assured by every one who underwent the treatment that there was a very strong aversion after the first week.

9211. What was the effect of the treatment on the people?—In every case it improved them in a short time. One or two went off sleep for a time; it rather over-stimulated them, but after the treatment they were better.

9212. Did they require to be off work?—It was found desirable that they should be away from work.

9213. The whole time?—Yes.

9214. Did they have to be in bed?—In some cases for the first week, although some of them, I know, went about the whole time.

9215. If a person did not want to be cured, and if you could get aversion to drink created, it would be a very desirable thing to have a month or two's respite from their drunkenness?—Yes.

9216. Do you think it would accomplish that, or have you ever tried?—Well, I would allow no one to be treated unless he was resolved to be an abstainer after treatment.

9217. Well, if he gives an assurance, and keeps the assurance?—Well, I mean I was not testing them in the way you suggest.

9218. Do you allow them liquor under treatment?—I believe they are allowed it, but they very soon cease taking it.

9219. Your friend is getting an unexhaustible supply of stuff?—Well, the philanthropic gentlemen to whom I refer, are not quite satisfied with the way in which the physician—who is the representative of the owner here in Scotland—is working it, and they have in the meantime withdrawn their supplies. I have, however, got a letter, which practically authorises the philanthropic treatment to be tested as I think proper, and my idea is, that if I could get a retreat established where this treatment was practised side by side with the ordinary method, we should probably find that patients would voluntarily undergo the treatment for the sake of getting sooner quit.

9220. You have never tried any of these good police court fellows?—There have been some of them tried, and whether any of these have held good or not I do not profess to say, but a good many of them have broken away.

9221. Is that among your dozen?—No; I cannot speak at first-hand of them.

9222. Your idea would be to test it side by side with the ordinary treatment in a retreat?—Yes.

9223. But, of course, you would not get an opportunity of doing that to any extent so long as the remedy is a secret?—Well, I have urged this Mr. Coikendale to give us authority, and he has indicated that he will give us a free hand. The first condition I am stipulating for is that I shall be at liberty to put it into the hands of the medical profession according to their own rules, and they won't allow a medicine to be used unless it be open to the profession as a whole.

Mr. John Y. King.

17 Dec. 1894.

9224. (*By Dr. Farquharson.*) You have told us on the authority of the Glasgow physician that this treatment was both scientific and safe?—That is so.

9225. Was this an independent physician who had no connection with the cure?—Absolutely independent.

9226. And a qualified man?—A man of high standing, but I am not allowed to give his name.

9227. Has he a qualification under the Medical Act?—Unquestionably, and not only qualification, but he is a leading physician in Glasgow.

9228. Was he familiar with the composition of the remedy?—He knew nothing about it till the man produced the formula and allowed him to examine it and put questions about details of treatment.

9229. Then the inventor communicated himself the composition?—Yes.

9230. But he has not allowed it to be generally known?—Oh no. It was submitted to the physician in confidence.

9231. The physician had that amount of knowledge that he could state from the composition of the remedy that the administration would be safe?—That is so.

9232. Have you tasted it yourself?—No, I have never seen the medicine at all.

9233. You say it is similar to the Keeley gold cure?—I am satisfied that it does proceed on the same lines, although it is claimed that it is an improvement on that cure.

9234. Have you heard that Keeley's cure has been analysed?—I am not aware of that.

9235. And that it contains nothing but pure water?—I am not aware of that. I know there was a controversy in some of the medical journals two or three years ago, but if what you say be correct, then this must be very different from the Keeley cure.

9236. That at all events would carry out the opinion of the physician that the administration would be safe?—Well, I should say, although I have not seen the formula, that the cost of the medicines is considerable. There is some difficulty in getting some of the ingredients,—and there is no doubt whatever there is expense in getting them from what has come under my own observation. (Question repeated.—If it were pure water the administration would be safe.) It is natural enough for you to make that observation, but it would be highly offensive to the physician, for whom I pledge myself.

9237. I am making no suggestion against the physician, I am simply asking if the metabolic is the same as Keeley's?—You may not intend offence but your suggestion reflects on the honesty or intelligence of the physician. When I say that the treatment is not the same as you describe I do not profess to know the working of Keeley's cure, but, from what I had seen in some of the medical journals, it seemed to me that the general course of the treatment was not unlike that of Keeley's.

9238. I think you said it should be a fundamental part of the treatment that the patient should have a strong desire to be cured, and enter into the treatment with a certain amount of faith?—Well, the faith element I cannot speak of, but I will give you an illustration of what I mean. I have had two or three cases in which the patient was to some extent concussed. I confess that I myself used what influence I could in one case. A partner had violated his contract of co-partnership, and his partner was to give him another chance if he would go through that treatment. After he went through the treatment he said he had no inclination to drink whatever, but he would keep to his old resorts and his old companions. He went to a billiard-room where his companions were in the habit of drinking whisky and water, and when I found that sort of thing going on, I was satisfied he would not hold out because his old habits were entirely the same. He very soon began to drink again.

9239. You would not give an opinion, I suppose, whether his feelings was mesmeric?—I am satisfied there is no mesmerism about it. The man who is administering the cure is the least magnetic kind of man that one could meet.

9240. Magnetic influence might be in the remedy—the feeling of faith in the remedy itself might supply some power, though not the administrator of it?—Well, that is a thing I really could not speak of, but there was nothing which should have led the patient in these cases which failed to have less faith in the treatment than those that were successful. I attribute the failure simply to this—that the patients were rather pressed into it, and were really not wishing to be delivered from the craving.

9241. Is the element of faith not more largely developed in some treatments than others?—That may be; but, I tell you frankly, I could not have said *a priori* which of these people were most likely to be influenced.

9242. Then, would your plan be to take sets of inebriates in an institution, put half on the one side under the ordinary treatment, and the other half on the other side with unlimited liquor and the cure alongside?—I did not say 'unlimited liquor.' I say, suppose you had the offenders committed to a retreat for twelve months, and they were told in the event of the physician or any number of physicians being satisfied with them after this treatment, they would be dismissed sooner, you would very likely find a number of them willing to say that they would undergo this treatment. In that case I would allow them to go away (if the physician was satisfied) before the twelve months.

9243. Would you keep liquor for them?—To those who had undergone the treatment I would give free access to the liquor before they left.

9244. But, would you not have double treatment on the same man; you would have the same man with the ordinary treatment and the other treatment with liquor?—If you call the mere compulsory withholding of liquor 'treatment,' I suppose that is practically the treatment now followed in the ordinary retreat.

9245. I may explain that the medical men have no faith in the drug treatment; all that they believe in is that a man should be shut off from drink?—I know that is the general opinion; but I know that there are a good many other medical men who take the other view.

9246. It would not be fair to shut up a man and give him your treatment alongside unlimited liquor for testing purposes?—If it were necessary to have a test case in that form, I have, I think, authority for trying it.

9247. It would satisfy medical opinion better?—Well, the difficulty would be that that would give only one or two cases. I have had a much better test myself in that at least half of these treated, who were really very bad drunkards, have been able to overcome entirely the habit, and two cases have proved good for two and a half years.

9248. Did the physician help you to investigate the cases afterwards?—Well, the cases of which I speak just now he did not investigate. He did not know about them. But he himself recommended one patient who, I understand, was successfully treated.

9249. (*By Dr. Sutherland.*) Is there any poisonous substance in the solution?—I believe there is strychnia.

9250. We were told that that was the principal ingredient of the Tyson cure?—Yes.

9251. Then you would expect cumulative effects of any such medicine?—Well, I know what you mean by cumulative effects, but I do not see the point of your question. Remember the treatment is only for three weeks. I have known people who took *nux vomica* for dyspepsia for a much longer time than the period of treatment here, and there was no bad effect from it.

9252. But the usual effect of *nux vomica* prolonged is that the person becomes subject to muscular twitchings?—I suppose so.

9253. Do you increase the dose in proportion to the degree of inebriety that you meet with?—I can't speak as to that.

9254. Do you think that your association would give me three or four bottles of the solution, so that I might experiment with them upon the most habitual

Mr. John Y. King. 17 Dec. 1894.

drunkards in Glasgow, with this *proviso* that they will not know that this thing is a special medicine, but that it is just the usual tonic I give them when they are down in health?—I shall do what I can. These gentlemen will do anything reasonable if Mr. Coykendal allows it.

9255. Suppose I, as an ordinary medical practitioner, were to give a bottle of my own with the same drugs, do you think it would be quite successful?—If you used the ordinary moral influence, I should say it would be the same.

9256. That is exactly going in the line of Dr. Farquharson, if you speak about moral influence?—I believe I used more influence myself than the physician in speaking to the patients I introduced. Where the disease is partly physical and partly moral, medical remedies should be combined with moral influence; but this is not what is commonly understood by a faith cure.

9257. Another question I would like to ask you: the Secretary of the Tyson cure in Dundee gave us a list of all who were under treatment. There were nineteen. Fifteen relapsed, and four, he thought, remained after nine months? How does that compare with yours?—That has been very much less successful than this.

9258. He agreed to give me the names of the four, still holding out that I might make independent inquiry?—I shall be very glad to give you the names. I can refer you to Mr. James Johnstone, J.P., Ruthergleu, for the two first cases which I mentioned.

9259. My reason for asking that, is that a doctor in the East End is giving me four or five patients of his who have been under this 'metabolic' treatment.—I should say this, perhaps, that Dr. Currie—who, by the way, is not qualified according to this country—claims a higher percentage than I have spoken of, but I have mentioned these cases that I know myself about. You asked me what the ingredients were. I think it was quite frankly stated that strychnia was one element; but that there are a good many other important ingredients besides that.

9260. Of course you are aware that the Keeley solution has been analysed, and it has been found that there is no 'gold' in it, and that has been practically disastrous to Keeley?—Well, I have not been following the controversy. *Mr. John Y. King.* 17 Dec. 1894.

9261. Dr Farquharson has indicated to you that, when an inebriate was secluded from society for a long period, this was done by medical men to enable the tissues of the body and the internal viscera, &c., to get rid of the alcoholic poison, and to recover their normal condition?—That is so.

9262. Well, when the alcohol has been eliminated a person is able to go about, and in a great many cases able to withstand the temptation or craving. Now, when you seclude your individual and treat him by means of this 'metabolic' treatment, what other or additional effect would these secret solutions have upon the man other than those indicated?—I do not profess to speak of that. Indeed I have gone very much further to-day than I intended to go in regard to this treatment. I do not profess to speak in the very least degree of the ingredients of the medicine or its specific effects. All that I had in my mind to say was that, as an outsider, I have seen a number of very remarkable cures.

9263. (*By Col. M'Hardy.*) In the report of the Association for the Improvement of the Condition of the People in regard to petty criminals, I notice the name of bailies in the Committee who passed these resolutions—I do not know if there are more magistrates than these two on the Committee. I was going to ask what these gentlemen had themselves since 1892—when they passed these resolutions—done in the way of working out the suggestions so far as they had the power. For instance, in regard to a child of twelve years, and in regard to whipping, I should like to know the exact records of these gentlemen or others of magisterial power?—(*Dr. Sutherland.*) Neither of them have been magistrates for some time.

9264. Are there none of them magistrates at all?—No; and they have not done anything so far as I know. [The witness then withdrew.]

Sheriff Birnie.

Mr. JOHN BLACK BIRNIE, Sheriff-Substitute of Lanarkshire, called in and examined. *Sheriff Birnie.*

9265. (*By the Chairman.*) You are a Sheriff-Substitute of Lanarkshire?—Yes. I have been so for 19 years. I am now in Glasgow, but I have been in the county for a long time.

9266. We were very anxious to get a skilled statement of the powers of detention—in fact of the whole working of the Reformatory and Industrial Schools' Act. Can you give us that?—Yes. The Industrial Schools are worked under the Acts of 1866 and 1880. The Reformatory Schools are under the Reformatory Act of 1866, and the recent Act of 1893. Now take the first Act of 1866. By section 14 of the Act of 1866 'any 'person may bring before two justices, or a magistrate, 'any child apparently under the age of 14 years, that 'comes within any of the following descriptions, 'namely, that it is found begging, or receiving alms, 'or being in any street or public place for the pur-'pose of begging or receiving alms,' and other clauses.

9267. That is exactly the same, is it not, as applies to the Training Ships?—Yes.

9268. There is one clause as to children under the control of parents?—Yes, Clause 16.

9269. Give us the rubric?—'As to refractory chil-'dren under 14 years of age in charge of parents.' Before leaving that, I should like to say that we always send under the 14th and not under the 16th section. I made inquiry this morning at the Procurator-Fiscal's office, and I find they only know of one case that has been sent under 16. The reason is that the grant is 5s. under 14 and 2s. under 16, and we cannot get them to take them under 16. I may say that, proportionately to the number of young criminals that go through the Glasgow Sheriff Courts, the fiscals tell me, there is a very small proportion that is sent there. The greater number of boys and girls we are sending,—principally boys—to the Industrial Schools, are under the Education Acts.

9270. Before we pass from this. There is some provision—at all events, there are some children received in the 'Mars,' whose parents send them and pay for them themselves. What is the power for the detention of these boys? Where is it conferred?—Unless under section 16, I do not know any other.

9271. There is no power given in this Act for parents to send children direct, and pay £15 a year for them?—I do not understand so.

9272. If they are detained there without legal powers, of course it is technically false imprisonment?—It might be.

9273. But you don't know any power?—I am not aware.

9273A. Well, go on.—I come then to the Act of 1880, with regard to the Industrial Schools.

9274. Is that the Act which you referred to as the Education Act, and under which you deal with the greater number of children?—We are now enabled to deal with them under the Act of 1893. We have, however, been dealing with them really under the 14th section of the Act of 1866 up till now. The Act of 1880 adds a power to the Act of 1866 as to Industrial Schools. It adds this power, that 'any child lodging, 'living, or residing with common or reputed prosti-'tutes, or in a house resided in or frequented by 'prostitutes for the purpose of prostitution, may be 'sent to an Industrial School.' We use that a good deal for children who are brought up for not going to school. Then, in coming to the Reformatory Acts, 1866 is again the leading year, and the ages there are probably the most interesting part. That again begins with section 14—'offenders under 16 years of age may 'be sent to a reformatory.'

Sheriff Birnie. 17 Dec. 1894.

9275. Under the Industrial Schools' Act what is the age?—They cannot be kept after 16 in the Industrial Schools. Under the age of 14 is the Industrial Schools age without any limit apparently of youth. Under section 14 of the Reformatory Act there is that clause which I mentioned, where the age is 16.

9276. Well, we have not got that, so I should like you to give us it?—'Whenever any offender who, in the 'judgment of the Court, justices, or magistrates before 'whom he is charged, is under the age of 16 years, is 'convicted on indictment or in a summary manner of an 'offence punishable with penal servitude or imprison-'ment, and is sentenced to be imprisoned for a term of 'ten days or longer term, the Court, justices, or magis-'trates may also sentence him to be sent at the expira-'tion of his period of imprisonment to a certified refor-'matory school, and to be there detained for a period of 'not less than two years, and not more than five years.' That is the leading provision of the Reformatory Act, but it is very much modified by the Act of 1893. The clause in the Act of 1893 is:—'Where a youthful 'offender who, in the opinion of the Court before whom 'he is charged, is less than 16 years of age, is convicted, 'whether on indictment or by Court of summary juris-'diction, of an offence punishable with penal servitude 'or imprisonment, and either (*a*) appears to the Court 'to be not less than 12 years of age, or (*b*) is proved to 'have been previously convicted of an offence punish-'able with penal servitude or imprisonment, the Court 'may, in addition or in lieu of sentencing him accord-'ing to the law to any punishment, order that he may 'be sent to a certified reformatory school, and be there 'detained for a period of not less than three, and not 'more than five years, so, however, that the period is 'such as will, in the opinion of the Court, expire at or 'before the time at which the offender will attain the 'age of 19 years.' There are several changes there. The first is that no child under 12 years can now be sent to the reformatory, unless he has been previously convicted; the second change, and most important, is that he need not be sent to prison, and the third is that he cannot be kept after 19. That is the practice of the Act at this moment.

9277. Formerly he could be kept much longer?—Yes, and we always found the reformatories wished to get them as long as possible.

9278. Because he was trained to work, and they got a good grant for them?—Well, I would not like to say that, but they made requests that they should be sent as long as possible. It is here that two points of difficulty come in. The Fiscals asked me to say that it is oftentimes very necessary that a child should be kept for a few days until you find whether the School will take him or not, and that there are no means to pay any person for keeping the child. In the second clause of the Act of 1893 he may be taken to prison or to any other place not being a prison which the Court thinks fit. We generally get the Society for the Prevention of Cruelty to Children to take them, but that is out of favour. The Poor Authorities will not take them. The second point is this, that the Local Government Board has sent out instructions to have them medically examined—I do not know if in every case; they did not tell me that; but in some cases—and the police doctors say it is no part of their duty, and there is no money to pay them. These are the practical difficulties which have come up.

9279. You say here you send the children to the Society for the Prevention of Cruelty to Children?—Yes. In Montrose Street.

9280. (*By Col. M'Hardy.*) They are sometimes sent to prison?—Very seldom; only unless we cannot help it.

9281. (*By the Chairman.*) In Aberdeen there is no such difficulty. The children are sent there right off, and that is explained by the fact that Aberdeen gives £600 a year to the reformatories. Aberdeen City and Aberdeenshire give each £600 a year to the Reformatories and Industrial Schools, and so they secure the priority of admission for all their juvenile offenders. Do you know if Lanarkshire County Council or Glasgow Town Council give anything?—I do not know anything about contributions, but we never find any difficulty in getting them to take them if there is room.

Sheriff Birnie. 17 Dec. 1894.

9282. I suppose you are not connected with the Boards of any of the reformatories, or connected with the administration of any of the reformatories?—No.

9283. Or the Industrial Schools?—No.

9284. Have you given us the whole of the Reformatory Act?—I think so. These two Acts embrace everything.

9285. The chief suggestion you have to make now—rather that your Procurator-Fiscals make through you—is that there should be some provision for the detention of these children other than that of sending them to prison, and for the medical examination?—Yes.

9286. What is the medical examination for?—I suppose to see that there is no infectious disease. (*Dr. Sutherland.*) I do the most of that examining, and it is confined to the skin, for ringworm or itch, and the like.

9287. Dr. Sutherland, it appears, does most of the examination; how are they relegated to him?—(*Dr. Sutherland.*) The institutions have doctors of their own, but some of them are so far away that the authorities ask me to examine, and the Prison Commissioners in some cases have asked me to do the work.

9288. I suppose, if the children were sent to the prison, they would naturally come under your power, Dr. Sutherland?—(*Dr. Sutherland.*) Yes.

9289. Well, please continue?—We have a strong feeling against sending children to prison.

9290. If the police surgeons rebel, the prison surgeons have not got the same excuse?—(*Dr. Sutherland.*) I may say that I objected, but the Prison Commissioners said it was desirable that I should do it. But the numbers are getting fewer.

9291. You are not in a position to know whether there are many children from the Industrial Schools or reformatories, who go back into a course of crime?—No, except to this extent that for the last three years—I have the summary criminal work in Glasgow—I have had very few cases, and I have only had two sets of cases where children required to be sent from Industrial Schools to reformatories. Our feeling is, that we are always very glad when we can get the child sent to an Industrial School.

9292. Do you know anything about the means by which they are maintained?—Government pays a grant, and the parents pay a good deal. In the country they do not pay much, but in Glasgow they pay a good deal, and the Parochial Boards in certain cases must pay.

9293. Could you tell us exactly what are the provisions of the Act?—It is the 5th and following sections of the Act of 1866. The Commissioners of Her Majesty's Treasury may subscribe any sum they please, with these limits, that they cannot give more than 2s. per head per week for children detained on the application of their parents; in other words, for children sent under the 16th section.

9294. They may give any sum they please, and they practically do give 6s.?—Yes, I believe, something like that.

9295. That is to the Industrial School?—Yes.

9296. Did you say that the parents pay?—Yes.

9297. The way that they pay is, that the sum is recovered by the Treasury from the parents, or as much of it as they can get?—There is a gentleman in Glasgow, who acts for the Industrial Schools, who takes particular care of that. Under the 39th section parents and step-parents—for the time being legally liable to maintain the child—if, of sufficient ability, must contribute to the maintenance about 5s.

9298. But you have no means of knowing exactly how much they do manage to get out of them?—I do not know. I have not had a case before me since I came to Glasgow.

9299. Does that 5s. not go to repay the Treasury?—By the 40th section it is recovered on the complaint of the Inspector of Industrial Schools, or by any agent of the Inspector, or by any constable under the direction

of the Inspector. These are the three parties who seem to recover.

9300. But what is the destination of the money when recovered? It is the Treasury is it not? In fact, is it not the case that the Treasury gives 6s., and they recover any sum they can up to 5s. from the parents?—I should think that is likely.

9301. But do they give the destination in the Act?—It simply says the magistrate may made an order or decree on the parent for payment to the Inspector or his agent of such weekly sum not exceeding 5s. Then it goes on to explain about the order or decree, and then it states that every such payment shall go in relief of the charges on Her Majesty's Treasury.

9302. Exactly; that is to say, it does not go to the Treasury, but, if the 5s. is recovered, the Treasury only gives 1s.?—That is so.

9303. You said something about the Parochial Boards subscribing?—Yes.

9304. The Parochial Boards can only do so under statutory powers?—That is so. 'The Guardians of 'the Poor, or the Union of a Parish, or the Board of 'Management of a District Pauper School, or Parochial 'Board of a Parish or Combination, may from time to 'time, with the consent in Scotland of the Board of 'Supervision, contribute such sums as they think fit to-'wards the maintenance of children detained in a certified 'Industrial School on their application.'

9305. Do Parochial Boards apply often to have children sent to Industrial Schools?—I do not think so.

9306. That does not give them a statutory power to contribute generally to the funds of a reformatory or an Industrial School. I mentioned that Aberdeen county and city each contribute the substantial sum of £600 a year to these Reformatory and Industrial School institutions, but the power that you have read to us would not allow a Parochial Board to give, say £20, to the funds of a Reformatory School. It only enables it to give so many shillings a week in respect of a given child?—There is another power under which, where a child has been in charge of the Parochial Authorities three months before hand, or at the time of committal, the Parochial Boards must contribute.

9307. But that is a different sort of contribution from that which is made, for instance, to the 'Mars' Training Ship of so many pounds—£50 by Edinburgh, so many pounds by Forfarshire, and so many pounds from Dundee?—Quite different.

9308. Have you given us the financial provisions as to reformatories?—Expenses of Reformatory Schools are under section 23 of the Act of 1866. The expenses of putting a child to the school must be paid by the Prison Authorities, and it is defrayed as a current expense by the Prison Authorities. Under section 24 there is a contribution by the Treasury; the Commissioners of Her Majesty's Treasury may contribute such sum as the Secretary of State may recommend. Then, under the 25th section, the justices may order the parent or step-parent to pay any sum not exceeding 5s.

9309–10. In fact, it is exactly the same thing as in the case of the Industrial School, with the exception that there is no 2s. maximum?—That is so.

9311. (*By Col. M'Hardy.*) In regard to that first clause about the transit being paid by the Prison Commissioners, that is now abrogated by the Act of 1893? It is not in so many words set out there, but it follows from the fact that the Prison Authorities don't know anything about the boy?—That is so. I would suppose so, as it is not now necessary to send to prison.

9312. You have had a good deal of experience of petty offenders—the more serious class of petty offenders. When you were in Hamilton did you deal with the ordinary run of petty offenders from the county?—All offenders from the county come before the Sheriff Court. Of course the offenders in the different burghs in Lanarkshire are dealt with by their own magistrates.

9313. Therefore you had a pettier kind of offences before you there than here?—Yes.

9314. Here it is only the more serious that you deal with—those that can only be dealt with by a sheriff or by a sheriff and jury?—Yes.

9315. Your experience of drunkenness, for instance, will be almost all county?—It is almost nothing. Drunkenness apart from breach of the peace is not known in the Sheriff Court.

9316. How do you deal with them in the county?—I do not think they deal with them at all; I think they leave them alone unless they are noisy, or taken up for some other cause.

9317. Breach of the peace?—Oh, breach of the peace is quite another thing; that is practically under the Summary Procedure Act, the penalty being 40s. with an option of 60 days.

9318. But surely the drunk and incapable are dealt with somehow; are they dealt with by the justices?—In the burghs.

9319. But put aside the burghs in the county?—I never heard of a man being taken up for drunkenness.

9320. How many districts do you speak to?—I was in all the districts, including the very large district of Lanark and Hamilton.

9321. You never in the course of your experience heard of a drunkard being taken up?—That is so. They may take them into the Police Office but we don't know of that.

9322. If they had been taken in and brought before the magistrate you would have been the magistrate?—They may have been dealt with by the justices, but I do not think that the drunk and incapable are dealt with alone by the justices.

9323. What cases come before the justices?—Breaches of the peace.

9324. But would they not come before you?—The more serious ones would. There is really a union of jurisdiction there. The justices do an immense deal in the counties.

9325. You say that you see no reason why drunkenness, breaches of the peace and petty assaults in the early stages should not be dealt with as at present. The offences are against public order and must be followed by punishment for the sake of deterring others, whether the punishment does good to the person punished or not. Now, you have seen the systems of heavy punishments and light punishments, the one under the Glasgow Police Act, offences against which come before you?—No; the police offences would not come before us, although I know something about them.

9326. You would, at all events, have the light sentences in the county and the heavier code here; do you think the severity of the punishment does much good as a deterrent?—Very little in keeping a man from drink. But there are two points I would speak of, and these are, the caution, and the punishment for the breach of the caution. I do not see why a very considerable punishment should not be enacted for the breach of the caution, because the man by this time has got a number of warnings. I do not know that it would do him a great deal of good, but it does good.

9327. You say: 'The present punishments for 'drunkenness, and for drunkenness coupled with breaches 'of the peace or petty assaults in their earlier stages, are 'probably sufficient, but after a second conviction I 'would give power to order a prisoner to give or find 'security, say for £10, not to offend again for six 'months, and in default render him liable to imprison-'ment for one month, and on breach of this security I 'would render him liable to imprisonment for six 'months'?—That is a severe punishment which would be very seldom inflicted, but it would do good in preventing, say, a young man from tumbling into dissipated habits.

9328. But do you think you could get £10 security for a man after his second conviction, that is to say, don't you think the greater number of men who are habitual drunks would be unable to find that security?—I would not make it always £10; you might have caution for £2. The great thing is to get a friend to take an interest in the man.

9329. In default, you would give imprisonment for one month?—Up to one month.

9330. It is the latter at the present moment?—In the burghs under the Burghs Police Act.

9331. And, in breach of that security, you would render him liable to six months, so that it would be better for the man to take his month for default than to break his caution?—Yes, but he would not do it. I am not, however, at all strong about the six months. My only meaning is that it should be a most substantial power, so as to startle people who have not yet lost control of themselves. I would not send a man to prison and forfeit his security at the same time; I would make it optional. It would be oppressive if you had both.

9332. Have you any precedent for that?—No.

9333. I think it is a very excellent idea, because it would render it possible for a person to become security without fear of losing his money if he knew that the person or the prisoner would be first made responsible before his money as security was forfeited—was that your idea?—Yes, that was my idea.

9334. It would really come to this that the person who found security would not find security at all; or, would you forfeit his security if the person out on security was not forthcoming?—The objection to that would be that if you caught a prisoner afterwards, which you would be entitled to do, probably under a warrant, you might send him to prison, and therefore you might do both.

9335. Could you not hold it in some suspended animation? You would require to have some arrangement of that sort, otherwise the £10 security would be no security at all?—Of course, the magistrate would always have the power of forfeiting the security.

9336. You mention that the habitually intemperate man or woman have difficulty in finding work when they come out of prison; and that any punishment could have lasting effect only by providing him or her with work?—I think that is a most important point. We find the societies here—the Prison Society and the Charity Organisation Society—enormously useful. They get work for quantities of these people. They scarcely refuse a person we send them, and we always find these people are better. But the most extraordinary point is this. My experience is, and one of the fiscals told me also that it was his, that there has been no instance of one of these men who has been sent to work ever having been taken up for stealing from their master or their fellowmen. It is a most remarkable fact.

9337. The master to whom these discharged prisoners are sent are told their characters, but not their fellow-workmen?—I understand that is so; it must be so.

9338. And you say in your statement, which you have supplied the Committee with, that you have been told of cases where some officer connected with criminal administration had told the fellow-workmen?—That is so.

9339. And that you propose to punish?—Yes.

9340. By fine, and, in default, imprisonment for 30 days?—Yes.

9341. Well, you make a suggestion here as to something like adult reformatories?—Well, I did not feel myself capable to do that, but one is so impressed with the benefit, the hopefulness of work to these creatures, that anything that could be done would be of importance.

9342. You don't attach much weight to the objection as to competition with honest labour, but might I ask you, what sort of labour you would suggest as proper for such reformatories?—I have not thought of that.

9343. Your theory as to the uncertainty of sentences, would you explain that?—Well, at present there is great discussion and objection about that. Different judges when they come here to Glasgow have different sentences, and the sheriffs also have different sentences. My feeling is that when the time comes, if it does come, there should be some codification of sentences making a minimum and a maximum, and the only points that strike me about that is that I would never make a fast minimum, I would always authorise a judge to let a man off with an admonition; and, in the second place, if the magistrate—applied to the inferior magistrates—if the magistrate was to decrease the minimum I would make him give a reason. That would be very useful, because it would enable the next man to see why it was done. At present we have no guide at all. Of course, it is more a theory than anything else.

9344. You say you would have a minimum fixed by statute, and the magistrate empowered to lessen it on giving reasons?—Yes.

9345. I have been very much struck by the very great diversity of methods of dealing with practically the same crime; don't you think that if your course were followed there would be an inclination to charge combined offences under a heading that would make it look more serious?—I find our Procurator-Fiscal is a most moderate man; I never find any inclination of that sort.

9346. You have got a different Procurator-Fiscal from the police magistrates?—Oh yes.

9347. As to vagrants, you think that what they want is to be made to work; you have got no ideas as to how to deal with them?—Am I not right that in Germany they make them work on the roads and in a particular uniform. The thing is to shame a vagrant, because he can work if he will.

9348. You have, had no experience with them?—Not here, but I have had in Lanark and Hamilton.

9349. Well now, as to the question of habitual drunkards, we know all about the existing legislation, and we are familiar with the statement as to its inadequacy and so on; do you propose to extend or to remodel the present legislation?—Well, the idea I express I may tell you is not mine alone, but it is the idea of at least one other sheriff and of the Fiscals, and it is this. There will require to be great caution in locking up people, and our idea is that nothing in the shape of convictions will be enough. You must have an examination on evidence, and probably before the sheriff. The Fiscals asked me particularly to say that they hoped, in regard to the parties who were to prosecute, that they would be the last, that you would try to get prosecutors before you come to them, as they thought it would add so very much to their work.

9350. The proposal has been made to us that in the case of these petty offenders they should be charged with being habitual, and remitted to the sheriff, who would take evidence as to the habitualness of their offending?—And commit them to these retreats which are assumed?

9351. As habituals?—Yes.

9352. But let us come to another point, that is as to the extension of the Habitual Drunkards Act, to the cases of persons proposed to be committed at the instance of their friends; you propose to do that?—I assume that they are voluntary.

9353. Would you enlarge that power? Would you allow a husband to take proceedings against his wife who was never in the hands of the police, and pronounce her a habitual drunkard, and send her to some retreat?—Yes.

9354. Before the sheriff, of course?—Yes.

9355. I suppose you know the precedent of the lunacy laws?—Yes.

9356. In a lunacy case what is done?—In the lunacy committals it is done upon certificate; but, it is one thing to say that a man or a woman is insane, and it is quite another to say that he is a habitual drunkard.

9357. The lunatic is not brought before you except in dangerous cases?—Well, I have seen two or three cases of dangerous lunatics who have been cognosced, but it is a daily occurrence to commit three or four to lunatic asylums, and we never see the patient.

9358. (*By Dr. Sutherland.*) But, in the case of the person charged as habituals, you should see the patient?—Certainly.

9359. And let the patient state objections?—Yes.

9360. And if the patient preferred a public trial, you would have no objection?—I would give an option to the sheriff.

9361. (*By Col. M'Hardy.*) That might be disagreeable to his friends?—The sheriff would deal with that.

9362. (*By the Chairman.*) You think there ought to be an appeal in the case of people treated as habitual offenders even from the sheriff, supposing we were to make the Sheriff Court the court of first instance?—It might be to the principal sheriff.

9363. If he went to the Sheriff-Substitute on an ordinary criminal charge he would have an appeal to the sheriff?—Oh no.

9364. Then this would be a sort of quasi-criminal case?—It would be a sort of administrative case.

9365. These are somewhat of the grounds of a proposal that has been suggested that, when a man charged with breach of the peace and habitual drunkness comes before you, the crime for breach of the peace remains as it is, bearing that the punishment is imprisonment without the option of a fine, and, if you declare him a habitual offender, he has to go off to a reformatory and remain there?—Yes.

9366. Is that a feasible idea to your mind?—I am always very unwilling to make anything peremptory in the way of punishment.

9367. There would be nothing peremptory there, because, if you did not pronounce him a habitual, you would deal with him as you like?—There is no doubt that that is just something like my idea.

9368. Would you give the sheriff power to release the man?—Yes; we have that power just now in lunacy cases.

9369. In the case of a habitual drunkard you would be for appointing a curator to look after his business?—Yes.

9370. In a private case at whose instance would you have the prosecution?—At the instance of the relatives.

9371. Do you think they would act?—Oh yes. Children would act in regard to a mother, and they would also in regard to a father, unless, perhaps, it was to take money out of their pockets: that is a difficulty.

9372. (*By Col. M'Hardy.*) Would you allow independent friends to bring a suit?—Well, I never saw any act which went so wide as that.

9373. You have a paragraph here about the definition of the habitual drunkard; have you any objection to define it for civil purposes?—Well, the definition I have marked is the Quebec definition. The Quebec definition is not very well expressed, but it is something like what I think:—'A person who heretofore on 'many occasions has been a cause of ruin to their 'families, of grievous injuries to their relatives, as well 'as to their creditors.' It seems most necessary that there should be something of that sort, because it might be better to leave a drunkard than to take him away and probably send his wife and children into poverty.

9374. We have got a definition under the English law, and, of course, it is much easier to keep a definition that we have than to make a new one; that is to say, a definition that has been interpreted and understood, finds more ready acceptance than would an attempt to import a new definition?—Quite true. [Witness then withdrew.]

[Adjourned.]

TWENTIETH DAY.

GLASGOW, Tuesday, 18th December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman.*)
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Mr. John Traquair Strang.

MR. JOHN TRAQUAIR STRANG, Secretary of the Charity Organisation Society, Glasgow, called in and examined.

Mr. John Traquair Strang.

18 Dec. 1894.

9375. (*By the Chairman.*) You are Secretary of the Charity Organisation Society?—Yes.

9376. And your Society has taken much interest in connection with dealing with tramps and casuals?—We have to deal with them every day, as well as with the respectable poor. We get all classes before us.

9377. Can you please tell us what you have done in the way of instituting some Labour Colony there?—For the last nine or ten years we have had a Labour Yard at Alexandra Parade, where we give temporary work to men out of work. It serves as a help to those men who are willing, and it serves as a test of those who are not willing to work.

9378. A man comes to you for assistance who has no place to go to for the night, no money to buy lodgings; what do you do?—We used to issue lodging tickets to the public, so that they might not give money but rather give a ticket when applied to, which would entitle the holder to a bed and a little food for the night. We found, however, that these tickets were being used in improper ways. That is to say, they were content to beg for these tickets and not to work. They knew where the tickets were to be got, and they went regularly there for them.

9378A. Where were they to be got?—From the public. When one man got a ticket from any one he told the others. We sold the tickets to subscribers at fivepence each. That would cover the cost of the bed and food for the night.

9379. And then a man went to your subscribers and got one of those tickets?—Yes.

9380. What did you do then?—We recently opened a Shelter of our own.

9381. But before that you say they begged for these tickets instead of working? If a man arrives on the tramp in Glasgow and has no money to get a night's lodging, and had no opportunity of working beforehand, that is, of working out the price of fivepence?—That is not the class of men that we discovered to be working upon these tickets. It was the class of men termed "loafers" who hang about the lodging-houses. The lodging-house keepers tell me that they cannot get them out of bed before eight or nine o'clock in the morning, and they hang about the lodging-house all forenoon and go out in the afternoon and evening begging for a night's lodging again. I happened to pay a visit to one of the lodging-houses in North Woodside Road, about half-past eleven in the forenoon, and I spoke to the Superintendent about the number of men I saw in the hall at that hour of the day. I said to him, "Who are these; are these men on the night-shift?" He laughed and said, "No, the men on the night-shift are all in their beds." "But," I said, "you have about 40 or 50 young men who are idle at this time of day." "Oh," he said, "the great majority of these men are just living off the public, begging for their tickets, and they come here with the Charity Organisation Society's lodging tickets."

9382. That was not a model lodging-house but a private one?—It was a model lodging-house.

9383. Not a Corporation lodging-house?—Yes. And the Superintendent told me that what I saw was not to be found in his house alone, but that it was in the others.

9384. About that tell us what you did?—After that our Committee decided upon opening an Industrial Shelter to do away with the lodging tickets entirely, and to issue a ticket for our own Industrial Shelter, where a man will be provided with food and lodging on condition that he does a certain amount of work in exchange. We opened that Shelter on the 16th November last, and it is now in full working order.

9385. At what hour do the people commence to turn up at night?—They are admitted between four and six in the afternoon. The Superintendent has power to admit in very urgent cases at any time.

9386. You have some labour test there, you say?—Yes. Wood chopping and stone breaking.

9387. When have they to do the wood chopping or stone breaking—before they get their food and bed or not?—When they enter the house they sign an obligation to do a certain amount of work and to conform to the rules of the house. We do not ask them to do a certain amount of work before they get their night's bed. We trust to them doing it.

9388. Do you have any of them refusing?—No, not as yet. They are all willing to work after we have taken them in. There were six men who, after a week's sojourn, left of their own accord.

9389. Do you keep them for a long time?—They are allowed to remain there for a period of three months, and during that time if they get work good and well; they go.

9390. How long does it take to do their prescribed task?—They are expected to do six shillings worth of work in the course of a week. That is a shilling a day, the estimated cost of their keep.

9391. What I have asked you is how long does it take them to get through their work? They will only have the balance of the time available to search for work?—Yes. The scheme is only in its infancy, and we have not had time to arrange how the men are to get an opportunity for getting work. They can ask the Superintendent to get out. One man did so the other day, because he had prospects of work, and he was allowed to go out.

9392. They are not allowed to go out?—Not without the permission of the Superintendent, but if they satisfy him that it is to look for work, he will not stand in their way. But they must be back by a certain time.

9393. You have no power to detain them, and they can go?—None whatever.

9394. How many have you in now?—There were 44 last night. We cannot take more than 50 just now.

9395. How many of them had been in the place for over a week?—35 for more than a week.

Mr. John Traquair Strang.

18 Dec. 1894.

9396. Were there many who had been only in for a night or two?—None except those who went in yesterday for the first time, and there were about six of them.

9397. You do not appear to give them only a night's lodging you give them more?—It isn't limited in the Night Shelter. We take down the man's name, and endeavour to get some information about him—how he has got into his destitute condition—and we endeavour to bring influences to bear upon him to set him on his feet again.

9398. And you keep him there while you are trying to trace him?—We keep him clean and feed him, and bring religious influences to bear upon him to put him into a proper place again. The Committee intend to take some steps—what these may be I do not know; they had a meeting yesterday forenoon—to consider what steps they should take to set these men into situations of a permanent character.

9399. To keep a man there earning 6s. at wood chopping for any length of time is not what you aim at?—Oh no, there would not be one of them allowed to remain more than three months, without the permission of the Committee.

9400. Now you have spoken about the men; have you done anything for women?—We have nothing of that kind for women. Our Ladies' Auxiliary have a sewing-room, where they employ respectable women at sewing, between 70 and 80 every day just now.

9401. You simply pass the women on to the Ladies' Auxiliary and they give them employment?—Yes.

9402. Do you know what wages they earn at that?—About 3s. 6d. a week, and they have soup and bread given to them during the day.

9403. Do you know how many meals?—Just one meal. They are there from 10 till 4, except Saturdays.

9404. Where do these women live?—They have houses of their own. A number of them live in single apartments, some of them have parish relief. They are willing to do some kind of work, and we give a little to help them in that way.

9405. And the work they get is permanent?—If they like to make it so.

9406. Has the Ladies' Auxiliary no three months' limit?—No, they have no limit. They allow them to remain there as long as they wish.

9407. I suppose requiring a certain task of work, good behaviour, and compliance with their rules?—Yes. All these cases are enquired into before we send them there.

9408. You have got 70 women and say 50 men that you deal with?—Yes, and in our Labour Yard we had 35 yesterday. It is a place for wood-chopping—apart from the Shelter—for men who have homes of their own, but who are out of employment, and are willing to do something rather than ask for charity. We cannot employ more than 40 men, as we have no machinery for more. In the Labour Yard they begin at 9 in the morning. In the summer at 9.30, and they close in the evening as soon as it is dark, about 4 just now; in the summer about 5.30. They have an hour for dinner. The reason for our not beginning in the morning till 9 or 9.30 is that they may have an opportunity of enquiring for work at the gates of the public works in the morning. If any man wants to get away to look for work he gets permission from the Superintendent to do so.

9409. Have you had this Ladies' Auxiliary in operation for a long time?—It has been in operation for ten years.

9410. Can you tell us how many women pass through that? That is to say, got temporarily relieved there, and got into some permanent employment in the course of last year?—I cannot say. The Ladies' Auxiliary issue a report of their own, and I have not got a copy of it.

9411. Well, take the men; how long has your Night Shelter been an Industrial Shelter?—Only since 16th November—practically a month.

Mr. John Traquair Strang.

18 Dec. 1894.

9412. How many men have passed through it?—The number of men who have passed through it have been over 60, and there are 44 in it just now.

9413. Sixty have passed through, and of these how many have got into permanent employment?—None yet.

9314. When I speak of passing through it I mean entered, remained in it, and quitted it for permanent places?—None have quitted it for permanent places.

9415. But 16 have left it?—Yes. We have got 44 just now, and the others have left because they did not care to do the work.

9416. After a sojourn of how long?—Some of them a week, others a fortnight, and so on.

9417. None of them have left for permanent places?—None.

9418. Take the Labour Yard; you have had that for more than a year?—For ten years.

9419. How many had you in at the first of your year?—From the first of November last we offered 617 during that time work in that Yard.

9420. And how many accepted it?—251.

9421. And of the 251 have you any statistics showing how many stayed with you, passed through, and got permanent employment?—Well, I have not got the figures, but a good many left after remaining four or five weeks, or getting permanent employment. If, at the end of the time, four or five weeks, they had no prospect of work, we might renew the period, but we have occasionally got work ourselves for some of the respectable men in the Yard, but generally we left the men to look out for it themselves.

9422. Have you any classification of the men who took the work?—They are chiefly labourers. I have no classification this year.

9423. Have you no classification of those throughout the year?—We had a classification of those who applied to us.

9424. Are there many artisans or tradesmen?—Not many of them. About 50 per cent. would be labourers. Then there will be hammermen, blacksmiths, and such like.

9425. Take skilled tradesmen, not one class; is there 20 per cent. of them?—Oh yes, fully that.

9426. That will leave us 70 per cent.? There must be more than that. Would there be 25 per cent. blacksmiths, carpenters, and so on?—I think you might say 75 per cent. of labourers, and the balance are artisans and tradesmen. If I had known I would have brought down the book.

9427. The 251 men who accepted work in the Yard were chiefly labourers?—Yes.

9428. Do you find that the artisans who have been accustomed to skilled work and good wages will accept your work?—Not readily.

9429. Have you many agricultural labourers?—Not many of them, mostly labourers in shipyards and foundries, and that sort of men.

9430. What are their wages in the city when at work?—From 18s. to 20s. per week.

9431. What do they make with you?—Well, a man can make with us on an average from 1s. 2d. to 1s. 6d. a day. They are put on piece-work. Last week there were two men who made 2s. 6d. a day.

9432. Were these old stagers?—No, they were not. They were strong men, and they seemed to know how to do the work. Their work was wood chopping.

9433. Fifteen shillings from 9 to dark, that is 9 to 4 o'clock, that is seven hours with an hour off for dinner, that is six hours' work, and the possibility of making 15s. a week?—It is only temporary, however.

9434. But you keep them as long as they like there, or have you a time limit in the Labour Yard?—Four or five weeks, if they do not get work before that time.

Mr. John Traquair Strang.

18 Dec. 1894.

9435. You turn them out?—Yes, we must make room for some others, and we tell them that they have been long enough in, and that they must make a trial to get work. If they satisfy us that they cannot get work we give them an extension of time if we have room.

9436. They make, according to you, from 7s. 6d. to 9s. generally, and in some exceptional cases they go up to 14s. or 15s for their week's work? That is for six hours' work a day?—Six to seven hours.

9437. Well, six hours in the winter?—Yes.

9438. Where do these live?—Various parts of the city. Many of them live in the East End. Some of them come all the way to us from Govan and some from Partick.

9439. Have you any classification as to their being married or single?—Yes.

9440. Are there many of them married?—A good number, and we give preference to the married men.

9441. Are the majority married men?—Yes.

9442. In the Night Refuge, they are, of course, single men?—Yes, or widowers without family. They are mostly single men.

9443. If a man had a wife or family, would you take him into the lodging-house?—No. We would communicate with the wife and find out why she was away from him, or whether he had left her, and we would recommend him to the Yard. The Shelter is not intended for married men.

9444. In dealing with these men, both in the Shelter and in the Yard, are you particular as to character?—We are not so particular as to character in giving them work, as we are when it is a grant or a loan that has to be given to them.

9445. But, for instance, is there any stipulation as to abstinence or sobriety before you take them into the Shelter?—Oh yes. One of the rules is that no man who is under the influence of drink will be admitted. Of course he may have been given to drink.

9446. You insist upon him coming in sober, and he must behave himself while there?—Yes.

9447. And of course he could not get drink there?—No—only when he may get permission to go out, and of course he would not be readmitted.

9448. How much do they earn in the Shelter?—6s. is the amount they are expected to earn, which is the cost of their keep.

9449. Do you pay them in money?—No, in food. Anything they earn above that is placed to their credit, and they get it when they leave, unless they forfeit it by misconduct. They sign an obligation to that effect when they enter.

9450. None of the men who have left you have had anything yet?—Nothing except one who had to be taken to the police office for disorderly conduct last Saturday night. He was fined 10s. 6d. or seven days, and he had something to his credit. He was a good workman. He had received permission to go out, and got under the influence of drink. He did not say where or how he had got it, but he had no money from us. When he came back he was very abusive and used bad language, so much so that the police had to interfere.

9451. He had some money with you?—Yes. He had a small sum at his credit.

9452. That will be forfeited?—Yes, according to the rules it should be forfeited. He was one of those men employed casually outside at some work for the Corporation.

9453. You send out men from your place?—Oh yes. We invite the public to send to us for men when they want work done. We had four out yesterday.

9454. How do they get paid when they are out? They will get full pay?—They are paid so much a day, but it is paid not to the men but to our Superintendent, who places the amount to their credit, after deducting the cost of their keep in the place.

9455. For outside work a man will earn from 15s. to 20s. a week?—2s. 6d. a day.

9456. How long had that man been at work?—He was there for a week.

Mr. John Traquair Strang.

18 Dec. 1894.

9457. You would not consider it a legitimate employment of the balance to pay the fine?—I do not think so. I am afraid the Committee would not think so.

9458. Do you propose to extend this system of Shelters?—We of course have room for extending our present Shelter. There is accommodation there for over 100 men, but meantime we have only made provision for 50.

9459. Have you a Labour Colony or anything of the sort in Kyle Street, Dobbies' Loan?—That is the Industrial Shelter. It is not a Labour Colony.

9460. Now you come in contact with a large number of tramps, I suppose?—A great many tramps. A great many of them come over from Ireland.

9461. They ask assistance from some of your subscribers and they send them to you?—Yes, they do. A man comes over from Belfast, and he is no sooner on shore than he is begging assistance from somebody. They come over entirely penniless, and he is usually wanting to get back again. They often apply to Messrs. G. & J. Burns for a passage back. The firm send them to me and I deal with them. We have a great many American tramps.

9462. Well, what do you do with them?—We send them back, if we are satisfied that the statement they have given is correct.

9463. What do these men come across here for?—They say they come across for work, and they think they can get it in Glasgow.

9464. How long are they here generally before they fall into your hands?—Sometimes a day, but seldom more than a week.

9465. I have been informed by the Association for the Relief of Distressed Foreigners, which I believe works with you, that the foreign tramp in his lodging-house has frequently lists of every one with a smattering of the different foreign languages, and hints as to the story that is best suited to extract money from them. And I was advised, therefore, never to assist needy foreigners applying for relief, except through the agency of the Society. Have you any reason to believe that any similar system exists among the native tramps, that they have ledgerised the people from whom they might get assistance?—I have not heard of that, but I know from experience of the foreigners that come over here that half of them are rank impostors. They come over here and give a wrong name and tell a wrong story, and information is very difficult to be got regarding very many of them, but I have an arrangement with the Foreigners' Relief Society in Leith that if I want to send a man home to his own country I do not give him the passage warrant, because he might contrive to sell it in Leith, but send the order to the Leith Society, and they see him away by the steamer. In that way we get the man back to his own country. In many cases an order has been returned to me, as the man had attempted to sell it and did not want to go home.

9465A. Do you make any similar careful arrangement to prevent him disposing of his ticket to Leith?—We give him the railway ticket, and see him off in the train.

9466. And when you send a man back to Belfast?—We give an order to Messrs. G. & J. Burns, asking them to give the man a passage. In no case do we give money for warrants for passages, either by train or steamer.

9467. How many people apply to you for relief, or are referred to you in the course of a year, that is, to the Charity Organisation Society?—Last year we had applications for 11,107.

9468. How did you deal with them?—Of these 5773 were applications on behalf of the Children's Clothing Scheme. Setting aside the 5773, there were 2060 dismissed. They were found to be undeserving. Some had withdrawn their applications. They had found work, they said, and did not require any

assistance from us. Others we found to be quite ineligible for various reasons. A good many had given false addresses. Others were found to be cases entirely for the Parohcial Board to deal with. Then we disposed indirectly of 1600 by referring them to such local institutions as were found to be suitable for them, and to private parties who wished information regarding them before they gave any assistance; and others were referred to the various Charity Organisation Societies throughout the kingdom who wished information from us.

9469. Others, you say, were sent to the various Charity Organisation Societies?—Well, information regarding them was given. They were not on the spot. They belonged to Glasgow, and they were applying to these Societies, or some of their subscribers, and they wanted information from us about them. Then we assisted directly ourselves, because there was no agency suitable for them here, 1415 by giving money grants and loans, and paying fares.

9470. You assisted directly 1415?—Well, of that number we assisted 862 by grants, loans, fares, lodging, and clothing; and 431 were assisted by employment, temporary employment and casual employment, and employment in our Labour Yard, and a number of women we get office cleaning for, charring work, and sewing.

9471. That includes your Labour Yard?—Yes, that includes the 251 men. Then we assisted 122 medically by giving them lines to the infirmaries and convalescent homes, and providing professional attendance at the homes of the applicants. According to the law of Scotland, an able-bodied man who has a sick wife or child in his house cannot get medical relief from the Parochial Board. He is refused it, and sent to us, when we provide the necessary medical attendance.

9472. What is your machinery for it?—We have four doctors—one in each district in the city; North, South, East, and West—and the charge they make is merely a nominal one. They are willing to give their services at a very small rate.

9473. These were cases, I suppose, of a nature too trifling for the infirmaries?—Well, they were not suitable for the infirmaries, and could be treated as well at home. A number of them got lines into the infirmaries from us, because they did not know where to get them, or the people to whom they applied did not want to give them the lines and sent them to us.

9474. Now you had 862 to whom you made grants and loans, and paid fares, and lodging tickets and clothing; what is the usual amount of the grant?—From 5s. up to £2, according to what the Committee think is required at the time.

9475. What would you give £2 for? To pay rent?—No. A man might have a large family, and he might want a little assistance to tide him over. Perhaps he might be in debt for groceries, or such like, and it is to help to get him out of debt.

9476. You distinguish between your grants and loans?—Yes, the loans are not given unless people are able to give us some personal security.

9477. Do you expect these grants ever to be refunded?—Some of them do occasionally refund them without being asked.

9478. Big ones?—Not very large ones. Perhaps £1.

9479. Out of £50 granted how much would you expect to get back?—Not very much in the way of grants.

9480. But you do sometimes get them back?—Yes. We do not ask them to repay. It is a donation given to them to help them, and some of them make a point of repaying, but very few of them.

9481. Then for loans you require some security?—Yes, we always ask for some personal security, if it is above a pound—that is, that some other person becomes responsible for the payment of it.

9482. Do you insist upon the person being a solvent person?—He must be a person who is able to undertake the small responsibility.

Mr. John Traquair Strang.

18 Dec. 1894.

9483. Have you often to come upon the surety?—Only once or twice. Not during this year, and during last year the loans have been very well repaid by the parties themselves.

9484. How much were your loans last year?—They would be about £30. Not very much; the Committee is very careful as to granting loans.

9485. The fact is, that the original purpose of your Association was not to disburse charity at all, but simply to make inquiries and to prevent the overlapping of charities?—Yes, and to repress mendicity.

9486. And this extra work has been entirely forced upon you?—Yes, by the very nature of our work we have been compelled to a large extent to become the almoners of the public. A number of people themselves give us money to disburse. Some even on behalf of their own clients.

9487. Have the London Charity Organisation Society gone into any of these schemes?—Not the Shelter, but they do not need to do so in London. Last year I had a talk with Mr. Loch, the secretary, on the matter. He did not think it was a wise thing for us to do, but I explained to him the difference between the English and Scotch Poor Law.

9488. Give us it?—An able-bodied man in Scotland cannot be dealt with by the Parochial Board.

9489. Well, that is true; but the cases that your Shelter is intended to deal with, are they necessarily such cases as in England would be dealt with by the Parochial authorities?—By the Casual Wards.

9490. But the Casual Wards do not take in men permanently? It is only for a night?—The man has to remain three nights.

9491. He may remain?—He has to remain if he is to do his work. I visited St. Giles Casual Ward in London a year ago. I may be misinformed, but I understood it was three days before he could accomplish the amount of work he had to do.

9492. About women, you do nothing for them except what is done by the Ladies' Auxiliary?—That is for sewing; but there are a great many respectable widows we assist by grants or recommend to other institutions, and we put the names of respectable women upon our lists for work for office-cleaning and such like.

9493. You have found employment for about 400 people in the course of the year. I suppose you have got machinery which enables you to find employment for about that number, and you mention that they work at wood-chopping, stone-breaking, and carpet-beating?—Yes.

9494. Have you abstained from doing anything for women because you find it is better to deal with them through existing organisations, or is it the difficulty of finding them suitable work?—It is the difficulty of getting suitable work. I recommended at one time the opening of a laundry where the women might be taught, but the Committee did not see their way at that time to go into it. They said there was a laundry already in existence. Of course that was for the prisoners; but there is no agency to deal with respectable ones in that way.

9495. Is there nothing beyond laundry work and sewing that suggests itself to your mind as a possible employment for women?—Not in the meantime. The difficulty is about interfering with other trades. It always leads to an outcry.

9496. In the matter of wood-chopping, who does that apart from you and the boys at Mr. Quarrier's Home?—The Parochial Boards all do it.

9497. Are there no outdoor labourers that do wood-chopping?—There are some wood and coal merchants do a little in that way.

9498. Do their employees not grumble at the bread being taken out of their mouths?—No; we pay more for wood-chopping than they do, and we sell at the same rate, and we buy our wood in the open market. We don't get any advantages in any way.

9499. What profit is to be made at the wood-chopping?—There is none by us, for we lose over £200 a year because we have always more men than we require, and they are unskilled and unaccustomed to the work, and when they get into the way of it they generally fall into other work.

9500. Now about the stone-breaking: how does it work out financially?—I think we lose on it too, but I am not able to say anything as to the results of that yet, as we have not sold any of the stones that we have broken.

9501. When did you introduce the stone-breaking?—Just at the opening of the Shelter.

9502. I think you had it in the Labour Yard?—We have it in the Yard, because we have no room for it at the Shelter. It is in connection with the Shelter.

9503. How much is the task of a stone-breaker for his shilling a day?—He is paid at the rate of 2s. per cubic yard of stones, which is the usual rate.

9504. Do you know what the ordinary stone-breaker on the roadside may make?—I do not know, but I am told they make very good wages.

9505. Your stone-breakers have only to break half a yard in order to earn their shilling?—That is what each man would require to break. When we wanted one or two from the yard to chop wood at the Shelter, two of the men declined to go, as they were doing so well at the stone-breaking.

9506. Stone-breaking is a business that is more valuable as a means of living outside than wood-chopping?—Oh yes.

9507. What sort of stones is it you break?—A sort of whin.

9508. The usual stuff that is used for macadamising?—The same metal that is used by the Corporation contractors. The Corporation have undertaken to take it from us through their contractor, if we make it of the same metal and have it properly broken.

9509. You have never ascertained from the contractors what the ordinary stone-breaker working for himself can turn out?—His wages are about 24s. a week, I understand.

9510. At 2s. a cubic yard?—It is 2s. 2d. the outside rate, I think, but we pay only 2s.

9511. That is about 11 cubic yards in a week. Close on 2 cubic yards per day is what they must turn out?—Yes.

9512. And your task is only a quarter of that?—Yes.

9513. Of course a fresh hand cannot do anything like the full amount of work?—Oh no. There is a nack in nipping the stone and in the way of holding the hammer. A great many at first break the hammer handles, because they are not breaking stones in the right way. We have at present an experienced stone-breaker to teach them.

9514. Do you find that the men rapidly pull up in the amount of work they can turn out?—Oh yes. Those who are willing to work very soon get into it. But our Superintendent tells me that very often when a man earns his shilling he does not care to work another hand's turn.

9515. Do you encourage those men who exhibit this spirit?—No; we compel them to work on. When they have earned their shilling they want to get out, but they have not a sufficient excuse, and as they evidently wish to evade doing any more work that day, the Superintendent refuses to allow them.

9516. Now, in the matter of tramps, from what you have told us a very large percentage are undeserving?—Yes.

9517. I suppose you come across a number of decent workmen?—Yes; but a large number are undeserving, and will never be anything else unless severe measures are taken with them.

9518. You mention that you assist some of them by providing them with lodgings outside your Shelter: how do you do that?—We give a note to the Superintendent of one of the lodging-houses to provide the man with a night's lodging and food.

Mr. John Traquair Strang.

18 Dec. 1894.

9519. And that is strictly non-transferable?—Strictly; it is a note to the Superintendent, and he charges us with the cost. Each individual costs us 9d. We give extra to a man of that kind.

9520. What does he get for the 9d.?—Porridge and milk in the morning, and if he remains on during the day, as he sometimes has to do under special circumstances, he gets soup and bread, or perhaps tea, if he prefers it, and he gets porridge again to his supper.

9521. You stated just now that the undeserving class of tramps would always form a very large percentage of the tramp class unless some stringent steps were taken: what steps would you suggest?—I would confine him and make him work.

9522. You could hardly do that for merely tramping?—And begging; the tramps are begging.

9523. Of course, a large number of them?—They exist in that way. If they are tramping they are begging.

9524. Well, but how to get at the beggar?—I think the police ought to look after them very sharply.

9525. Well, people are loth to complain about begging?—Yes; I know.

9526. The existence of your Society gives them a sort of sop for their conscience. They give the man a reference to you, having paid their subscription to you, and they think they are assisting him if he is deserving; but if they have not got an outlet in the Charity Organisation they may give him a penny and never dream of complaining; is that not so?—That is quite true.

9527. You have done your utmost as a Society to try and induce people not to give alms, and I suppose you have absolutely failed?—We fail in some respects; but there is a certain class of people who will give, who cannot resist an appeal from any of those persons coming to them; but we have made very great progress in the way of preventing indiscriminate charity. It is not nearly so common as it used to be.

9528. What ramifications are there of the Charity Organisation Society throughout Scotland?—There is one in Dundee, one in Motherwell, one in Paisley, Edinburgh, Aberdeen; a small thing in Montrose I understand, but I have had no communication with them; and there is a small thing at Helensburgh, but it does not do very much except give a little relief.

9529. I suppose you find in the great majority of cases that come under your care that drink has been the original cause?—Yes, it is a very common fault; and indolence is another, and thoroughly bad character.

9530. Put aside the thoroughly bad character, and take the drunken and indolent classes: whether do you think drunkenness or pure indolence contributes most of the people coming within your scope?—Drunkenness. There is a larger percentage of drunkenness than indolence. But there are a great many indolent people, men, who prefer to let their wives do the work and they will sit at the fireside.

9531. You have spoken about 5773 people, or applicants, who have been assisted through the Children's Clothing Scheme. What is that?—They have not been assisted to that number. There are 5773 children applied for. They do not apply themselves, but applications on their behalf come to us through school teachers or the police, and through visitors in connection with churches who come across them and consider them to be needy cases. They represent 2342 families. These children were all under fourteen years of age. We clad, after due investigation, 3518. 1011 were not clad by us, but were referred to other agencies to be dealt with in a way that we could not do.

9532. As for example?—Well, there were a great many of them put under the supervision of the

Mr. John Traquair Strang.

18 Dec. 1894.

Prevention of Cruelty to Children Society, and with salutary effects in many cases I am glad to say. After a considerable amount of watching some of them have done their duty to their children.

9533. Others?—Others were declined entirely. 1244 were declined. They were in receipt of Parochial relief, and were therefore receiving, or entitled to receive, the necessary clothing from the Boards in virtue of being on the roll; and others were found not to require any assistance.

9534. Now take the case of the 3518 you assisted: what protection did you take to prevent the clothing being misappropriated?—In the first place every article was stamped, both boots and garments. Intimation was sent to the pawnbrokers through the police that the articles issued by the Society remained the property of the Society, that they bore certain marks, and that it would be illegal to take them. Then the police in the district were advised by the convener of our Committee that there were children clothed in such and such a place, with a request that they were to keep them under their supervision. The school teachers were also advised regarding those who were attending schools. We had all these checks. The pawnbrokers, I am glad to say, have co-operated well with us.

9535. Have there been any attempts?—There have been a few; not more than a dozen came before us last winter, and all these were unsuccessful. The pawnbrokers sent notice to us through the police.

9536. How long has your scheme been in operation?—It commenced last winter.

9537. And it was successful?—It was successful last winter. I do not think the public or any one knows the amount of labour that has been undertaken in connection with it. It is not the mere giving the children clothing, but it has brought before us a great many distressing cases of children neglected by parents not doing their duty towards them who were perfectly able to do it. Attention was called to the matter, and they were put under the supervision of the Cruelty to Children officers, and a great change took place.

9538. In the investigations into these cases you saw a great deal of the more squalid side of Glasgow life?—Some of it exceedingly bad. Some of it revealed a revolting state of child life which one would scarcely think possible.

9539. I saw in a paper yesterday the case of a man, a labourer, I think, who had been found dead in his house; and when the police went there they found no bed, only a few rags on the floor, and a lot of children lying on that—in fact the most abject state of dirt and misery. The man had been in ill-health and had died, I suppose. That is not a rare occurrence—I do not mean the man dying, but I mean the squalidness?—Oh, there are a great many cases we come across where there is not a thing in the house.

9540. Where do the children lie?—On the floor, in whatever clothes they may have, in their dirt and misery.

9541. I have asked you this for this purpose: do you think, in the case of children brought up in that condition, it would be any great punishment to spend a few days in a prison cell?—For the parents?

9542. No. Do you think it would be any great punishment on the children to exchange sleeping on the floor in their ragged clothes, without much covering and without fire, to exchange that for a week in the cell of a prison; do you think that imprisonment would be likely to have any deterrent effect upon such children?—I do not think it.

9543. You have seen so much squalor in the lives of these children, and I suppose young persons, that to many of them there must be mitigating virtues in prison life in regard to comfort, good feeding, and so on?—Oh yes. It would not have any effect on the children. They are not able to control themselves.

9544. I am not talking of the children. I am asking you to give us your opinion as to what you have seen, and it is for us to judge of the deterrent effects. Many of these children are petty criminals, many of them up for thefts, and so on?—I have not come across any.

Mr. John Traquair Strang.

18 Dec. 189

9545. No?—Not in connection with our clothing scheme. We have had a large number passed through our hands—5773—and I have not seen a single report about them being guilty of theft.

9546. I was not casting any aspersion upon your children, but there are a great many taken up for petty thefts, and they are all found in reformatories and jails?—I do not approve of them being sent to prison.

9547. I did not express any approval. You think they would be much better kept out of prison?—Yes; they would be better taken from home, but not to prison. There should be some way of dealing with them in an institution.

9548. In connection with tramps, you have not told us anything as to the children: are there a great number of children of tramps going about?—There have not many come under our notice in Glasgow. There are more, I believe, in the country and other places. The tramp who passes through Glasgow is the single man or the man who has deserted his wife or family in some other part of the country.

9549. But have you had the case of a man applying to you with children?—I have had cases of men turned out with their children from their houses in Glasgow, and we have had to lodge them for a time.

9550. What do you do with the wife and children in these cases?—They are lodged also.

9551. Where do you send the wife and children?—To the Night Asylum. A lodging-house will not take a man and his family. You must send the man to a men's lodging-house, and the woman and her children to a female lodging-house, and the female lodging-house does not care to take in children.

9552. Then, about the Night Asylum: you know it?—Yes.

9553. How are the inmates treated there: do they get supper after they go in?—Yes; and they get something next morning.

9554. How do they sleep?—On a shakedown on the floor.

9555. Or do they sleep on the boards?—No, they have something to lie on, but it is not comfortable; I have not seen it, but it is not the bare floor, indeed I was asking that question yesterday.

9556. (*By Col. M'Hardy.*) What is the general character of the men who come to you for relief, I mean the adults, are they people of irregular lives?—Well, a large number of them are men who have been in employment, labouring men who have been thrown out of employment by dull trade. They have, unfortunately, small wages, and they have, still more unfortunately, large families. They are not many days out of employment until they are on the rocks and require assistance. We have a great many of that class.

9557. That is a resident class you are speaking of?—Yes.

9558. When work fails in the country generally, I suppose the numbers applying to you must increase enormously?—Principally in the winter.

9559. Now I understand you to say that the great bulk of them, when they get the test of labour which you set them, leave it?—A great many of them do. Some of them refuse entirely to take any work.

9560. I think you say about 60 per cent. of those applying won't work?—Yes; some of them go for an hour or two, and some of them for a day, and then they leave.

9561. How do you explain them going away when you tell me that they are really men who have been in work and have lost that work through trade variations, but that they won't work for you, the great bulk of them?—Well, I cannot tell why they won't

work. They prefer to have assistance and to go about looking for work for themselves, some of them say.

9562. That is going about Glasgow you mean, I suppose?—Yes.

9563. But the numbers that go about Glasgow begging are apparently comparatively small. The judicial statistics returns for last year show that there are only 460 convictions for begging altogether?—Yes.

9564. I want to get at the life of those people—the 60 per cent. of those who apply to you and who refuse your labour test—can you tell us how they exist?—They must be begging, but I cannot tell exactly: I am not prepared to say definitely.

9565. But it is the great majority of the people you meet with?—That is the fact. Those that come before us are offered this work, and they refuse it.

9566. I should like to press this question, because it seems to be the great majority of the people you deal with; have you never looked up or found out from the police or any other way what they do, or what becomes of them?—No.

9567. Labour that you give them is not very severe, and apparently from what you tell us and the Chairman it is only a quarter of what the ordinary working man does?—That is the cost of his keep. He must earn that in a day. Of course if he earns more than that it is placed to his credit. He must at least earn his own keep in a day.

9568. But I understood they did not earn very much more?—They are not disposed to earn very much more evidently from what our Superintendent tells me.

9569. I can understand that the thoroughly untrained man in breaking stones may not do nearly so much as one who has been at it all his life, but if these men are labouring men who have been thrown out of work, they must be acquainted with the use of tools, the ordinary tools for labouring work, and they can certainly produce more than half a yard cubic a day. Your Society as soon as they come up to the minimum does not urge them to go on and really to work so as to amass money for the coming day?—Well, we don't urge them to do any more than will keep them for the time being. Our work is simply work instead of relief. We want to tide them over the time being. We are not wishing to give them good wages, so as to induce them to settle down there.

9570. But you can sell the stone?—At a loss.

9571. I do not understand why you do not urge these men to do more than they do. You apparently are winking at their doing very much, provided they pay for their cost of lodging?—No, we encourage them to do more by telling them that if they earn over and above their cost, it will be placed to their credit.

9572. Yes, but I cannot understand that the ordinary working man of this country, unless he is a waif, if he saw his chance of making 2s. 6d. a day, would not make it. How do you explain that?—There are a lot of these men, so far as we see, who are apparently able enough, but they don't wish to exert themselves.

9573. But that is not the ordinary working Scot, the man who is thrown out of work by the action of trade causes. If he is a loafer, if these men are a fraud, too lazy, I can understand all you have told to the Chairman, but I cannot understand what you told him just now that these are simply men just thrown idle, by the circumstances of trade, against their will?—Well, a great many of them are that.

9574. But still these men won't make 2s. 6d. when they get the chance?—They won't make 2s. 6d., but they make more than those who are of the loafing class.

9575. You say that very, very few make more than 1s. a day, that very few of them wanted to make more. What I am wanting to get at is whether you are correct in saying these men who have come to you are really working labouring men with every desire to work hard, or are simply more or less the loafing class of men?—Well, I would say that about one-third are of the loafing class.

Mr. John Traquair Strang. 18 Dec. 1894.

9576. Not more than that?—Not more.

9577. We have arrived at this, that of those who come to you two-thirds refuse work, and of the one-third that do accept the work two-thirds are simply men out of work from circumstances of trade, and the remaining one-third are of the loafing class?—Yes; it is those who have accepted work only that I have to speak of; I don't know about the others except that they refuse our work. Of that number there are a great many quite willing to work and try to make the most they can. There are others who, whether from physical incapacity or unwillingness I cannot tell, do not, I suspect perhaps it is both.

9578. What I wanted to get at is this: have you through your Society sufficient means to offer work and to provide work for every man who is anxious to work but has not got work in Glasgow?—Not if there were a large number of them. We would require to apply, as we have done before, to the magistrates to provide work.

9579. At the present time the numbers who go about are below your capacity for reception?—No, they are not below it. They are just about as much as we are able to overtake. We could not take more than 40 a day in our Yard and 50 in the other place.

9580. Apparently by increasing your labour test a little bit you would knock off another third?—Yes.

9581. So that possibly you would get at the residuum who are anxious to work?—Yes. Even at present, I might say, we would require an extension of our machinery. As it is we have not got sufficient to overtake all that apply. We have to refuse every week a number of men who want to get work.

9582. (*By the Chairman.*) Have you got a pay-sheet for the Shelter or the Yard?—We have a pay-book which our Superintendent keeps in the Yard.

9583. Could he give us a week's pay-sheet of each?—Yes.

9584. Will you send them to the Secretary?—Yes.

9585. (*By Col. M'Hardy.*) Your Society has been formed for the purpose of centralising benevolent efforts?—Yes; to prevent overlapping.

9586. Now, there is a Society called the Discharged Prisoners' Aid Society in Glasgow which exercises itself largely in obtaining labour for prisoners?—Yes.

9587. In what way do you co-operate with that Society?—The Superintendent, Mr. Lawson, when he cannot get work for some of his prisoners or has a little doubt about a man, and wishes him tried for a short time, sends him with a note and asks me to give him a fortnight's work in our Yard, and report to him how he gets on.

9588. So that you are in full touch with that Society?—Yes.

9589. You don't, I understand, pay rent for the Yard which you occupy for stone-breaking and wood-chopping in Alexandra Parade?—No, we get it rent free from the magistrates.

9590. What area do you occupy; roughly, is it 2 acres?—It is about 1 acre.

9591. What would be the rent of it, supposing it were charged by the Corporation?—I should think it would be £30 or £40 a year, judging by what was asked for a piece of ground next to our Shelter in Port Dundas about the same size, and which we were looking at about a year ago. They wanted £40 a year, or £2 a square yard if we would buy it.

9592. As to the artisans who come to you, as distinct from the labourers, are these artisans first-class workmen?—No; I am not prepared to say they are. There might be one or two among them.

Mr. John Traquair Strang.

18 Dec. 1894.

9593. As a matter of fact it is a thing unknown for a first-class workman, except under the most exceptional circumstances, to be wandering about in search of employment?—In our experience there is something radically wrong when he is; it is drink or something.

9594. But the normal, well-doing, first-class workman, have you ever seen him begging or requiring relief from anybody?—Well, we had a few cases of that kind during the recent great coal strike.

9595. In an exceptional time?—Yes.

9596. But it is a very rare thing to find in this country?—Very rare; there is something radically wrong when a regular, well-behaved working man is out.

9597. You told us some very interesting things about the numbers who came into Glasgow by sea in search of work: can you give us the number of those that you dealt with?—No; I have not got any record.

9598. How many have you sent back to Ireland in a year?—I cannot just detail it; I have not got the particulars.

9599. Could you give us an approximation?—In summer time especially we have two or three a week.

9600. Sent back?—No; coming over from Ireland and applying. They are not all sent back, because we find some of them are not telling what is correct.

9601. How many are sent back?—Perhaps 20 or 30 in a year.

9602. That is a small number?—That is out of perhaps about 50 applications to me.

9603. But of course the number of people coming to Glasgow from Ireland in order to work in Scotland at potato digging, harvest work, and other things is enormously larger than the figures you have given?—Oh yes.

9604. So that it is comparatively a small number?—Yes, of Irish.

9605. Is any objection made by any of the Irish authorities to your sending these people back?—No.

9606. Never heard of that?—No; but I have difficulty in getting information from the Irish authorities about these people. It looks very much as if they did not want them back.

9607. (*By Miss Stevenson.*) Do the women employed through the Ladies' Auxiliary undertake the making of clothing that is given to the children under the scheme for clothing destitute children?—Not altogether; they get a part of it to do.

9608. Who does the rest?—The rest was done by the ladies themselves last year.

9609. You have not in connection with your Association any workroom for women analogous to the Labour Shelter you have for the men?—No, not beyond what is kept up by the Ladies' Auxiliary.

9610. You said that when married people came to you, you could not get lodgings for them without sending the man to one place and the woman to another; have you no lodgings in Glasgow for married persons and women?—No; not together, unless in the ordinary private lodging-houses, which we don't deal with. It is only the Corporation lodging-houses we send to.

9611. And the Corporation of Glasgow have no such lodging-houses for married persons as they have in Edinburgh?—No.

9612. (*By Dr. Sutherland.*) Is begging and vagrancy in your opinion adequately looked after by the police?—Yes; I think it is looked after very well by the police. I am of opinion that there are a great many cases that elude the vigilance of the police, but that is not their fault.

9613. Are there very many inveterate beggars in Glasgow and suburbs?—There are.

9614 And the police don't deal with these people?—Because they don't come under their notice. The people to whom they apply don't report them, and the police don't know of them. The police may see a man or a woman going up a close, but it is difficult for them to tell what they are doing, or what errand they might be on.

Mr. John Traquair Strang.

18 Dec. 1894.

9615. Do the police interfere at all with single men or women and children who go into back courtyards and sing all day long for alms?—I am not aware of them doing it.

9616. Was not your Shelter in Kyle Street instituted as a feeder to a prospective labour colony?—No, it was not.

9617. Was there during the negotiations with the Association for Improving the Condition of the People no such idea mooted?—Well, the Association for the Improvement of the Condition of the People meant it to be a feeder to their labour colony when they got one started, but I have often told them that I thought there was a more effective and less expensive way of dealing with these men than that. When a man is sent to a labour colony what is he to attain to? He is simply perhaps to make his own bare living; but the object of this Shelter ought to be to get a man lifted out of the state into which he has fallen and get him back to work, where he will earn eighteen to twenty shillings a week. He will never earn that in a labour colony.

9618. That is your view; but there was an idea at the time that the Shelter was started that it would be a feeder to the labour colony?—That is so.

9619. You don't restrict a man as to work?—The more work a man can do the better for himself.

9620. Do you mean to say that you don't come across good artisans searching for employment?—They don't apply to us nor to any relief association.

9621. But do you know if there are skilled artisans, many of them, in Glasgow in search of employment although they don't come under your cognisance?—I believe there are, but they don't apply for charity.

9622. (*By Dr. Farquharson.*) Did you say that your labour test, speaking generally, was a means of distinguishing between the mere loafer and the man who wants to work?—Thoroughly.

9623. Then, when you had the Shelter on the old principle, was it taken too much advantage of by the loafer without the labour test; was that not the way you began first, with a Shelter where there was no labour test?—No; our Labour Yard was the first begun; we had no Shelter. Before we opened our Labour Ward we gave assistance to able-bodied men, but the Committee considered that the proper kind of relief to an able-bodied man should be founded upon work. It is not degrading to give a man work to do, though at a small rate. A number of them prefer it. They say they don't want charity.

9624. I think you said you would like to have your machinery extended?—Yes.

9625. Do you mean by that that you would like a greater variety of work introduced?—Yes, more work and more room to give more men work, and a variety of kinds of work.

9626. What variety would you prefer?—That is exercising the attention of the Committee just now in connection with the Shelter. We have got stone-breaking, wood-chopping, and carpet-beating, and we have got an offer of hair-teasing from one of the public institutions in Glasgow, and we have also had an offer of teasing rope, that is, teasing old ropes back into hemp. I don't know exactly what other kinds of work might be given, but we are on the look-out for other kinds.

9627. Have you any opinion as to the respective merits of indoor and outdoor work?—We would prefer to get them all outdoor work.

9628. Do you think their chance of getting work afterwards would be better by putting them on that kind of line?—Yes, I think so; many of them would be picked up and would get into regular work in that way. We have a few, as I explained, doing outside work just now from the Shelter.

9629. Is there a restricted scope for stone-breaking and wood-chopping?—We cannot supply the demand for firewood at the present time.

Mr. John Traquair Strang.

18 Dec. 1894.

9630. In regard to the stone-breaking, is it not the case that the breaking of road metal is now done pretty much by machinery?—I believe there is a great deal of it broken by machinery.

9631. Do you call the wood-chopping skilled labour?—It requires a little practice. The man requires to know how to hold his hatchet and the wood so as not to chop off his fingers, and he requires to be careful at first till he gets into the way of it. At first we got the men to saw the wood, but now we get it sawn for them by the aid of a gas engine.

9632. You don't make any arrangements for getting them work?—Except by asking the public in our annual report to apply to us when they want respectable men or women. They sometimes apply to us.

9633. Do you consider it would be of importance in your machinery if you had a labour bureau?—Well, my answer would just be what I said at Rochdale last year, at the Conference there. One of the newspapers here in Glasgow had something of that kind last winter, but it was not very successful. They offered to advertise free of charge, and they had a large number of applications, but it was a very small number that they evidently got into work. I explained that there was no need for employers of labour to apply to a labour bureau, because they have at their gates every morning plenty of people applying for work from whom they can select.

9634. Then, has a working man out of work suddenly arriving in Glasgow any difficulty in finding out your place; how does he find it out?—There is no difficulty apparently. They seem to be no sooner in the city than they find it out. They apply generally to some private individual at first, from whom they get a note or one of our investigation tickets, and they find us in that way.

9635. Suppose a man comes to your door, and has no ticket or friend, do you put him on the way to get a ticket from a subscriber?—No; we take his name down if we think he is a *bonâ fide* case.

9636. And if he is absolutely destitute he is sent to your Shelter or elsewhere?—Yes.

9637. There is no difficulty in a man coming suddenly into Glasgow getting shelter?—So far as we are concerned there is no difficulty, but inquiry is made afterwards about them.

Mr. John Traquair Strang.

18 Dec. 1894.

9638. You say you would like to lock up the beggar; you would have a certain number of convictions, I suppose?—Well, I would not shut him up on a first conviction, but I would on a second. Alongside that I think there should be some plan or system whereby a magistrate, having a case of that kind, should pass him on to some agency for work, with a request to give him work, and report how he is doing. If a man leaves in a short time and is again found begging, then I would deal with him.

9639. Would you shut him up permanently?—I would send him to prison.

9640. Would you make the law more stringent?—I think it would need to be more stringent.

9641. (*By the Chairman.*) We were told that there were 5300 people who last year sought and got shelter for the night in the police offices of Glasgow; do you know anything about that?—No.

9642. Bailie Chisholm, when he was asked whether there was any provision the same as casual wards in Glasgow, said no, but that there were a considerable number of people who came to the police offices for protection and were kept there for a night. As a fact, 5304 persons did at their own solicitation receive protection in the police offices last year. Captain Boyd, the Chief-Constable, corroborates that. He said they had a great many people who came and asked protection and shelter for the night. You have heard now that there are 5300 of these people who applied to the police last year for shelter—that is nearly as large a number as applied to you altogether, in fact it is a larger number of adults than applied to you altogether—and you were not aware of the existence of this?—I was not, and I am surprised to hear it.

9643. And you have no case referred to you by the police from that lot?—No. [Witness then withdrew.]

Mr. Robert Patrick Wright.

MR. ROBERT PATRICK WRIGHT, F.H.A.S., Professor of Agriculture in the Glasgow and West of Scotland Technical College, called in and examined.

Mr. Robert Patrick Wright.

9644. (*By the Chairman.*) You are Professor of Agriculture in the Glasgow and West of Scotland Technical College?—I am.

9645. You were one of the Committee appointed by the Association for Improving the Condition of the People to inquire into and report on the subject of labour colonies, and with that view you visited Germany?—Yes.

9646. The Committee consisted of Professor Mavor, yourself, Mr. Motion, and Mr. Speir?—Yes.

9647. Tell us the general principle of these labour colonies?—The general principle of the colonies is to establish farms where work can be provided for any men who apply, and who say they are out of work. In return for their work they receive practically board and lodging, with, in certain cases, a slight addition in wages. That is, I think, the central principle of the labour colony.

9648. You divide them in this pamphlet of yours into two classes—self-contained or non-competitive and competitive? Some of them produce simply materials for their own maintenance and others produce for sale in the markets?—That is so. They are generally divided into these two classes, but the distinction is made more precise in our recommendation than it is in reality. The recommendation submitted the two alternative methods, but in Germany I do not think the two alternatives are so distinctly separated. Perhaps I should say that, apart from that visit, I visited some other colonies this summer.

9649. What colonies did you visit in connection with the deputation?—As a member of the deputation I visited the labour colony in Berlin itself, which is not a farm colony, but has a small farm colony connected with it, and the farm colonies at Fredrickswille, in the province of Brandenburg, and at Rickling, in Schleswig-Holstein. We also visited the Salvation Army farm colony at Hadleigh-on-Thames in Essex.

9650. Then let us take the colony at Berlin; how does it work?—It works successfully.

9651. But let us have the machinery; how are the men admitted?—I shall have to refer you to the report. The inspection of the city colony fell more to Mr. Motion; I was connected more with the inspection of farm colonies. In the case of the farm colonies the men are admitted on their own application. I am not quite certain if there is any difference in regard to the labour colony in the city. Referring to the supplement to the report I see that the principle appears to be the same, namely, that men are admitted when they apply.

9652. The Berlin place is more of a receiving agency?—The Berlin colony, so-called, was originally so. It was established altogether apart from the farm colony system, and the managers emphatically advised us that no colony should be started on the same principle again, and that it was extremely difficult to manage the men apart from the farm colony, to which the men could be drafted.

9653. I think there is a statement in your report as to the men's earnings and their cost?—Yes.

9654. A man goes in there, and he is obliged to do a certain amount of work. His maintenance costs about 3s. 6d. a week?—The total cost of food, as stated in our report, is three shillings.

9655. And besides they are obliged to pay on his behalf twopence a week for insurance for an old age

Mr. Robert Patrick Wright.

18 Dec. 1894.

pension and a halfpenny a week against sickness?—That is not within my province; I do not remember about it.

9656. Well, let us take one of the pure farm colonies; how are the people got to the farm colonies?—The men apply. They simply go to the farm, and are generally received if they are men in good health. They decline to receive men who are sick. They decline also to receive men who are too old to earn their own living by working. Every able-bodied applicant who says he is in a state of poverty is received, provided there is no record against him as having been an unmanageable vagabond in any of the other colonies.

9657. When he gets there has he to come under any obligation to stay for a certain time, or is there no limit as to what the amount of time should be?—He can remain. There is in each of the colonies a different regulation in that respect. In some of the colonies the men are received for two or three days—generally that is the principle—to see if the colony life will suit them, and if they will like it. After that they have to sign an agreement as a rule to remain for a few weeks. The length of time is variable in different colonies. Subsequently there is no fixed agreement. They simply remain till they find situations either by their own exertions or through the exertions of the colony.

9658. But is there any limit at which they are turned out?—The limit in some of the colonies is two years. There is no absolute limit, but it is said that a hint is given to them to leave.

9659. What is the cost of their subsistence?—It varies very much according to the farm that has been selected.

9660. Per man I mean?—Yes; it depends on the nature of the farm that has been selected.

9661. At Schleswig-Holstein, for instance?—Of the colonies visited by us the cost, that is, the deficit incurred——

9662. No; I want to take a colony so far as regards the individual?—The expenditure over and above his food is £8 to £12 per annum.

9663. But the man does not benefit by the establishment expenses?—No.

9664. You have a statement in the report, I think, of the cost of the men?—These are in a measure estimates. They run from three shillings to three and sixpence a week per man.

9665. Does the man get any wages besides?—After having been there for a certain length of time. Each colony has its own regulations. Perhaps when a man has been there a month or six weeks a small allowance is made to him, in addition to his wages.

9666. And that is hoarded up by the authorities?—In the first instance, it is kept to pay the cost of the clothing which would be given to him when he enters the colony. Subsequently it is hoarded up for him by the colony.

9667. Can you tell us anything about the average earnings of the men during their stay in the colonies?—I am not sure that I have any particulars of that fact.

9668. The deficit of which you have spoken of, £10 or £12 a year, there is no encroachment made upon the man's earnings to try and make up that deficit?—No.

9669. In these colonies they have got certain statutory powers of detention and for the purpose of enforcing discipline and legalising detention of the accumulated earnings in cases of breach of the rules of the establishment which don't exist in this country?—They have no powers to detain the men so far as I am aware.

9670. We have a statement made to us that the powers are much more extensive in Germany with regard to people in these colonies?—I understand that these regulations apply to ordinary tramps outside the colonies, but they do not seem to be enforced with regard to men in the colonies. I have never heard any reference to police interference in the actual management of the colonies. I think you will find my statement correct that they do not apply these powers on the colonies.

9671. Can you tell me the meaning of this paragraph in your own report?—"It has to be borne in mind that the German criminal law is more comprehensive than our own in so far as it confers more extensive powers over the class of persons for whom the labour colony is intended, that is to say, the laws prevailing in Germany take up and deal with these cases." Can you tell us what powers are conferred by the German laws on persons who carry on or manage or take care of these labour colonies? The point I wish to emphasise is more as to the imprisonment and punishment under the 365th section of the German Code?—Well, it appears to be applied to men engaged in begging and vagabondage. It is not applied to men on the colonies or while they remain on the colonies.

9672. This deficit of £8 to £12 you speak of per head, is it brought out after allowing full value for the man's food by the colonies?—No; that is not so. It is a deficit incurred altogether apart from the original capital invested in the colony, or the added capital value of the colony by improvement or otherwise. It is the annual balance between revenue and expenditure.

9673. But then that is absolutely misleading and erroneous. The farm we shall say cost £1000. It consisted of moorland, and it is improved to the extent of £500 by labour. Is that £500 credited before bringing out this deficit?—No.

9674. Then do you make out that these are paying concerns?—No; I can't say that. Take, for example, the colony at Rickling, where land has been taken to improve. Some think that the whole of the expenditure in the colony has been recovered in the improved value of the land, but no one could definitely prove that, and we were very sceptical in regard to this. It depends very much on the nature of the subject originally taken.

9675. You have told us about several labour colonies. Are they all for the employment of males?—Entirely.

9676. And what would you do with the corresponding class of females?—As far as I am aware there is no system of a similar character for dealing with the female.

9677. There is some machinery for passing on tramps?—There is.

9678. And you cannot explain that?—Not accurately. I have only read about it. There appear to be small stations—*herberge*—at which tramps obtain a night's shelter, and they are either drafted to the colonies or receive tickets to enable them to get work. It is a sort of lodging-house where they get a night's shelter.

9679. Are they arranged by parishes or supported by a central authority?—I think they are arranged by a central authority. All the farm colonies are associated together, but I am not sure whether the *herberge* are arranged by that association or a local authority.

9680. Is there any labour test, any equivalent to manual labour for a night's lodging?—I think so.

9681. You don't know anything about labour colonies for women?—No.

9682. I understand there are some compulsory labour colonies?—Not exactly of that nature. The chief branches of the system are three. There is the labour yard in the city, the farm colony in the country, and finally, the House of Correction. I think that is what you refer to in speaking of compulsion.

9683. That is where incorrigible tramps and vagabonds are committed. That is the House of Correction. What is the German term?—I have only got the translation now. I have not got the German name.

9684. And you have not seen any of these working?—No.

9685. Have you any other matter which you can

Mr. Robert Patrick Wright. 18 Dec. 1894.

place before us?—Speaking of the question of capital I said that the average cost apart from the question of capital amounted to from £8 to £12 at most of them; but there is one colony, that of Magdeburg, which is said to be self-supporting. That statement is given on the authority of a French Commission which inspected these colonies. The colony of Hadleigh in England has not yet been self-supporting, but a very competent authority—Mr. Moore—on agricultural matters has expressed the opinion that it might be made self-supporting, and I am rather inclined to hold the same opinion, because the nature of the farm has been particularly well-selected.

9686. To what do you attribute the self-supporting nature in Magdeburg as compared with the losing colony?—It entirely depends on the kind of farm and the nature of the land adopted; and in Magdeburg the nature of the farm is largely of the nature of market-gardening, which gives a much larger return than any other mode of farming, the results depending on the various conditions.

9687. But you have said that where the deficit is brought out no credit is taken for the improvement of the land?—Quite so. That raises a point on which it is very difficult to get accurate information, because of all the farms where land has been improved no sale of a farm has occurred, so that only an estimated valuation is available; but on the colony of Rickling some hold that the whole capital has been repaid in the increased value of the land.

9688. You have been at Rickling, and you know the nature of the land?—Yes.

9689. Is that General Booth's scheme?—No, Hadleigh is General Booth's farm.

9690. Does General Booth's scheme include men and women?—When we were there it was entirely male.

9691. Rickling is for habitual drunkards?—No, it is an ordinary farm colony; but there is attached to it a separate institution for habitual drunkards. It is adjacent to it, but not connected with it.

9692. And do the habitual drunkards work on the farm?—The habitual drunkards in the separate institution are kept altogether apart from the colony.

9693. (*By Dr. Farquharson.*) I think you said that in German colonies they take in men without a character, so to speak?—Oh yes. A man is asked to give a full account of himself, and that account is written down, and then they subsequently make an effort through the officers of the colony to find out through his companions how far his story is accurate; and they say that as a rule they find out pretty well what the man's career has been.

9694. They do not pick men to send to the farms who have had previous agricultural training?—No; they represent all sorts of trades—artisans and tradesmen, and even men of higher education and standing.

9695. Do they find that they soon pick up farming work?—They regard them as inefficient to begin with. The general feeling is that it requires three of them to give labour as good as one agricultural labourer.

9696. That is the first year?—All through on the average.

9697. Was your attention ever called to a report of Sir John M'Neil on the four German labour colonies in which he states it would take fifteen to do as much work as one free labourer?—Three or four is the number I have got on all the colonies I have seen, and with regard to the better class of agricultural labour the statement generally was that the better the man was educated the sooner they learned to become efficient labourers.

9698. Their physical weakness does not affect them?—At first it does, but after about two months they generally work well, because they have to lead sober lives under healthy conditions.

9699. Is it found that the purely agricultural labourer does as efficient work as at farms outside?—The purely efficient labourer never goes to the farm colony. It is only the man who has been reduced by drink who goes.

9700. But do not the unemployed agricultural labourers go. I mean a certain number who cannot get work when they want it. Would not their work be equally as efficient as under ordinary circumstances?—That is so.

9701. To what do you attribute the large deficit?—There are large expenses of management to begin with. Then there is the fact that the labour has to be expended in large measure in an unremunerative way, very often in an improvement of waste land. The improvement of very poor land cannot as a rule be made commercially remunerative. To a certain extent it repays the labour, but not fully. Then there is the difficulty, arising from the large number of hands on the farm, of putting the labour to remunerative application. It has often to be diverted to uses merely to keep the men employed. A very great deal depends on the skill of the management.

9702. But you expressed the opinion that if there was good soil it ought to be made remunerative?—It entirely depends on circumstances. If the subject taken is originally of small capital value and is capable of being made very good agricultural soil, then the whole capital might be recouped, but in most cases they have very poor land incapable of being made very good.

9703. But would you charge rent and calculate it?—Properly it should, but I have not included that in the statement I have made.

9704. Does General Booth's colony pay?—Not yet.

9705. Is it likely to?—It certainly fulfils all the conditions of a farm colony better than any I have seen. I have given you Mr. Moore's opinion, and he is a very capable land valuator; and I do not see why it might not become self-supporting, providing too many men are not put on it. If you put more men on it than can be properly employed you cause a deficit.

9706. Are the farms in Germany mixed farms as here?—Yes; as a general rule, however, an attempt has been made to get very poor land.

9707. Have they never taken into consideration the desirability of employing women in agricultural operations? So far as I know it has not been considered. They have always felt it was impossible to put men and women on the same colonies.

9708. But supposing this Committee were prepared to recommend a sphere of labour for chronic inebriates and other chronic offenders, would you not consider that women might be included in that special form of labour colony?—I do not see why they should not; but not on the same colony. You would require separate colonies.

9709. But you do not see why they should not perform work there?—You would require more paid officials and a more expensive management.

9709A. In Germany are the farms worked entirely by the unemployed, or have they any of the chronic inebriates and chronic offenders that we have here?—The statement was made that apart from discharged prisoners 90 per cent. were brought there by drink or sensuality.

9710. Are the chronic inebriates sentenced by the State?—They go there voluntarily, and can come and go when they please. The average duration of their stay is variously given, and I think myself it depends on the character of the superintendent and managers. As far as I can say, the residence on the average appears to be about three months; but while some men remain a very short time, others remain from two to three years, and some even more.

9711. Do they follow them up afterwards?—The colony makes an effort to find occupation for all the best class of men. In some cases they give them certificates of good conduct, but they have no means of following them up further than if their employers chose, or if they give information themselves.

9712. Are they compulsorily kept from drink during the time they are there?—They are not allowed to

Mr. Robert Patrick Wright. 18 Dec. 1894.

go beyond the farm, and all the colonies are conducted on the temperance principle, except on feast days or special occasions, when they are allowed a little beer, or a man on a special occasion may be allowed 6d. for beer.

9713. What class of agricultural labour do you think best fitted for women?—Market-gardening. The difficulties with regard to women would arise solely where you had heavy work and horse work to do, but on market-gardens it is light labour. Digging is rather heavy work for women, of course.

9714. Is not digging a very large portion of the work?—I am afraid their digging operations would not be very successful. It would have to be done by others.

9715. Would not this difficulty be met by employing a number of hired labourers?—Yes, respectable hired men. You require both more men of the kind and more officials.

9716. (*By the Chairman.*) How many men would be required per acre for market-gardening. How many free labouring men?—I think one per acre is the maximum that could be employed.

9717. And taking digging into consideration?—Estimating for the whole year round, one efficient labourer per acre.

9718. Then if you employed as much female labour as you could that would reduce it to one for every two or three acres?—Much more, I should think.

9719. How many women would you put on per acre on the highest and most minute form of market-gardening?—The largest number of hands usually employed is one per acre, which includes men and women.

9720. If you allow all these women to do the work of one regular female agricultural worker you could not employ more than six women per acre?—Not so many, therefore you would require a large amount of land to employ them.

9721. (*By Dr. Farquharson.*) Would you include poultry-farming among the occupations that women might be engaged at?—Yes, it is a suitable branch.

9722. Is it the fact that poultry-farming has invariably failed in this country when tried on a large scale?—Yes; it has failed because it does not give much remuneration. It may pay its way, but there is no chance of a profit except where the labour is given for nothing.

9723. (*By the Chairman.*) How does it succeed on a small scale then?—It succeeds on a small scale because the costs of management are not included. A person has some spare time, and is able to sell at high rates; but when it is conducted on a large scale, they only get wholesale prices for the goods, and they have to pay the cost of management.

9724. Is it the difficulty about the land?—There is no difficulty over land. It is simply that the prices obtained do not cover the cost.

9725. (*By Dr. Sutherland.*) How does poultry-farming pay abroad?—Because the labour is not so costly, and they do not include the management expenses, which are so heavy here.

9726. Do you require much land for poultry-farming?—A very limited area.

9727. How many women could you employ on a poultry-farm of 3 or 4 acres?—I do not know, but I will find out.

9728. Would you have flower culture?—That is a branch of market-gardening, of course.

9729. (*By the Chairman.*) In Mitcham there is a large amount of lavender grown?—Yes.

9730. Then as to dairy-farming?—There is no room for a large number of hands on dairy-farms.

9731. But the London dairies employ a large number. There are the cows to feed as well as the other work?—Yes, of course, but there is not a large number of hands required.

9732. What other occupations would do for women?—Basket-making and various occupations of a light nature.

9733. (*By Miss Stevenson.*) We were told that most of the baskets that were sold by the itinerant people who go about in vans were made in Germany?—I do not know that, but basket-making is one of the commonest industries that is followed on all the farm colonies. A large number of men are employed in indoor industries in the winter, particularly in basket-making. Packing-box making and net and rope making are other industries.

9734. (*By the Chairman.*) Is there any other point you would like to bring before us?—Well, with regard to the cost of the farm colony system as compared with the system of relief that was attempted in Glasgow two years ago when temporary occupation was given to men in stone-breaking and various other works in the Alexandra Road, I have compared the figures of the two methods, and I find that the costs of the Glasgow method of relief are considerably greater than those on the farm colonies.

9735. Including capital charges?—Apart from the question of capital; but the capital is fully conserved in the farm colony. There is no loss of capital, you understand. At the same time the Glasgow method is a much less efficient system of giving relief, because it is spasmodic. Such a system of relief is only started in special cases. The farm colony is always there, and keeps those on it under control, whereas the Glasgow method does nothing of that kind. [The witness then withdrew.]

Margaret Watt.

MARGARET WATT, Convict in the Prison of Glasgow, brought in and examined.

9736. (*By Col. M'Hardy.*) This Committee want to know the effect, or what the prisoners think of the different kinds of imprisonment, that is, the way they look at it—the difference between solitary confinement in separate cells, and associated confinement as in Perth. Now you are a tolerably intelligent person, and you have been in Greenock, in Glasgow, and in Perth, so that you know these three. You know this at anyrate, and just tell us what you think of the two kinds, whether you like separate confinement or associated confinement best, and why you do so?—For myself I prefer the separate; but the bulk of the prisoners, all I think that I have come in contact with, prefer the association.

9737. But why do you prefer the separate?—I am not acquainted with any of the prisoners in prison, and I have, of course, very little in common with them.

9738. (*By Dr. Sutherland.*) But didn't you strongly wish for association in Glasgow?—No, I never wished for it.

9739. (*By the Chairman.*) You are at present undergoing a sentence of penal servitude pronounced when and for how long?—I was sentenced on the 31st October last for five years.

9740. For theft?—Yes; I was charged with theft.

9741. You have had several convictions?—I have had four convictions before.

9742. All for the same thing?—All for that.

9743. And you have had another penal servitude sentence?—This is my third of penal servitude.

9744. How long were the others?—The first was five years, the second was six, and this is five years. I had nine months' imprisonment before that.

9745. Had you any short sentences?—No.

9746. Were you ever in the police office before that?—Yes, I have been in the police office, and had a few days' imprisonment, but that was on a charge I never was guilty of.

9747. You only once had a short sentence?—Yes; that was the nine months for theft.

9748. But have you never had any shorter sentences?—Yes; some of fourteen days.

9749. Any of them for theft?—No.

9750. Drink?—No.

9751. What was it?—Well, it was going home at

Margaret Watt. 18 Dec. 1894.

night. A policeman charged me with interruption, and I was never guilty of it, and that was the cause of my being in prison.

9752. How is that?—Just because of being sent to prison for what I was not guilty of. I thought that having been sent to prison I would do something deserving imprisonment.

9753. Now, you have been very often there; I suppose after the first time you did not think much about it?—After being in prison I did not care though I never was out of it, because once one is put in prison, character is gone.

9754. What were you before you got into this sort of life?—I never was at work or anything.

9755. What was your business?—I was married. I kept house for my father before that, and then again after my husband's death.

9756. What age were you when you got this first sentence?—Forty years of age when I got the nine months.

9757. But at the sentence you got before that for solicitation?—It was some two years before that.

9758. You were thirty-eight?—Yes.

9759. Never in for drink?—No; I never was the worse of drink.

9760. And since then you have been how long out?—When I came out from the nine months I was only three weeks at liberty when I was apprehended and got five years. Then I was not quite out of prison three months when I got six years; and I was only seven weeks out, and five of these I was in Edinburgh Infirmary, when I was apprehended again in Greenock. I was really only thirteen days at liberty. I have been about six months altogether out of prison during the last eleven years.

9761. Now, let us take the first time you were apprehended. You say you were wrongfully apprehended for importuning; what did you get?—Fourteen days. Of course there was the option of a fine.

9762. What fine?—Fifteen shillings.

9763. (*By Dr. Sutherland.*) Was that in Glasgow?—Yes.

9764. (*By the Chairman.*) Were you very hard up at the time that you could not raise fifteen shillings?—Of course I would not allow any one to know that I was in prison at all.

9765. Was your father alive then?—No; he was dead.

9766. You did not raise the fifteen shillings?—No.

9767. When you came out you never were apprehended on the same charge again?—Yes; three times I think I was.

9768. Did you try to get work after that?—I was sewing and knitting in my own house earning a little, but you could not make much at that. But then I could not go to any one I knew after being these fourteen days in prison.

9769. You were thirty-eight before your first fourteen days; well, how long was there between your first and second and third convictions for importuning?—I can't tell you.

9770. Would there be a month?—Oh yes; longer than that.

9771. They extended over a couple of years, have you not told us?—Well, I could not make up that couple of years between the fourteen days and the nine months.

9772. Did you come across any women who had been in prison on a similar charge when you were there, and do you know anything of what became of them?—No.

9773. You don't know any of them who have got long sentences since?—No. Of course there were a great many women sent to prison on that charge, and we were all together.

9774. Then you must have seen a good deal of them?—Yes; a great many of them.

9775. And have you ever seen any of them since in a convict prison, for instance at Perth, where you were in association?—I think I saw one, Catherine Dawson, while I was in association at Perth.

9776. In Perth you were in association, and I suppose you talked or communicated with the others?—Oh yes.

9777. Well, had many of the women there started with a lot of small sentences?—The most of them started with a great many; very few with long sentences. Most of them had a great many convictions for short sentences.

9778. Now, what is your idea about these short and frequent sentences: do you think they do any good, or do they accustom people to the life of prison?—I do not think imprisonment does any one good, either long or short.

9779. But then what would you do, take it in the case of a person who is rightly convicted of some crime? Suppose that a man were to give you a very violent thrashing, or were to steal your possessions, you would not like that, and how would you prevent that? What sort of punishment would you suggest?—Well, I think that any one who lifts their hand to another, or ill-uses them in any way, they are deserving of being punished.

9780. But you don't like imprisonment?—No.

9781. But you cannot suggest any other plan?—(No answer.)

9782. You like solitary confinement?—Yes.

9783. I suppose you have had three probations of nine months each?—One year each.

9784. That is three years?—Yes.

9785. You have had three years and nine months solitary?—Yes.

9786. What do you object to in the association. Female convicts are not hustled about, as I have heard it phrased. You have not much shifting about from place to place to do in association?—No; you have to be in a class-room so many hours a day.

9787. A class-room must be rather instructive and entertaining?—You are in there sewing instead of in your own room, and you can talk to any one of them about, and you hear what is going on.

9788. You are not prevented talking?—Oh no.

9789. (*By Dr. Sutherland.*) You are working at present in the sewing-room?—Yes; for a day or two.

9790. Do you like that?—No; I would as soon be in the cell.

9791. (*By the Chairman.*) How would you amuse yourself?—Sew a little.

9792. You are, I understand, a well-educated woman?—I can read and write.

9793. (*By Col. M'Hardy.*) Tell us what you don't like about association; do you like talking to the other women?—No; I do not.

9794. But you talk to some of them?—Oh yes, of course.

9795. Is it not more pleasant to speak to them than to sit dull in your cell?—There are a great many things you don't care much about. I don't care much about what the prisoners have to say.

9796. What do they speak about?—They speak about their adventures outside, and talk about how clever they are, and so on.

9797. (*By Dr. Sutherland.*) When you are not in association how many minutes a day, in the way of conversation, are devoted to you by all the officers?—I don't know.

9798. Surely you have some idea of the minutes a day devoted to you by officers in the way of talk? When it is all counted up would it be a quarter of an hour a day?—Oh no; they only come to give you your food or work.

9799. No conversation?—Very little.

9800. Would you have five minutes' conversation a day?—It might amount to that in the course of a day.

9801. (*By the Chairman.*) But still you prefer that to the other?—Yes.

9802. (*By Col. M'Hardy.*) But sometimes you have wanted to be associated?—No; when I was in Perth, I asked you to be excused from my association.

Margaret Watt.
18 Dec. 1894.

9803. You were sometimes associated; was not that so?—Yes.

9804. And when you had not been getting on so well you were associated and got on a little better for a bit?—I don't know.

9805. (*By the Chairman.*) You say you never drank: were you ever up on any charge connected with drunkenness?—No.

9806. Not even when you were taken up for solicitation?—No.

9807. (*By Dr. Sutherland.*) Have you always been a nervous woman?—Yes.

9808. (*By the Chairman.*) What was the charge against you this last time?—Theft.

9809. But how was it alleged to have been managed; what did they say you did?—They accused me of entering a dwelling-house in Greenock and taking away a suit of clothes and a watch and various articles.

9810. There was no drink in that?—No.

9811. Nor the time before?—No.

9812. Nor the time before that?—No; I have never been charged with drink.

9813. You must know some of the women you have been in association with; when they are going to get out how are they looked after? At Perth there is a Prisoners' Aid Society, has it aided you?—No.

9814. Never?—No.

9815. How much money had you when you got out last time?—I had ten shilings.

9816. What did you do with it; did you come to Glasgow?—Yes, I came to Glasgow and then I went to Edinburgh. I wished to put in the whole of my time and not to be on license at all.

9817. The time before did you stay out the full sentence?—No; but I wished to be in the whole of it the time before too. I think any person on ticket of license is worse than being in prison altogether.

9818. Did you ever come across any female prisoner who thought the same?—No; I have not. They are all very anxious to get out as soon as they can.

9819. What do you intend to do this time; to put in the whole time?—Yes, I should like if I could.

9820. (*By Dr. Sutherland.*) Did ever your fellow-convicts tell you that they were hunted by the police while on ticket?—Yes.

9821. Is that the reason you wish to remain in prison?—No; it is not exactly that.

9822. (*By the Chairman.*) Your first sentence you came out on ticket of leave?—Yes.

9823. What had you to complain of?—Well, I had nothing to complain of in regard to the police or any one annoying me, but of course to have a paper of that sort in your possession you have just a feeling as if you were—hunted?

9824. What did you do when you came out; did you go to any work or try to get any work?—No, because I have always come out of prison not fit for work. I am not very fit for work at any time, and I was anything but well when I came out of prison.

9825. What did you do the first time you came out when you were on ticket of leave?—I was out for nearly three months.

9826. How did you live that time? You were not in hospital that time?—Yes; I was for a short time. I got one pound when I came out the first time, and I was able to take a house—a single apartment. I had a month's rent in advance out of the pound. That amounted to 11s. 8d., leaving me about 8s. I was ill, and just a few days after I went to the Western Infirmary. Well, I was to get other 10s. a fortnight after my liberation. Of course, I was able to be on my feet. I went to the Infirmary for out-door attendance, to get medicine. It was Dr. Alexander, the first Governor of the Infirmary, I saw, and he said it was not out-door advice I required but that I required to go in. He gave me a note to come down and see him, and he told me not to trouble about a line, as that could be got afterwards. Well, I went the next day and was admitted. I thought, of course, I would be able to get out of the Infirmary to go and get my paper signed and get the money that was to come to me, but I was not allowed to get out of my bed. Of course, I did not like to write to the police office from the Infirmary, so I asked to get away. They were very much against my getting away, but then the rent of the house would have been due for another month. So I left, and I was just going down twice a week and getting medicine.

9827. That is, you had eight shillings and then other ten, that is eighteen altogether; how long did that keep you?—It could not keep one very long.

9828. Did you get any work?—No; I was not fit for work, and besides, the very idea of having a ticket of license would prevent any one from going to look for work.

9829. But some of the women who are out on ticket of license must go to work?—Well, of course, I was guilty of theft.

9830. Since you have admitted that, that relieves me from any delicacy in asking you whether you had done anything in that way for maintaining yourself?—Yes, before I was apprehended. There were several charges of theft against me when I got six years.

9831. Now, I suppose, you look upon prison as your home?—No; I do not.

9832. But you seem to like it better than being out on ticket of leave?—Yes; I would rather be in prison than out on ticket of leave.

9833. You would not be rather there than get out at the expiry of your time?—No.

9834. When the prisoners come out of prison, we have been told that there are a lot of people very anxious to give them drink?—I have never had any one seeing me when I came out of prison.

9835. And you have never been given a help by the Prisoners' Aid Society?—No; when I came back from Edinburgh, after coming out of the Infirmary in Edinburgh, Mr. Dovey, I think his name is, paid my fare to Glasgow.

9836. That was the Prisoners' Aid Society?—Yes.

9837. When you came to Glasgow where did you lodge before you got a house of your own?—I was in a temperance hotel. That was when I first came out from five years on ticket of leave. I went that same day, and next day I got a house taken.

9838. But did you go to a temperance hotel with a view to any work or in the way of knowing of any work?—Oh no; it was simply for a night's shelter. It cost me two shillings.

9839. (*By Col. M'Hardy.*) I do not think you have made this matter just clear. You have told us your own views about separate confinement and association, but I would like to know—you have heard them talking a lot at Perth—I want you to tell us what the female prisoners generally like. Do they prefer Perth to separate confinement?—They prefer to be associated.

9840. Every one?—Yes; every one I have come in contact with.

9841. The conversation they carry on when they are allowed is not very instructive you have told us?—Not very. Of course there are a great many of the women in Perth that know one another outside, and they are acquainted with one another's friends, and they like to talk about their old acquaintances.

9842. (*By the Chairman.*) There are a lot of them there in for homicide and some for murder: do these people talk about their crimes and their exploits, and what they are in for?—Oh yes.

9843. Is there any reflection in their case of public opinion when a person has been guilty of any of these graver crimes: would the convicts at all dislike to be associated with a convict in for very serious crime?—Yes; I think there are not many convicts care about walking with a woman who is convicted of murder.

Margaret Watt. 18 Dec. 1894.

9844. (*By Col. M'Hardy.*) Is that so?—Yes, that is so; and yet they think, of course, they are far more respected. They think that the people seem to have more respect and more sympathy for a murderer than for any one who has committed some paltry theft.

9845. You mean the prison officials?—The prisoners think so.

9846. You say that the prisoners think that the people have more sympathy and more respect for them, but who do you mean by the people: do you mean the warders?—Yes.

9847. Do the prisoners ever complain of having too much to do or too little?—They never think to complain of having too little to do. I have heard some of them complain about having too much, but they don't have much work to do in prison.

Margaret Watt. 18 Dec. 1894.

9848. (*By the Chairman.*) Not even the convicts?—No.

9849. Then, do you get better food in a convict prison?—Yes.

9850. Have you any harder work to do as a female convict than as a prisoner?—No; you have less work and better food.

9851. So that it is rather a better thing?—Yes.

9852. Women never get the plank bed?—No.

9853. Not even the first month?—No; there is always a mattress. [The witness was then removed.]

Mr. Archibald Dempster.

MR. ARCHIBALD DEMPSTER, Inspector of Poor for the City Parish, Glasgow, called in and examined.

Mr. Archibald Dempster.

9854. (*By the Chairman.*) You are Inspector of Poor for the City parish?—Yes.

9855. What is the population of your parish?—176,777.

9856. And the number of paupers?—Altogether 5507.

9857. Does that include lunatics?—The lunatics number 571.

9858. How many men and women?—I can only give you males and females for the outdoor and the poorhouse.

9859. Well, give us the number of children chargeable to your parish?—Upwards of 400.

9860. Is that in the poorhouse or boarded out?—Boarded out—326 boarded out.

9861. And in the house?—In the house there are generally over 100.

9862. Can you say the cost of your inmates, not the lunatics?—About 4s. a head per week.

9863. Does that include administrative charges?—It includes everything.

9864. And capital?—We have no capital account now.

9865. How much is that allowing for administrative charges and for board?—Maintenance 2s. 9d. per week; management 7¼d.; house accommodation 3¾d.; medical relief 5¼d. I am only speaking about the poorhouse just now. That makes up 4s. 2¼d. I think.

9866. What is the average cost of the pauper in Scotland?—About 4s. 3¼d. per week, or £9, 9s. 11¾d. per annum.

9867. That includes items of management, maintenance, house accommodation, and medical attendance?—Yes.

9868. And only deals with the inmates of poor houses?—Only.

9869. Is your cost of 4s. 2¼d. per week exceptionally low?—It is low.

9870. What does the average cost run up to in other places?—It varies, but it runs to 5s. 5½d. and 6s. 1½d.

9871. Where is the 6s. 1½d.?—That is the Hamilton Combination.

9872. What is it in Govan?—4s. 9½d.

9873. In the Barony?—5s. 5¾d.

9874. In St. Cuthbert's, Edinburgh?—4s. 3½d.

9875. In Old Machar, Aberdeen?—5s. 5d.

9876. Then from that I suppose about 5s. a head is the average rather than a little over 4s?—Yes; about that. I have Lochgilphead here, which is 6s. 5½d., but that is a very small Board.

9877. Have you much trouble with migratory paupers?—A good deal.

9878. How do you deal with them? If a man comes to you and says he is ill and has no money and asks relief, I suppose you send him to be examined by the medical officer?—Yes.

9879. You can do that at any hour of the day?—Yes.

9880. And if he is pronounced not able-bodied you are obliged to take him in?—Yes.

9881. Do you consider it is possible for the medical officer to detect any alleged ailment which a man may put forward as a reason for his not being able-bodied?—Not at the first examination in many cases.

9882. So that as a general rule on the first examination men are taken in?—They are taken in certified by the outdoor medical officer. The man is admitted only under the certificate of the medical officer outside, and the doctor inside examines the man again and consults the out-door medical certificate, and then he sends the man to the hospital if he thinks this suitable.

9883. Are you much troubled with people going in and out?—A great deal.

9884. Do many of them get into prison when they are out?—Sometimes they do. Sometimes they are in prison before they come back to us again.

9885. We were told of many cases in which people migrated between the prison and the poorhouse, giving rise to a great amount of work, and it was proposed that power should be given on receiving such cases to detain them for a considerable period?—In the poorhouse or the prison?

9886. In the poorhouse?—I would approve of that, as our power just now only extends to three days.

9887. But that is not sufficient? What would you propose as the period of detention?—I would try to begin with a fortnight or a month, but I could not go further than that to begin with.

9888 Would that be as a general rule or simply in individual cases?—As a general rule.

9889. Would you require power to be given you in respect of a special individual, or general powers bearing on the general inmates?—We would require to get power from the Local Government Board, and I understand they can give us power for a month without any legislation.

9890. Without legislation?—I think so.

9891. Do you know the Act?—There is no Act. It was a rule of the Board of Supervision. It is according to the rules they had under the Act of 1845, and they thought they were justified in making this rule for three days.

9892. Their rules require to be approved of by the Secretary for Scotland?—Exactly.

9893. Now about people with children. You alluded to boarded out children. What is their number?—Over 300.

9894. Are you ever troubled with dissolute parents asking you to give up a child?—Occasionally, but not very often.

9895. If you are what do you do?—We do not give up the children.

9896. Under what power do you detain them?—We go under a recent case in the Court of Session. That Court held that if a person was incapable of looking after his or her children the Parochial Board had the right to detain them.

9897. Can you give us that case?—I will endeavour to get it and supply it to the Secretary.

Mr. Archibald Dempster.

18 Dec. 1894.

9898. But you think there is enough power under the Act?—Yes.

9899. You do not want any more powers for the detention of children?—No. We were not aware until recently that a Parochial Board could send a child to board in the country, notwithstanding that the mother objected to it. Consequently now we have begun a new system. We are sending out children to board in the country from the poorhouse. A woman, say, comes in with three children, and we say to her we are going to send these three children to board in the country. Although she may say she will not allow it we do it all the same.

9900. Under what power?—Under the opinion of the Local Government Board.

9901. That is another matter on which they can make rules?—They have not made a written rule, but the Secretary has told us that is the opinion of the Board of Supervision.

9902. Have you any written document?—Yes.

9903. Will you give us a copy of it?—Yes.

9904. You do not want any more power regarding children?—No.

9905. We were told regarding itinerant tramps in Edinburgh that they had a great deal of trouble with them for this reason. They will go into a parish in Edinburgh and when it came on summer time they would clear out, and they would go on getting relief at the next parish, stay a day or two, and then go on to another parish, and go all round the country in this way, and the bills would be sent in from each parish in which they had sojourned to the Edinburgh parish?—Well, we have not very much of that. We do get claims from other parishes stating that our paupers have been staying with them.

9906. It has not been a nuisance to you?—Not great. We are more annoyed with the dissolute class in Glasgow. For instance, a woman with children when she leaves the House—these are not the kind who go through the country—goes into the heart of the city. They stay there either a week or two with a friend perhaps, and come back to the House again. We have not many of the class who go through the country in the summer-time and come back to us in the winter-time.

9907. Do your paupers all go back to your parish, or do they go to the Barony or the Govan parish?—They come back to our parish, because the settlement is mostly with us.

9908. If a person was not able-bodied—one of your paupers—went to Govan, for instance, would he or she be relieved there?—Yes. They are relieved wherever they go. They must be relieved if they are unfit for work.

9909. Do you expect any work from your paupers?—We get some work, but not a large amount of it.

9910. What kind of work? Take females, what do they do?—Sewing, washing, stocking knitting, teasing hair, laundry work, cleaning. That, I think, is about all the employment for women.

9911. Then the men?—Those who are tradesmen get joiner-work, slating-work, and there is also work for blacksmiths, shoemakers, and bakers. We try to give them work according to their trade, but there are a great many labourers—the largest number of men, in fact, are labourers who come to our poorhouse—and some are employed cleaning windows. Others carry the food from one part of the House to another, and some work in the garden; and there are other employments like that.

9912. Then if a man does not like to work, what means have you of persuading him to do it?—We have a test ward, and at this moment there is not one in it.

9913. Explain what that ward is?—It just used to be a place for cutting sticks. We did not keep very many of them in it, because isolation is the thing for a test, whereas if you put in 18 or 20 it was no test at all.

9914. How do you compel them to work there?—We put a saw into a man's hand and some wood to cut up, but we do not exactly define how much work they were to do in one day. We put a man with them, and he sees whether they work or not.

9915. And if they do not work?—If they do not do so, they are brought before the Relief Committee and are discharged from the poorhouse.

9916. But if a man had a settlement in your parish, and he was held not to be able-bodied?—We get the doctor's certificate first. The doctor may say, "In fair health; able to work; no special ailments." Well we can dismiss that man and let him go to the Sheriff if he wishes.

9917. But then you would have to pay his legal expenses and your own?—That is only 3s.

9918. We were told that the expense of defending these cases was much larger?—I never defend them. I would rather keep them, because the defence of a single case before the Sheriff would come to £12 or £15, as you have to pay both your own agent and the agent on the opposite side.

9919. Well suppose you have turned out a recalcitrant man, you will have to pay 3s. and take him back?—Yes. It is about that, or 2s. 1d., or something like that.

9920. I suppose you will have to take him back?—Yes, if the Sheriff orders us to give him relief.

9921. Have you had any man who has gone through this ceremony two or three times?—Yes.

9922. Have you anything in the way of rewards or punishments?—No, no rewards beyond workers getting better diet.

9923. Any meagre food for badly behaved men?—No.

9924. And you find the people get along very well without them?—Yes, most of them agree to work.

9925. Of your paupers what proportion would you say were decent respectable people who have come down to you through no fault of their own?—I think about a half, and the other half are from intemperate habits. We have 1400 this morning, and I think about a half of these have come in from intemperate habits.

9926. (*By Dr. Sutherland.*) Supposing powers were given you to detain a troublesome inmate for the first time for 14 days or 30 days or longer, would you think of mixing up these people with the respectable poor?—We could not help ourselves.

9927. But if you had sufficient accommodation you would not do that?—We would classify them according to their character.

9928. Supposing you got power to retain restless, refractory paupers, have you got disciplinary and penal powers to deal with them inside? They would not then be voluntary paupers, they would be there against their will. Have you sufficient powers to deal with them if they are refractory?—They would just remain in the House and go through the whole course along with the other inmates, that is to say, they would go to worship in the morning, get their breakfast and their dinner and their supper together in the hall.

9929. But don't you think it is desirable to classify paupers, seeing there are 50 per cent. respectable?—I go in for classification largely.

9930. In suggesting a fortnight as the period in which you would detain a restrained pauper for the first time, do you think a sliding scale by which you would increase the terms would be advisable?—I would have no objection to that, according to the degree of their shortcomings. It would be a very good thing.

9931. (*By Col. M'Hardy.*) You said there were a considerable number of paupers who go out and in, sometimes in the prison and sometimes in the poorhouse? The number, as far as I can make it, is 130 that are common to the prison and the poorhouse in the City Parish?—Yes.

9932. You said you thought it would be desirable to stop them by detaining these people in the poorhouse?—Yes.

9933. Would there be any difficulty in doing that if you had power?—No. I do not think so.

9934. Are they principally women?—No, both sexes.

9935. The men, I presume, are elderly, if not old?—The large proportion of them old.

9936. And I suppose the women middle-aged and old?—Yes, old too.

9937. You do not think that any difficulty would arise in detaining them?—I do not think so.

9938. Would they not try to get out?—Yes, but they would not come back so soon to the poorhouse if they did. They would not care about coming back if they knew they were to be detained for a month or six weeks.

9939. Or a year?—It would check them coming back, certainly.

9940. And where would they go?—They would go to the slums. They generally go there and stay amongst their acquaintances when they are out of prison and out of the poorhouse.

9941. And how would they exist?—A lot of these people are able to get work occasionally by doing cleaning and such like work.

9942. But I suppose principally by begging?—No doubt.

9943. So that it would be better possibly to have them in the poorhouse than living this indiscriminate existence?—Certainly, better off the streets.

9944. (*By Miss Stevenson.*) In regard to the education of children whom you board, you said you thought you had sufficient power to deal with them against the will of their parents, first under the order from the Board of Supervision, and also under a recent Act; but under the provisions of the recent Act is it not necessary for you to prove that the parent is an improper or insufficient guardian of the children?—You are quite right.

9945. And if that parent chooses, she can appeal to the Sheriff?—To the Court of Session.

9946. I understand it is the Sheriff Court, and that you would have to pay her defence expenses?—No doubt of it.

9947. And if you would have to pay not only the pauper's expenses but your own, do you think it would be desirable to have these cases brought before an inferior court, such as the Police Court, so as to make legislation more simple and less expensive?—I do not think in the Police Court they could take evidence in a satisfactory way such as might be done in the Sheriff Court. It is more summary than in the Sheriff Court. A record would have to be made up, and the Inspector of Poor would have to prove that she was incapable of keeping her children.

9948. Then you have no desire that the means of defending your action should be made more simple and less expensive than at present?—I would not like to go to the Police Court with these cases.

9949. (*By Dr. Sutherland.*) Do you mean to say that you would act on the statement of the Secretary of the Board of Supervision in regard to those children without written instructions?—They have written me a letter.

9950. (*By the Chairman.*) A copy of which you will send us?—Yes.

9951. We were told that under the Industrial Schools Act it was rendered illegal for a Parochial Board to pay for the maintenance of children in Industrial Schools, who were sent there at their own instance; have you ever sent any children to Industrial Schools?—Yes; I have taken them to the Court and got them committed, and I became liable to pay half-a-crown per week while they were there. Then there are claims made upon me for Industrial Schools; if, within three months of the committal of the child, either at the instance of the School Board or any other parties, they are chargeable as paupers, the Parochial Board is then liable. That is to say, a widow with three children may be on the roll of the City Parish of Glasgow. One of her children may be found on the street by any of the officers. He takes it to the Court, and it is there committed. The officers find out that the woman belongs to the City Parish, and I am liable.

9952. Have you many of these half-crowns to pay?—About £30 a month.

9953. So much as that?—We pay for the Industrial Schools every year £329, 17s., or about £30 a month.

9954. What does Government give you for the lunatics in your asylum?—We sometimes get one thing and sometimes another. Just now Scotland gets £90,500 and an extra grant of £25,000.

9955. It is no longer so much per head?—No; it used to be.

9956. How much did you use to get per head per week?—4s. a week.

9957. And can you tell us the sum that you used to receive? Is it larger or less than 4s. now in proportion?—I think it is less in proportion now.

9958. Is that owing to the increase in your number of lunatics?—Yes; they give only a certain sum per annum, and they have done that now for a year or two.

9959. And lunatics are increasing?—Yes, and that increase extends.

9960. That is a grievance, as they don't pursue the same system in England?—No; they don't.

9961. In England they give according to the numbers?—I understand they do.

9962. For any scheme we propose for dealing with habitual criminals—you say there are a great number of them frequent the poorhouse—do you think it would be fair to accept contributions for their maintenance from parochial funds?—From parochial funds?

9963. If an institution were started, or any plan were started, in which habitual criminals could be taken up and kept for a prolonged period—it might be twelve months—and in such a way could not become a burden to the parish during that time, and they would not be a burden to the prison either, supposing the Crown were to give some equivalent to their keep in prison, do you think it would be fair that the Parochial Boards should contribute something also?—Well, if the maintenance of poorhouses were relieved from the ratepayers this would be only a branch of the thing.

9964. Supposing it were not under parochial government?—It would be under government, I suppose.

9965. But assuming it were not under a Parochial Board?—Then I do not think we should have anything to do with it. Not if the government choose to have a place of their own. If they do that, they should pay for that. We would have no control over that, you see.

9966. (*By Dr. Sutherland.*) Visiting members from your Board might be appointed?—Yes.

9967. (*By the Chairman.*) Have you any control over the Industrial Schools to which you contribute?—No, but we would like to have. We have visiting powers.

9968. That is a precedent established by law?—Yes, that is so. But then we have simply visiting powers.

9969. If you take boarded out children or lunatics sent to any parish, you have no control over them?—No, but we are building asylums for ourselves to cure that.

9970. But at the present moment?—No; we have no control over these asylums.

9971. (*By Dr. Sutherland.*) But you send visitors to the asylum at Dumfries?—Yes; some of our members go to the Crichton at Dumfries.

9972. (*By Col. M'Hardy.*) What is the objection you have to paying money for the Reformatory boys? Why do you want to control it?—Because we would perhaps not approve of these places at all. We could keep them in our own poorhouse. If you have a large institution, with a large staff of people that you have to pay for, you should try to have them all under your own control.

Mr. Archibald Dempster.

18 Dec. 1894.

9973. And that is the objection you would have in the case of a special institution for habitual offenders?—Yes.

9974. When probably you would be able to keep them in the poorhouse?—Yes.

9975. (*By Dr. Sutherland.*) You have indicated that you have no desire to herd together the dissolute and respectable, but that you have to some extent to do so, owing to the inadequacy of your accommodation?—Yes, but we might extend our poorhouse.

9976. (*By the Chairman.*) You have spoken about paying 2s. 6d. to these Industrial Schools Boards. The amount recovered against the parent is as large. How is it you get off with 2s. 6d.?—That is all Government asks. Why, I do not know.

9977. They give 6s.?—Or is it 5s.? I know the Government contributes so much.

9978. And they have the right to recover, against a parent, any sum which he is able to pay, not being more than 5s.? Is there any limitation which renders them content with the 2s. 6d. instead of taking the other 2s. 6d. also?—I have often wondered why we were only asked to pay 2s. 6d. I suppose they think they might get as much from the parent.

Mr. Archibald Dempster.

18 Dec. 1894.

9979. But they do not sue the parents?—Well, I do not know.

9980. (*By Dr. Sutherland.*) Are you aware that Government subscribes 6s. a head for those Industrial School children, and those on board the Training Ships, and that these institutes are controlled by Visiting Committees?—Yes.

9981. Well, then, is there any reason, if you contribute a part of the keep of those derelicts of society, under altered conditions, why similar inspection should not be sufficient?—The Government have inspectors for these institutions.

9982. But the Committee has control over it?—Yes, but the Inspector can go even into the accounts. But we have not that power. We have only the power to visit. [The witness then withdrew.]

Mr. R. P. Lamond.

MR. ROBERT P. LAMOND, Writer, Glasgow, called in and examined.

Mr. R. P. Lamond.

9983. (*By the Chairman.*) You are a solicitor practising in Glasgow?—That is so.

9984. And you have written a work on the Poor Laws?—Yes.

9985. And paid considerable attention to the subjects which come under the remit to this Committee?—Yes, especially certain sections of it, and more particularly Sub-section D.

9986. That is especially the law as to habitual drunkards?—Yes.

9987. You think there is a very considerable proportion, even of the well-to-do classes, who are habitual drunkards?—A large proportion.

9988. And many of these are professional people?—Yes, and men of ability.

9989. And a few have been ladies?—Yes, whom I have known.

9990. Will you inform the Committee of the age at which these people become habitual drunkards?—Generally from 35 to 45 years of age, and the habit runs from ten to fifteen years, usually ending in premature death or imbecility.

9991. What are the causes that have brought on intemperance?—With men I should generally say loss of means, disappointed ambition at not getting on in the world; and another frequent cause with young people especially under 30 or 35 years, is that of convivial habits leading to habits of tippling which get confirmed. With a large class of men overwork, combined with a highly nervous system, induces them when under pressure to take pegs or supports, and that gets confirmed and leads them to require the constant aid of these drinks.

9992. And about women?—With them the cases have not been so numerous. They have generally occurred through circumstances connected with maternity, bad nursing or the like; and I have also observed it has occurred where husbands have been more or less confirmed drunkards, and the wives have had free opportunity of getting the drink and falling into the habit of taking it.

9993. You think the Act of 1879 and the subsequent Act might be amended in some way, so as to make it better fitted to meet the cases in question?—I think the statute requires strengthening. It seems to me the cause of its failure has been its permissive and voluntary character. My view is that it is contrary to human nature to find men of this class who will voluntarily go before a magistrate, and write themselves down as habitual drunkards and seek a remedy at their own hand.

9994. You would propose to make provision for the compulsory committal of inebriates by their friends?—I think the relatives and friends who are interested in the person should have the power of setting the law in motion.

9995. Would you expect, for instance, a wife dependent upon her husband's means to set the law in operation?—If she was a wife with a family, she would have a deep interest in getting protection and in setting the law in motion, just as in the case of the husband becoming insane.

9996. But do not the wives endeavour to conceal the fact or suspicion that their husband is insane?—I do not know; they may conceal it from others; they cannot conceal it from themselves. The fact is that when the drink habit becomes very confirmed the wife soon sees it. He becomes facile and dissipates his money or fortune, and the wife is the first to feel it.

9997. In a case where there are sons in the family there would be less difficulty probably?—No doubt.

9998. And especially in the case of the working classes, where the sons would be generally independent of their father?—But I would not leave it all to relatives. I do not see why a partner or friend should not take action, just as in the case of lunacy.

9999. You make that suggestion, but a man's partner might be actuated by dishonourable motives?—Yes; there should be safeguards.

10,000. A man's wife or a wife's husband might be actuated by improper motives?—I would hope that would be the exceptional case.

10,001. But it would be necessary in every case to have safeguards?—I think that is so if there is to be a compulsory law, and there seems room for it; but there must be safeguards for liberty.

10,002. And what do you propose?—There are two ways in which it might be dealt with. We had in the last century in Scotland an old process which was designed to protect people against their own "facility," that is, if they became "facile" from drink or in any other way. There was the law of what was called "voluntary interdiction" or "compulsory interdiction;" that law was designed merely to protect their estates, and that law might be revived, with the power to sequestrate the individual, when he was remitted to a retreat or place for treatment.

10,003. Do these two processes still exist?—They have fallen into desuetude. Their date is the 16th or 17th centuries; but there is no reason why that law might not be revived and improved upon. I believe there is some such law in operation in France.

10,004. Can you give us the date of the last case in this country?—I have not taken a note of that, as this has only recently occurred to me. The cases required to be taken to the Court of Session, and I think the last case was in 1768 or 1769.

10,005. And were the applications generally granted?—Yes, generally.

10,006. The application might be made by the

Mr. R. P. Lamond.
18 Dec. 1894.

individual himself or by his friends?—Yes, and if by friends, the subject was convened, and could be heard in his own interest.

10,007. In the case of committing a man to a retreat for habitual drunkenness, he would be sane, and therefore quite competent to make a will?—Yes, he might.

10,008. But would your process restrict him in the matter of will-making?—He could not make a will of an absurd kind, because he could not grant any deed without the consent of the interdicters, who would be his nearest friends generally.

10,009. Would you propose to put a habitual drunkard while under restraint under restriction?—Yes, under a modified restriction.

10,010. Will you supply us with passages from authorities explaining this process?—Yes.

10,011. Is there any analogy to that process in the English law?—No, it was in the Roman law, and our law was based on the Roman law.

10,012. Then in that case would it be in all countries whose law is based on the Roman system?—Yes, I think you will find it in France.

10,013. If you could find that any such process runs through the laws of the various States that have adopted Roman law as the basis of their jurisprudence it would be valuable?—Very well; I will look out the authorities. Another plan is really to treat the subjects very much as you would treat a lunatic. Drunkards might be regarded, for the purpose of their treatment, and for that purpose only, as *non sui juris*, and, subject to necessary safeguards, you might apply the statute of 1857 in the Lunacy Law; but I would set the law in motion at the instance of the subject's relatives, and I would not have it as in the Lunacy Act, that any young medical man just licensed can give the necessary certificate. I think that is a dangerous power to put in the hand of any medical man. There ought to be stronger medical evidence.

10,014. In the proof of habitual drunkenness, would you have medical certificates as statutorily necessary, or would you allow the Sheriff to take evidence on the point, and simply satisfy himself on the matter; or how would you deal with the matter?—If you are to deal in the broadest way and to have special legislation for restraint and curative treatment, he ought to be convened before a sheriff or magistrate, and there ought only to be a certificate granted on the fullest evidence, but it should not be left to the discretion of a sheriff or magistrate to say what evidence he will take.

10,015. According to the Lunacy Laws, we have been told that the Sheriff has certificates placed before him. He sees they are in order?—As a rule he seldom sees them at all. He signs his name a thousand times *de plano*. It is done as a matter of form, and that is the danger.

10,016. But that would never be proposed in a case of this sort. Would it not be better than requiring certificates to be treated in that manner, to require the case to be proved to the satisfaction of the Sheriff?—Yes, and then let the Sheriff in his discretion sequestrate the person and commit him for three or six months, or whatever period might be thought advisable.

10,017. You say three months or so. Under the Lunacy Laws it is for three years, isn't it?—I think it is not for a definite period. You must have renewed certificates, but there is no period fixed in the original committal.

10,018. (*By Dr. Sutherland.*) He may be committed for three years, but unless there is another forthcoming, he gets his discharge?—But there is never a committal for a given period.

10,019. (*By the Chairman.*) But you would have a fixed period?—Yes, and it should be renewable as was found necessary; and I think that confinement under the Act should not be held to dissolve contracts

10,020. Contracts, what do you mean by that?—A man might be a partner in a great concern, where he had large interests, and I do not think it should cancel his interest in the copartnery. If you make him what is in law the equivalent of a lunatic, of course it would.

Mr. R. P. Lamond.
18 Dec. 1894.

10,021. That is a point to be avoided, then?—It would result in his vacating office. He might be a sheriff or a magistrate himself, or a town-clerk, and it would never do to have his office vacated when there was a chance of his recovery. That would prejudice the individual's patrimonial interests.

10,022. Under the present Act, supposing a sheriff or town-clerk goes into a retreat, there is nothing in the present law to cause him to vacate his post?—No, but the present law is absolutely ineffective for the purpose for which it was designed.

10,023. It meets the case well enough in the cases of those persons who submit voluntarily and go to a retreat?—In Scotland there are none: there is not a retreat. I know there are in England.

10,024. But are you not aware there are several unlicensed retreats in Scotland, and the people go there and remain for long periods, in some cases?—I know there are asylums.

10,025. No; inebriate retreats. At Queensberry Lodge, which we visited, we found a lady who had been there for four years and upwards?—In an unlicensed retreat? Then she is not under the Act.

10,026. But if the retreat had been licensed under the existing Acts, her status would not have been affected as a lunatic's would?—No, not under the present Acts.

10,027. How would you have provision made for the payment of the maintenance of the working-class people?—The class of people I was more inclined to speak of was the well-to-do habitual drunkards. By this I mean people having an income between £200 and £2000 per annum, and therefore there is no question of difficulty in dealing with these cases. They have the means. With working-class people it is more difficult to tell what to do.

10,028. You would not have their upkeep paid out of public funds?—No.

10,029. Have you ever considered the case of the Police Court drunkard?—Not at all, he is out of the scope of my observation.

10,030. (*By Dr. Farquharson.*) Among the causes of the drink-craving would you include heredity?—Yes, I have observed it.

10,031. Would you put that high among the predisposing causes?—I may say I have gathered information on this point not so much from my own observation as from reading reports of asylums, and it stands pretty high there; just as in the case of insanity heredity is pretty high up in that, and it is the same with drink no doubt. But I think the causes I have named are probably the more operative causes.

10,032. What sort of proof would you require to justify the amount of detention that you recommend? What class of evidence?—I would like to see evidence that would satisfy a jury of any important fact. Say from two or three people who had not a mere accidental or casual acquaintance with the subject, but a pretty lengthened and fairly intimate acquaintance—a companion who knew the man's habits and saw him not merely intermittently—two or three persons of that sort.

10,033. *Plus* medical certificates?—Yes.

10,034. (*By Col. M'Hardy.*) And possibly police evidence?—Yes.

10,035. (*By Dr. Farquharson.*) That is to say, the medical evidence would only be one part of a chain of evidence?—Although the evidence was otherwise clear, I would still have as a further safeguard medical certificates.

10,036. The people you are talking about now are not those who come before the world as breaking the law?—No.

10,037. They are those who drink in a quiet

Mr. R. P. Lamond.

18 Dec. 1894.

manner?—Yes, in a domestic way, so to speak,—after business hours.

10,038. Who would put the machinery in operation?—The family, I would say, because they are most deeply interested.

10,039. The police would take no part?—No; this kind of people that I have in my eye are not boisterous or fatuous or furious. They simply get soaked, and neglect their affairs and ruin their families. They get into an imbecile condition.

10,040. Do you think this class of people is on the increase?—They are not diminishing, probably because there are more facilities nowadays for getting all kinds of drink than there used to be.

10,041. You spoke, I think, of rapid death?—As far as I have noticed the thing runs over about ten years, and the life then runs out.

10,042. From the beginning?—That is, of the habit being observably confirmed to an intelligent person. Of course, there must have been some excess in drinking before.

10,043. Would you think there would be much hope of reclamation in the case of a man who had gone say for five years?—I think so.

10,044. (*By Dr. Sutherland.*) Would not the procedure now adopted in regard to dangerous and offensive lunatics fully meet your view? At the public inquiry such lunatics have an opportunity of examining the witnesses?—I think the less public the examination the better.

10,045. At the inquiry before the Sheriff, the individual cited as a habitual drunkard would have the same opportunity of defending himself as the dangerous lunatic?—Yes.

10,046. Then you have an analogue in the system pursued in connection with such lunatics?—Yes; only I think you might stop short of relegating this class into the same class as the criminal lunatic.

10,047. It is the procedure. Bear in mind that it most thoroughly guards the liberty of the subject?—I think a procedure might be carved out of it.

10,048. (*By Col. M'Hardy.*) I suppose the procedure would be more civil than criminal?—Yes.

10,049. So that it could be done with the least possible publicity?—Yes, and least pain to the family.

10,050. What would be the possible cost to a family of the sort of procedure that you were hinting at?—I think the whole cost might be limited to five guineas. I would certainly empower the Sheriffs of counties to undertake this duty. The old process before was confined to the Supreme Court of the country.

10,051. You suggest, I think, that two medical certificates should be produced by people applying to the Sheriff, or whoever the legal official might be?—Yes, but these need not cost much.

10,052. The cost of the inquiry, if it were civil, how should that be borne?—It ought to be borne out of the individual subject's means and estate, whatever they are.

10,053. (*By the Chairman.*) How are the expenses in lunacy proceedings met?—The relatives or persons interested in the lunatic who applies pays for them.

10,054. (*By Col. M'Hardy.*) It is necessary apparently to get at some approximate idea of the cost. In the case of a family having £200 a year, possibly it might be that a considerable part of that sum would be necessary for the upkeep of the family, say £155?—It depends on the number of the family.

10,055. Well, it would not be available for a costly process in law?—I think this would be a matter—as is the case in certain matters in the Sheriff Court—where there should be a statutory scale of fees, so that lawyers would not be interested in making fees out of the case.

Mr. R. P. Lamond.

18 Dec. 1894.

10,056. There would be a good deal of evidence?—Not necessarily; and where the family and friends were working for the sake of the individual and the good of the family itself, the friends would be the witnesses, and they would not ask money at all.

10,057. The subject, however, could resist the action?—The subject against whom the case was set in motion would have the opportunity of resisting it. That would be in the interest of general liberty.

10,058. How would you deal with people whose income was below £200?—That certainly is a more difficult matter to deal with.

10,059. But more important?—It depends on the numbers involved.

10,060. I suppose the number with incomes under £200 a year is considerably greater than those over it, and the proportion of cases would correspondingly be greater?—On that assumption I have not considered how the expenses should be dealt with.

10,061. (*By Dr. Sutherland.*) Would not the great proportion proceed *in formâ pauperis*, as in lunacy?—Well, it might be so; but it is amazing how much money the artisan classes, who are the more numerous classes, can raise. They club together in a wonderful way where they have cause to do it.

10,062. But it would be rather a severe tax on a poor family?—Yes, it would.

10,063. (*By Miss Stevenson.*) In regard to your opinion as to the management of the proposed retreats of these people, do you consider they should be under any public management, or might there be private establishments on the same lines?—I think the statute of 1879 very fairly satisfies reasonable conditions. The State has a certain control over the license of the individual who has the house. He should be amenable to the law as well as the unhappy subject.

10,064. You do not consider there would be any danger arising if such a place were kept up for the pecuniary benefit of the licensee?—I think there would be danger in that case.

10,065. But on the whole you would consider it better that they should be like the district lunatic asylums?—I think the statute of 1879 is very satisfactory in that regard as to the position of the retreats.

10,066. (*By Dr. Sutherland.*) There are private lunatic asylums kept up for the gain of the owner?—Yes, but they are under the supervision of the Lunacy Commissioners.

10,067. Would not a similar supervision for inebriate retreats meet your view?—There is no objection to any one carrying it on for private gain provided he is under the supervision of the law.

10,068. (*By the Chairman.*) You are aware there are a great many places such as Magdalene Asylums and places like the Queensberry House where people can go voluntarily and remain for long terms?—But in these cases you cannot keep them in.

10,069. But they are kept under remarkably strict regulations as to going about, and in some cases are not allowed out for a year, not even to church. Do you think these places ought to be inspected?—I think they should.

10,070. You would lay it down as a general rule that all places where individuals are kept under law ought to be inspected?—Yes, subject to State inspection. It is in the interest of everybody. [The witness then withdrew.] See appendix, No. XXIX.

The Rev. John Alexander.

THE REV. JOHN ALEXANDER, M.A., Chaplain of H. M. Prison of Glasgow, called in and examined.

The Rev. J. Alexander.

10,071. (*By the Chairman.*) You have been chaplain of Glasgow Prison for three years?—I have.

10,072. And you come across a good number of habitual offenders?—I do.

10,073. You have given us a detailed classification of them which I am afraid is too detailed for us to adopt for practical purposes. You also make some general proposals regarding the habitual drunkard. Let us have your opinion regarding the Homes and Shelters that are at present in existence?—I approve

The Rev. John Alexander.

18 Dec. 1894.

of them decidedly. I am sure they do a great deal of practical good.

10,074. Have you come in contact with many of the inmates?—I take a great interest in these Homes.

10,075. Do you follow up the women from the prison to the Homes?—Yes, and I see them in some instances after they come out of the Homes.

10,076. Have you traced up many of them after leaving the Homes?—Not further than what the matrons tell me.

10,077. I thought possibly you might have some evidence to check it?—Sometimes they meet me in the street and will tell me they are doing well.

10,078. Do you meet many of the women who have gone through the Homes in prison again?—Yes, I do, especially from the Whitevale one, where the term was six months; but from the other Home, where the term was twelve months, there were not nearly so many; and in the Magdalene Institution, where it is two years, they do well. Six months is far too short a term.

10,079. But they have increased the term now?—Yes, I understand so.

10,080. If the terms are increased to twelve months or two years it makes a break in your opportunities of seeing them?—I go monthly to these Homes.

10,081. You propose adult reformatories?—Yes, for those who have got into drunken habits, and women who cannot control themselves.

10,082. And small offenders?—Yes, because there are some who do well when they are under control.

10,083. You propose different methods of dealing with girls and women and lads and men; but as a general principle you attach considerable weight to a proposal to increase the punishment in "geometrical progression." What do you mean by that?—I mean 7, 14, 28, 56, and so on. A great many offend because they run the risk of getting a short or a long sentence; whereas if they knew decidedly that the next sentence would be exactly double the last, many would think more about committing the offence, or might be more careful. Many say to me, "I never got 30 days in my life before, and it will be the last."

10,084. And do they keep that promise?—Yes, I find that in many cases they do.

10,085. You get an immense number of prostitutes, and they get an immense number of 30 days?—Yes, they do, and 14 days, many of them.

10,086. And suppose they get 60 days?—Some of them will never reform. They do not wish to reform.

10,087. Take the prostitute class in Glasgow; I understand 30 days is the general thing?—Many of them get 14, and many get 30. They are getting 30 days just now, in order to keep them off the streets at the New Year time.

10,088. But does it have a deterrent effect?—No, it does not upon those who have become habituals; but the remarks I wish to make—as I have said in a note in your hand—I mean to apply not so much to those who are at present themselves bad women, but in order to deter the younger ones.

10,089. But by taking a train to Edinburgh these prostitutes can get very much shorter imprisonment. You are aware of that, I suppose?—I did not know that.

10,090. And they can ply their trade in one place as well as another; but if they do not avail themselves of the facility of paying 4s. or 5s. where they can ply their trade with less risk of long sentences, does it not show that they do not care very much about the 30 days?—But if they knew that they would get 30 or 60 days, it would frighten them.

10,091. But would not they go to Edinburgh?—But would it not apply to the whole country?

10,092. Ah! that would mean affecting the whole statute-book. These generally are your proposals. With respect to girls under 17, are these hopeful at all?—There are some hopeful, and some that are wayward—some very weak and foolish.

10,093. For girls under 17 you suggest, I see, that their first sentence should be a year in a reformatory. Do you mean their first appearance before a magistrate, or for being drunk and disorderly?—They always get a warning. I would give them a warning first, and then one year in a reformatory. That is, where a girl is known to be a bad girl.

10,094. And the second sentence three years, and then firmly dealt with by imprisonment—the sentences to be increased in "geometrical progression"?—Yes. I begin with 7 days, and go on to 14, 28, and so on.

10,095. After getting out of the reformatory?—Yes.

10,096. Is there any precedent for sending them so short a term to a reformatory? It is the case that a girl of 17 at present cannot be sent to a reformatory. This would be an adult reformatory?—Yes, I would make them work for their living there.

10,097. For unmarried women you suggest detention for life?—I say in some cases it would be better if they were detained for life, because there are women who no sooner get out of any of these Homes than they begin to drink again.

10,098. And six appearances in the Police Court you think should bring them under the category of habituals?—Yes.

10,099. There are men and women who are practically prisoners for life as it is. They are always going in and out of prison?—Yes, they are in for a little, and then out for a few days or so, and in again.

10,100. Magistrates, you think, should be superseded by Stipendiaries to adjudicate on habituals?—I think Stipendiaries would be the better form.

10,101. Why?—Because they would have more time. All their time would be devoted to their duties.

10,102. But why not avail yourself of a Sheriff, who is to be found everywhere in Scotland?—You could not have a Sheriff in the Police Courts.

10,103. We would remit the cases to the Sheriff, whereas there are no Stipendiaries in Scotland?—There was a Stipendiary in Glasgow.

10,104. Yes, but there is not now?—No, not at present.

10,105. But why do you propose a Stipendiary as opposed to the Sheriff?—I am not opposed to any of them. I just think they would have more time, and they would take more interest in those who came before them constantly, because some who come constantly to the prison would be ashamed to be coming up before the same judge.

10,106. Do you find shame a weakness among many of your people?—Yes, some of them have said to me that part of their punishment was standing up before Stipendiary Gemmel, who had interested himself in them, and they said they were very vexed about it.

10,107. You come across a good many of these individuals. Do you assist many of them to find places when they get discharged, or to pull themselves together and lead a new life?—I do not do anything further than recommend them to the agent of the Society. There is a paid agent, and he has two clerks, and they look after the males; there is also a female agent to look after the women.

10,108. And is work got for the women?—They cannot get places for women easily. The amount of work for women of that kind is not plentiful.

10,109. We came across a Roman Catholic clergyman connected with the prison in Edinburgh, and he appeared to have interested himself in various prisoners. Some he had sent to the country he had found to do well. We also found a Presbyterian Chaplain who had interested himself in various prisoners, notably one male habitual offender, whom he had got a country job and kept him six months out of prison?—I have got hundreds set up. I take an interest in them in this way, that I recommend them to the agent of the Society after I inquire into their wants. I go also and look after some of them at times.

The Rev. John Alexander.

18 Dec. 1894.

10,110. You visit them?—Yes, I go and visit some of them after they have been out of prison, but the paid agent of the Society gets them the work.

10,111. Do they tell you confidentially anything about their habits and feelings as to how they regard imprisonment, or whether a young man or woman who gets into prison finds it not so bad as he expected?—There are some who say it is not nearly so bad as they expected, but most of them look upon it with horror.

10,112. You think that is the case?—Yes, out of thousands who pass through, I am sure there are hundreds who do not come back, or, if they do, it is at a considerable interval; but of course there are the hundreds who come constantly who have little or no feeling.

10,113. It is more punishment to the casual than to the habitual?—Yes, it is.

10,114. (*By Miss Stevenson.*) In connection with the apprehensions of those women, do you ever hear complaints from them that they have been taken up merely on suspicion?—Many.

10,115. Have you heard them say that if once they have been in the hands of the police for this offence, they are liable to be taken up frequently?—Yes, I have heard them say that.

10,116. Do you think that is ever really the true state of the case?—I have no more than their own word for it, but the manner in which they tell me the story seems to make me believe in some cases that it is true. In the Police Court I understand they are all brought up in batches, and the police who are to be witnesses in the various cases are there, and the result is that a woman, a stranger, has to stand up before thirty or forty strange policemen, and they can recognise her on the street again, and some say they have been taken up and sworn to as being seen when it was evident that they had been seen in the Police Court at one time.

10,117. Do I understand these women are not tried singly and individually?—Yes, but I think they ought not to be brought up in batches, but brought in singly and tried.

10,118. How many are brought up at a time? Do you mean that four or five are brought in and tried for this offence?—They are tried singly, but they are brought into court in batches, one case after another is brought up and disposed of.

10,119. So that a woman who is there possibly on suspicion might be recognised on a future occasion as having been in the Police Court before, and presumably was a prostitute by repute?—Yes, that is so.

10,120. (*By Col. M'Hardy.*) You have taken some interest in seeing if anything could be done for the prisoners discharged?—Yes.

10,121. How many cases have you paid particular attention to?—Perhaps 1200 or 1300.

10,122. What has been the general lines on which you have gone in trying to do something for these people?—I have given them recommendations for clothing when necessary, and also for admission to the model lodging-houses. Others I have recommended to Shelters, and others I have advised to have goods for hawking, in order that they may start earning in a little way.

10,123. Which has been a most successful line?—Yes; it gives them a new start.

10,124. And out of those you have sent away out of the city to their homes in the country, are there many cases in which that has been successful?—Yes, those who are sent to quiet country places especially do not seem very soon to come back again, and I think that is a very good way of getting them reclaimed.

10,125. But they are not very willing in some cases to go back to their homes?—Some are ashamed to go home, while others are willing.

10,126. That, however, has been the most successful treatment?—Yes, where it has been managed.

10,127. You were suggesting an increase in the sentences as a method of reformation?—Yes.

10,128. You have seen a good many prisoners with long sentences pass through the prison—with long sentences which were even repeated?—Yes, but not doubled.

The Rev. John Alexander.

18 Dec. 1894.

10,129. Do you think what you have seen of sentences passed upon convicts justifies you in thinking that a long sentence is much more deterrent than a short one, and that it is necessary physically to withdraw persons for a time from the society they keep?—To-day I met a woman who had served her time for eighteen months, and after being several weeks out of prison she got three days for being drunk. For seven weeks she had tried to do well, but she had given way to drink again, and I expect she will go on drinking and commit a theft and get a long sentence. The long sentences in many cases have not the deterrent effect one would like to see. There are some people who do not seem to be deterred by any sentence.

10,130. (*By Dr. Sutherland.*) Do you find that felons, thieves, garotters, and housebreakers, and so on, are habitual drunkards?—No.

10,131. You do not think it consistent with their profession that they should be drunkards?—I find, on the other hand, that they themselves take advantage of drunken men.

10,132. And that they themselves are perfectly sober when they are committing the act?—Not always; many of them say they drink.

10,133. You would not expect a man who was under the influence of drink to carefully plan and successfully carry out the robbery of an individual or of a house?—No, I would not.

10,134. Do these thieves, garotters, and housebreakers present the physical appearance of the habitual drunkards—men and women whom you see in prison for brief sentences?—They have a peculiar formation of the head, to begin with.

10,135. Would it be right to say that in Glasgow the 500 women who pass so frequently under your notice, mostly as prostitutes, are virtually habitual drunkards—in other words, that prostitution and drunkenness in Glasgow among that class are synonymous terms?—There are habitual drunkards who are not prostitutes, and prostitutes who are not habitual drunkards.

10,136. If you got all the women in Glasgow with ten convictions and upwards in the year, do you think that there are many who have not had prostitution as part of the charge?—I cannot say.

10,137. You suggest six convictions as the definition of a habitual drunkard?—In most cases.

10,138. Over what period of time would those six convictions extend?—I would not recommend any time. At least, I could not say whether in a year or six convictions right off; because there are some who might be three times this year, and they would not be in prison again for six or nine months, and I could scarcely think these convictions should be counted.

10,139. Then your six convictions would be in one year?—Yes; perhaps.

10,140. You are somewhat severe on young unmarried women?—Yes. I say that those who have no wills of their own, the stupid, ignorant, I would say their period of detention should vary, but in a number of cases their detention should be for life; because they succumb to temptation, and if not confined in some place they would appear again and again.

10,141. But do you think public opinion would support you either in the life sentence or in the geometrical progressive system of sentences which you suggest?—I do not see why it should not. There are many prisoners who would be deterred if they knew the sentence that was coming next time; but as it is now, one day they may get seven days, and another three days, and so on.

10,142. But it is not the case that the late Stipendiary Magistrate of Glasgow let off one half of these drunken offenders every Monday morning?—I cannot say. [The witness then withdrew.]

Mr. William Quarrier.

18 Dec. 1894.

MR. WILLIAM QUARRIER, Superintendent of the Orphan Homes of Scotland, called in and examined.

Mr. William Quarrier.

18 Dec. 1894.

10,143. (*By the Chairman.*) You have done an immense amount of work in the way of reclaiming children?—I have been at that work for thirty years.

10,144. Can you tell us how many children have passed through your hands?—Children, young people, something like ten thousand, independent of what I call casuals. These have all passed through our Homes.

10,145. Will you explain to the Committee the main features of your work? Tell us first about your Homes?—The Homes are for orphan children.

10,146. Tell us about the James Morrison Street Home in Glasgow?—It is a night refuge for homeless children, a home for working lads, and for young women who are in danger of falling into crime. That is its threefold position. We keep children, working boys, and young women.

10,147. How do the children come there?—They come usually by civilians meeting them on the streets—through Bible-women and others, and the police occasionally bring them.

10,148. How many children do you find shelter for there?—We have accommodation for something like 120 in James Morrison Street.

10,149. Now we pass from children. How many young women have you got?—About thirty.

10,150. They are sent by ladies who take an interest in your work?—Yes, who take an interest in the girls who have been put out of their places through bad tempers or otherwise, or driven out by a drunken father to seek their own living; and sometimes I have taken them from other relatives if I thought they were doing them an injury.

10,151. And the boys?—There are about sixty of them, apprentices who do work throughout the city and lodge with us.

10,152. But your main work is among children?—Yes.

10,153. And you regard James Morrison Street as a depot from whence you select children for the Homes at Bridge of Weir?—Yes, it is the office for passing them on to the Bridge of Weir.

10,154. But in addition you get children from all parts of the country?—Yes.

10,155. Now as to the Bridge of Weir Homes, how many have you passed through them?—Since we built the Homes there in 1876 and opened them in 1878, about 3000 children have passed through them. Formerly the work was done in the Govan Road, where we rented two houses. We have forty-eight buildings belonging to the Homes, and these are all located at the Bridge of Weir with the exception of two.

10,156. But you carried on the same work at the Govan Road Buildings, and what you are doing now is the same work on a very much more improved system?—Yes, very much.

10,157. You take them out to these Homes, educate them to a certain extent in industrial matters, and after two years' residence you send them out from the Homes?—That is about the average, and we draft to Canada perhaps 250 annually, and probably about 200 throughout this country.

10,158. How many do your Homes accommodate?—We have now about 1200.

10,159. Boys and girls?—Yes.

10,160. They live in the houses, which are carried on as far as possible on the family principle?—Yes, a father and mother are over each house and they have 30 children under their care.

10,161. The children you have to deal with, I suppose, are quite as bad a class as find their way into Industrial Schools and Reformatories?—They are a similar class. There might be some better, because we take a family away, whereas the Industrial School cannot take a child until a certain age.

10,162. You take children who come into your hands through the misfortune of parents and without anything being alleged against them?—Yes, we take infants even of a few weeks old, as well as a child of 16 years, so that our work meets the family wants. I have taken as many as seven children from a widow.

10,163. Do you think these two years' supervision sufficient to enable the children to be drafted off to Canada?—My experience for the last twenty-three years has satisfied me of that.

10,164. You have a depôt in Canada?—Yes, superintended by my daughter and her husband.

10,165. Who were with you on this side for a long time?—Yes.

10,166. And they place these children with farmers in the country?—Yes.

10,167. And you have a huge mass of evidence showing that the great majority of them do well?—We have evidence by reports and by actual visitation by my son-in-law and others. We have actual evidence to the extent of 98 per cent. of the children in Canada who do well, and there are 4000 of them there altogether.

10,168. 98 per cent.?—I would find a difficulty in finding 2 per cent. that have gone wrong in the twenty-three years.

10,169. And you find the farmers in Canada very glad to get them?—That is just the material they want. They grow up with the people. They are thoroughly healthy. We do not send any unhealthy, or any who are known to have pernicious habits, out there. We are just as anxious that the Canadian people will be satisfied with them as we are to have them placed there.

10,170. You have a number of children adopted?—Under ten years the children must be adopted, and above twelve they are placed in service, with the provision that education must be carried on.

10,171. But a lot of young children are adopted by childless couples?—Yes.

10,172. In connection with the children generally, you find that drunkenness has an enormous deal to do with their being placed in a condition in which you are obliged to keep them?—Yes, a very large share.

10,173. What is the cost of maintaining your children?—We passed through the Homes last year something like 1500 children, and our expenditure is something like £14,000 or less than £10 per head, or if you say the actual number that resided with us was 1200 all the year round, it would then amount to something like £10 to £12 per head.

10,174. Does that include sending them out to Canada?—Yes, everything; and we have two schools also in the Colony, I may say.

10,175. And are the schools inspected?—We do not take a penny of Government money. We have fourteen school teachers, and these are busy at the work. We have gone on the lines of taking nothing from Government. We try to help the country.

10,176. What do you teach boys and girls? What employment, I mean?—We teach girls house-work after schooling. Then some are taught laundry-work and dressmaking. We do all that with our girls, while some of them also are trained as assistant teachers.

10,177. You have a dairy also, I think?—Yes, and there is a farm which we bought last year. We intend to have a model there, as well as at the group of Homes.

10,178. Do you employ the girls at the dairy just now?—Not much. We buy most of our milk from the next farm. We could not very well spare our girls; there are such a large number at school. They have been overlooked by the School Board. Even after twenty years of School Board work, I may give as an instance, that I brought a girl of 13 not long ago from Inverness, and she is not able to read yet. We very often get those who are missed by the School Boards.

10,179. And do you find large numbers in Glasgow and Edinburgh?—Yes, we have 150 from

Mr. William Quarrier. 18 Dec. 1894.

Edinburgh, who have not been properly looked after and educated. I think out of that 150 there would not be more than a dozen who had passed the fifth standard.

10,180. What do you make your boys work at?—There are a number of trades, such as shoemaking, baking, blacksmithing, gardening, joinering, and painting. These all go with the fathers in their trades. A lot of the boys go with them in the work they carry on.

10,181. The "fathers," that is the heads of the houses, I suppose?—Yes, and each father has so many boys at his trade, and so manages them.

10,182. You are very ingenious in the way of finding means of employment. Supposing you had girls whom you could spare to work, what sort of work would you advise for them?—Service.

10,183. Have you any poultry-farm about your place?—Yes.

10,184. And is it worked by girls?—By boys.

10,185. It would be very suitable for women?—Yes, I might fall back on them for that, and with our new farm we may be enabled to do so.

10,186. How many hens have you?—500.

10,187. How much land?—About an acre and a half set apart for that, with a beautiful house called "The Hen's Paradise," which is splendidly fitted up.

10,188. And how many boys can you keep working at it?—There are about a dozen; but there is also a kitchen-garden at which they work, and also attend to the hens.

10,189. Have you had any epidemics amongst your fowls?—None.

10,190. How long have you had them?—For about four years.

10,191. How does it pay?—Splendidly. It has not cost a penny, I think. We do it by collecting all the brock of the village every morning, with potato peelings and refuse and tea-leaves and little bits of fat, all of which is boiled together.

10,192. Tea-leaves?—Yes; the hens are very fond of that. We find they like that mixture very much. I mean to extend that sort of work when we get this new farm into proper order. We mean to have 1000 hens.

10,193. You have no machinery?—We have a steam-engine of 12 horse-power that we mix our dough with in the bake-house, do our laundry-work and our joiner-work, and other work when necessary.

10,194. You are not in the way of making firewood?—We did so in the Govan Road Home, but since we went to Bridge of Weir we have not made firewood.

10,195. Did that pay?—Yes; it pays if you can buy your wood at a certain price. If you can buy broken wood at 10s. a ton, I believe it will pay to break it up; but if you have to pay 20s. a ton it won't.

10,196. How does the number of children in your Homes compare with the number in Industrial and Reformatory Schools in Scotland?—I should say there are as many children in our Homes as there are in all the Industrial Schools of Glasgow put together. I think that is about the number. I was summing them up about a year ago, and I think we took more children in than all the Industrial Schools in the city put together, including the Training Ship.

10,197. Do you think it is necessary to have such long confinement for juvenile delinquents as they are subjected to in Industrial Schools?—Not in most cases, but when you have bad influences in the city outside, what are you to do?

10,198. What you do is to ship them off away from it?—That is just the saving of them.

10,199. But of course that could not be done with Reformatory children?—No; you have to keep them a certain time. With me, I do not need to keep them any stated time, because they are not committed children.

10,200. Do you ever have any trouble about the people demanding back their children?—A lot of trouble that way, and if they can satisfy me that they are honest and able to keep their child, I do not refuse to give it back; but if it is a mere excuse, I shall hold on to the child according to the law.

Mr. William Quarrier. 18 Dec. 1894.

10,201. That is under the Act passed a few years ago?—Yes, the Custody of Children's Act.

10,202. Then after you have sent a child abroad, have you any parents or friends demanding their custody?—Yes, sometimes they get into better circumstances, and they will wish me to get the child back, and I say, "If you wish it back, then you will have to pay for its passage or wait till the child earns the money."

10,203. How does the law stand on that point?—I have been in court two or three times with Roman Catholic children, and the law cannot touch any one who has sent a child to Canada in a proper way, or make him bring it back.

10,204. It is mostly on account of religious differences?—Yes, it is mostly that.

10,205. Put aside those questions in which religion intervenes. Take the case of the Presbyterian children, who doubtless are the great mass of your children: have you had any trouble otherwise?—No, no difficulty with people wanting their children back on the other side.

10,206. And practically no difficulty about parents wanting their children back here?—It is very little when the number of cases—600 new cases each year—is taken into consideration. When you take such a large number in every year, you would say my trouble is very little, and it is usually with people who have no home for the children.

10,207. You have a lot of imbecile children?—Yes, we have a few in our invalid house. There are 30 cases of incurables in the girls' house.

10,208. You do not make any objection to any kind of child?—No, we take any child if it has no father or mother.

10,209. And if it is imbecile you take it?—Well, there is the Larbert Institution, and I never like to cross and take cases that other institutions should take.

10,210. One of the elements that you lay very great stress on in exerting a good influence on the children is the home influence?—Yes, a father's and mother's influence.

10,211. And I believe the chief father goes so far as to give the inmates a halfpenny or a penny a week?—A penny every Saturday night, to spend on sweets if they like. That is their heritage independent of any gift they may get, and they are at perfect liberty to use it in the store. Last year we used over a ton of sweets. There were £20 worth, all bought by the children.

10,212. And you find the very roughest of them become civilised?—I am astonished to see that children who could not be managed by their mothers or uncles or aunts are managed as we succeed in doing it. It is a surprise to me every day of my life, for we do not take children that anybody else can manage or keep.

10,213. Take the juvenile offenders, those children who go into Industrial Schools or Reformatories, do you think they could be dealt with in a short time?—I am positively sure they could, because I have had offenders who have been imprisoned, and I have had them out of prison, and they have afterwards done well; and I believe if they had not their surroundings outside it would make all the difference. A boy who has been convicted once, I should say, if he is not habit and repute, there is great hope for the boy if he gets into a Home such as ours.

10,214. In connection with these children you must have seen a great lot of miserable homes?—Most of them have no home at all.

10,215. You used to go about closes at night?—Yes; and have seen many a poor widow left with three or four of a family in what you would call a comfortable condition, and in a few years she has become utterly helpless and her health gone. She

has been turned out by the landlord, and a neighbour takes her in, and she applies to me, and I take her children. I have just been informed of a case of a mother who has died of consumption and has left four children, three of them at home; and even although they are of consumptive parents, I will take the whole of them in. That is the sort of work we do.

10,216. You have the history of all the children?—Yes.

10,217. Have you any examples of the children of drunken parents turning out drunken also, or do they generally turn out sober?—I do not believe in any hereditary taint except sin.

10,218. Then you don't think they turn out drunkards?—No; I could cite scores of cases taken from the most drunken homes that are virtuous and well-doing to-day in Canada.

10,219. Then, again, the children of criminals?—The same thing applies to their children. If you can get them young, say six years old, their passions and manners and sight become sharp about five, and if you can give me any young child from any home under five, I will be bound for it that that child will have none of its father's immoralities and drunkenness. Both parents may be drunken and everything that is bad; that is my experience.

10,220. I suppose a lot of your children now in Canada are getting old men?—I suppose we would have fifty marriages last year.

10,221. How often have you been out to Canada?—I go out about every second year, and I have seen 500 or 600 during my visits. My son-in-law and a brother and an assistant and others are constantly going about visiting them.

10,222. You all do this from love of the work?—There is none of us in the work for a salary, and we have about 90 workers or helpers altogether.

10,223. And of course that being the case, the work is done with much more heart?—Yes, and much more time is spent on it. I often say to friends who want a situation that our place is not the place to go to, but if they want to do good to their fellows, they will get bread and water and something else added to it, and it is marvellous how we have been kept up by a band of workers that are of the same spirit as ourselves, that work for the good of others. I must say that while you might get a certain result from what you may call purely Government institutions, where officialism comes in, you would hardly get the same moral and physical results.

10,224. Do you believe that habitual criminals could be dealt with by such influences as you bring to bear upon them in your Home?—Young or old?

10,225. I suppose young more than the old?—The young I think so, because I have had many cases reformed.

10,226. In your girls' place in Morrison Street you don't take prostitutes?—No; we draw the line there.

10,227. What do you do with them?—We send them off to the Magdalene; but unless we can make it clear that the girl has gone wrong, we give her a chance.

10,228. And do you take up children eligible for parochial relief?—I take about 100 pauper children from each Board of the City every year.

10,229. They do not board them out?—There are a few Boards throughout Scotland who have no boarding-out places, and I have taken them without any guarantee.

10,230. And do they contribute?—Some of them may give me £10, but it is a voluntary thing, and I do not insist upon it. You see my object is to save as many as I can without having respect to any locality or any denomination at all.

10,231. I doubt whether any Parochial Board has any legal right to spend money in support of any institution. It has legal right, however, to pay in respect of a child boarded out?—Mr. Campbell, General Inspector, Board of Supervision, was down in 1888, and gave a very glowing report of the Homes, which was presented to Parliament, and in that blue book the Homes are held up as the finest and best in the country. He only regretted that the Boards had not power to place children with us and pay for them.

Mr. William Quarrier.

18 Dec. 189

10,232. But have the Boards any power?—Simply they are obliged to do it in another way.

10,233. But they board out children?—Yes, but not in institutions.

10,234. (*By Miss Stevenson.*) But there is an institution at Aberdeen, Mr. Japp's, and another at Smith's, where they pay for children?—I do not know how they do it. I do not think the law allows them to keep children in institutions. They should be kept in private houses.

10,235. (*By the Chairman.*) I suppose that is regulated by the Local Government Board?—That may be so.

10,236. In which case they can alter the rule. In fact, if they have a rule, it applies to these other institutions as well as to yours?—Yes. But my Homes are purely voluntary, and that would constitute my difficulty.

10,237. (*By Miss Stevenson.*) You spoke of the number of homeless children that you sheltered in James Morrison Street. Do you mean by that that these children had no guardians or parents?—They have mothers, most of them, who are houseless and dependent on the charity of neighbours day by day.

10,238. I suppose in all cases you follow up the children to find whether or not the statement they make that they have no home is true?—In every case we follow the statement up by close investigation.

10,239. But I suppose you mean that these children have no place to go to?—For instance, there was a mother in on Monday; she had not a place to lay her head. She had three children; she had been three nights in the Night Asylum, and could not go back a fourth.

10,240. But she could have gone to the Poor House?—I recommended that.

10,241. I think you said you had about 130 young people in the Home altogether?—Yes.

10,242. How many would be children?—They are mostly above fourteen there, as you see it is a working-boys' Home.

10,243. But about the homeless children?—About a dozen at a time, because they are drafted off. It is a night refuge for any child who may be found.

10,244. But you seldom find a child who has no guardian or parent?—They will tell you they have none, but we generally find they have, although I have waited six months before finding them.

10,245. You said, I think, that a large number of the children who came to you had escaped the School Board; but is it not a fact that a great many of the children sent to you are sent through the action of the School Board officers?—Some are, but I help hundreds of children that the School Board cannot touch.

10,246. You say you have a number from Edinburgh?—About 150.

10,247. Have you ever inquired into their history?—Largely drink.

10,248. But I mean through what agency they came to you?—Quite a large number from the Prevention of Cruelty to Children Society.

10,249. But you did not go behind that agency, because, as a matter of fact, I know a great many children are sent through the action of the School Board officers, and is not that the case in Glasgow?—No; you see a mother that cannot get bread for her children, what can she do? Somebody must give her bread, or else the burden of her children must be taken from her.

10,250. But you made no inquiry as to whether these children had ever been on the School Board or not?—We usually take the facts from the mother.

10,251. And you never verify them?—We verify the standard of the boy by our school.

10,252. But I think you would find that most of these children had been looked after by the School

Mr. William Quarrier.

18 Dec. 1894.

Board officers, and that, through the difficulties in getting convictions, they had not been able to force the children into school?—Quite a number of these cases do come to us.

10,253. What I meant to point out was that School Board officers were not so neglectful as apparently your statement would infer?—I do not say so, but I think the officers spend too much of their time in the School Board offices. I think they should be out more.

10,254. In regard to the application by parents having children restored to them in the cases where you emigrate children, I understand you require the parents to sign an agreement to allow the child to go, but that in law it does not hold good if the parent changes his mind?—No.

10,255. (*By Col. M'Hardy.*) I did not understand quite what you said about Reformatories being hampered by time?—You see if a boy is sent for three years to an Industrial School, he cannot be dismissed till the three years are up, or if he is sent for five years, he cannot be dismissed unless he is sent out two years on license, which is sometimes done.

10,256. And how does that affect them adversely?—It puts a stigma on a boy when he is convicted by a magistrate.

10,257. I mean in regard to the time he is detained?—I would say that if you could put more of the voluntary principle into your Industrial and Reformatory schools it would be better for the children, but the officialism is such that it sometimes takes out much of the moral and the spiritual good.

10,258. You mean to say the spirit of the person who has charge of the institution is lost by formalism of some kind or another?—Yes.

10,259. I want to keep upon this point of time. Perceiving that the influence is good, I suppose, for one year, would it not be better if it were for two years? I do not understand how the prolonged detention, as you would seem to suggest, operates as an evil?—I would say that institutional life under any form is an evil, and if you can bring more of the home life to bear upon the children, then you will have the greater results. I do not think I have found in my own case that those children who are longest with me are the best.

10,260. And what is the average length of time that you think it advisable to keep those children?—I think about two years, although we may keep some as many as five years. From some infirmity of body or otherwise they may not be fit to go away.

10,261. Have you made up in your mind the maximum time a boy should stay in those Homes?—I think after two years it is best for the boy to go.

10,262. Because the boy you think may become too habituated to the place?—Yes, and the routine too mechanical.

10,263. Become crystallised?—Yes.

10,264. And you think the same sort of influence may be at work in a Reformatory?—I think it is likely to be more accentuated in a Reformatory.

10,265. Then in any scheme of reformation of habitual offenders you would attempt to limit the number in the institution as far as possible?—Yes.

10,266. And either work with limited numbers, or as nearly as could be on family lines?—Yes, but let the children be removed from their parents, if they have any.

10,267. How have you determined the limits of these separate Homes that you have?—The numbers are limited by the capacity of the house. The household is 30, we say.

10,268. But you built the house?—Yes, to hold 30.

10,269. You had made up your mind that 30 was the proper number?—I would say that more than 30 is injurious.

10,270. That is even a large number?—I would say 20.

10,271. Financial reasons to a certain extent affected you?—And the changing of so many to Canada prevents the staleness of the work. There is a revolving, so to speak, every year out of the house.

Mr. William Quarrier.

18 Dec. 1894.

10,272. A yearly revolution, as it were?—Exactly.

10,273. And in all this reformatory work you think it is necessary that things should be kept alive?—I believe that to be the life of the children in the future.

10,274. Can you give us any notion how to proceed with adults who have dropped away from goodness?—I know of nothing that will do it but love. Law will hardly do it; but if you have to deal with a habitual drunkard, whose senses have got so marred and so debased, then you must put law to that man till you get him to understand what love is.

10,275. I daresay you have thought of such things. Would you mind letting us have your views a little further in detail?—If you ask me about a drunkard as a habitual criminal, I would say that he should be confined by the testimony of the neighbourhood in which he lives as a pest to it.

10,276. But after you have got him, what would you do with him?—Say, give him six months, and during the six months you try to cure him of his drunken habits by those methods that have been adopted, and that you had cured the appetite for drink, that man might be allowed out before his term was up.

10,277. I think all the medical evidence seems to hint that the various medicinal retreats are failures?—I am not sure that they are failures. I insist on detention for a habitual offender.

10,278. If you are throwing out the drug remedies how would you proceed?—I see no cure for a man like that unless his heart be turned to kill his appetite.

10,279. Well, then, how would you proceed?—There is nothing but love can make love, and a man, may be, who has gone through the same fire himself and been cured, may be able to bring pressure on his fellows, and the likelihood is he will be able to keep him.

10,280. In fact, you want a master-hand?—Yes.

10,281. But would you have an arrangement built upon the lines of your own institution—that is, upon having a variety of small homes, or would you disperse these people?—They would be better dispersed than in large numbers.

10,282. Would you have them congregated or single?—I should say 10 or 12 in a suitable building.

10,283. How long would you keep them?—That is difficult to say, but until the appetite was cured.

10,284. He would work?—I would insist upon that; and if he had a family, I would try to get him to make sufficient to keep his family.

10,285. Do you find any difficulty in getting these boys to do work?—No difficulty whatever.

10,286. None of them show laziness?—They have been spoiled often before we get them, but they soon come to it and do it willingly.

10,287. And you think his eagerness to work is the index of his reformation?—We say to a lad that if we can do him any good by sending him to Canada we must see evidence that he is fit to be sent, and you have to do the same with the drunkard. You might give him two years, and tell him that if you saw evidence that he had improved, that he might be admitted out before the time.

10,288. But it would not be a good thing for him to go back amongst his friends?—No.

10,289. And with the women, how would you proceed with them?—Theirs is a very sad case. I have tried women even of education. There was a teacher I had in the Govan Road Home. She could speak six languages, and she lived with me for a good few months without ever going out. I let her out, however, one Saturday night, and she promised to come back all straight. I did not see her again until Monday, when I went to see her in a house in the northern quarter of the city; and she was almost in a nude state.

Mr. William Quarrier. 18 Dec. 1894.

10,290. A proper house?—It was just a poor woman's house. She had been found lying on the stair and was taken in.

10,291. (*By the Chairman.*) Did you get any good out of her?—No good; she had to go.

10,292. (*By Dr. Sutherland.*) Do you think the same lines of treatment for delinquent children are at all applicable to adults?—I do not think children need half so much as adults.

10,293. The habits of the adults are confirmed, you think, and the reformation is a more difficult task?—You have to be more rigid with the adult and more placid with the child, whose failings you have to overlook, and get him to realise that you are caring for him.

10,294. You do not approve of fixing the sentences passed on children sent to Reformatories?—I do not think it is good at all.

10,295. You would rather go in for a system of indeterminate sentences?—Yes, longer or shorter.

10,296. Do you classify your children at the Bridge of Weir?—No, they are all mixed.

10,297. But if there were a wide range of ages, would you not classify them?—You would not cure a bad boy by classifying him with the bad boys. If you want to tame a wild horse, you must put him alongside a tame one. My experience is, that a bad boy who is put among a lot of good children is bound to submit to the overpowering good that is there; and it does not need force.

10,298. Of course you attach great significance to the fact that you send your boys to Canada, and the Canadian Government have no objection?—Yes.

10,299. I suppose the Canadian Government would refuse to receive the adult offenders of this country?—And rightly.

10,300. You are also aware that children from the Reformatories are sent to Canada?—A few; not many.

10,301. Are the results satisfactory?—They are not so satisfactory, I understand, as ours.

10,302. I have seen a boy from a Scotch Reformatory in the Toronto Jail. Is that your experience?—98 per cent. of our boys do well, and I am sure Mr. Massey, the governor of Toronto Jail, will testify to that, and that he has not had any of our children under his charge.

10,303. Yes, I know; he told me that himself. Is it the fault of the father or the mother which for the most part results in the children getting into your hands?—My children come to me because they are fatherless, and many of them come to me because their mother cannot manage them; and I get the material in such a state of confusion, that I have to undo the wrong and build up the child aright.

10,304. Do you find drunkenness more common among women than men in the class you get the children from?—The cases with widows especially might also be balanced, but when a woman goes wrong she goes very wrong.

10,305. Am I correct in saying that a very large part of your work is of the kind undertaken by the Prevention of Cruelty to Children Society?—Yes, there is a large quantity.

10,306. If it were said that that Society rescues in Edinburgh three children for every one in Glasgow, that would not be at all a correct representation of the work that is done here?—The Society for the Prevention of Cruelty to Children in Edinburgh does not do half the work of the Society in Glasgow.

10,307. It falls to your hands?—Yes, and other agencies.

10,308. (*By Dr. Farquharson.*) You do not attach so much influence to heredity in drink as some other witnesses we have had before us?—My conclusion is just the result of observations I have made amongst the children.

10,309. You attach more importance to surroundings than heredity?—I do. The surroundings are a very large factor in the future of a child.

Mr. William Quarrier. 18 Dec. 1894

10,310. You do not find your children ever relapse in a mysterious kind of way; for instance, from no other cause than going back to their parents' habits?—I find if a mother will against my will take her boy out of our Home, that the mother has come back to tell me that she has made a mistake in taking the child out and training it her own way. I believe there are 90 per cent. of parties who have taken their children away, thinking they could manage them after two years of my training, and when they were put back in their old surroundings they went wrong again.

10,311. What do you attach most importance to? Getting the child early?—Yes, and away from its surroundings. A child that is in the habit of going to saloons and theatres and other questionable places, will do anything to gratify its desires, and needs to be removed entirely from their influence.

10,312. Then even in heredity you would take the tendency away by changing its surroundings?—I have proved that by thousands of cases.

10,313. (*By the Chairman.*) About the effect of whipping on juvenile offenders. Do you get many boys who have been whipped by the Police Magistrates?—Not many. I do get a few from the Magistrates, but they send them to the Industrial Schools. It is law keeping law; mine is purely voluntary.

10,314. I do not mean the Magistrates sending them to you. A boy is up for some trifling affair, throwing stones at windows, and he is ordered to be whipped. Do many of them become inmates of your Homes afterwards?—Not many.

10,315. What is your opinion as to the effect of the whipping. Does it degrade them?—I do not think it does good.

10,316. It is a very undesirable thing to send juvenile offenders to prison?—I think, if that can be avoided, it should never be done.

10,317. In cases where you must have some other punishment, would whipping appear to be better or worse than prison?—I think if that boy could be got into a true moral surrounding he would neither need whipping nor imprisonment.

10,318. But if the Magistrate has only the option of whipping or imprisonment?—I would say the whipping would be the better of the two.

10,319. Have you any corporal punishment at your Homes?—I do not believe in whipping above 14 under any circumstances.

10,320. But have you the usual system of palmies?—We have the tawse; but I have inculcated that they should never be used, and that moral power is better—that the boy should stand in a corner for an hour if he has been misbehaving. The tawse are thus very seldom seen. Indeed, owing to one of the female teachers being inclined to use them, I burnt the tawse a few years ago. We find that keeping a penny off a boy on Saturday, or sending him off to his bed when all the rest are out at cricket or football, is a far worse punishment than the tawse.

10,321. So that these punishments will be applicable both to boys and girls?—Yes, they are.

10,322. It is even less desirable to send a young girl to prison?—You will never make anything of sending a young girl to prison.

10,323. Can you make any suggestion as to how to deal with cases of this kind?—I think there should be something outside the prison which should take hold of her on voluntary lines.

10,324. But we cannot do that. In many places there are what are called certified cells, where prisoners may be detained for a short time. Do you think it would be an improvement to confine short-sentence cases there rather than send them to prison?—I do not think it does them a bit of good. The moral power is the thing to wield, if you can. [The witness then withdrew.]

(ADJOURNED.)

TWENTY-FIRST DAY.

Glasgow, Wednesday, 19th December, 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P.
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Father John M'Mullen. FATHER JOHN M'MULLEN, St. Mungo's Church, Glasgow, called in and examined. *Father John M'Mullen.*

19 Dec. 1894. 19 Dec. 1894.

10,325. (*By the Chairman.*) You have no official connection with the prison?—No, but the Catholic priests who visit the prison are members of my community and live with me, and I have had experience of many habitual criminals.

10,325A. And also I suppose of a large number of the poorer classes?—Yes. I should say besides that, that I had a note from Dr. Sutherland about this matter, and I brought it before the Senior Priests' Union of the Clergy of Glasgow. They appointed a small Committee to consider the matter, and the views I give you are their views as well as my own.

10,325B. Would you just tell us your views on the subject of intemperance, and the connection of intemperance with habitual offenders in the first place. I suppose you have an immense amount of intemperance?—No; I would not say an immense amount by any means. We have a large amount, but not immense.

10,325C. We shall take it as contrasted with other towns. Have you any experience of other towns?—Yes, I have lived in Liverpool and in London, and I should say in regard to our people that they contrast very favourably with the Catholics—I mean the Irish Catholics—of Liverpool, and Manchester, and London.

10,325D. In Glasgow, could you give us any idea of the Catholic population?—We calculate it at between 150,000 and 160,000.

10,325E. Is that based on the census?—It is based on the census returns we make up in each of our parishes, and also on the baptisms.

10,326. This Catholic population is divided into two portions, the Irish and the Highland, is it not?—We don't make any distinction.

10,327. But practically there are the two nationalities?—Yes, there are.

10,328. You have no means of saying how many belong to the one section, and how many to the other?—I could not exactly say, but the Highland portion would be comparatively small, I should say 3000 would be the outside.

10,329. What do you estimate the Irish population of Glasgow would amount to—about one-fourth of the entire population?—Between one-fourth and one-fifth, but I am taking in the extended boundary just now, including Govan.

10,330. That is a larger proportion than exists in Liverpool, is it not?—No; we are more than one-fifth there, we are over one-fourth.

10,331. In Liverpool we find that the number of arrests for breach of the peace, petty assaults, drunk and incapable, and drunk and disorderlies, were last year only 19 per 1000, and in Glasgow 60 per 1000 of the population?—I do not think that the number of convictions and arrests would be any index of the amount of intemperance that prevails. In our district, St Rollox for instance, I see that there are ten, twelve or thirteen cases on the Saturday, but that would not give you any index of the number of cases of intemperance. There are more cases of intemperance in Liverpool, though not convicted.

10,332. But you will notice the class I am speaking of—petty assaults, breach of the peace, drunk and incapable, and drunk and disorderly—these are all petty offences?—Yes, but I am talking of cases of drunkenness, although they commit no breach of the peace. They are much better here, as we ourselves see from the number and appearance of the children in attendance at the schools and Sunday Schools, and of the parents of the children coming to church. These all show that our people are very much more temperate and sober here than in Liverpool.

10,333. And notwithstanding that the number of arrests is under one-third of the number of arrests in Glasgow?—Possibly.

10,334. Is that owing to the superior activity of the police in Glasgow?—I could not judge that. I could not compare the police, I only take the cases; and I may say that these cases which come within the knowledge of the police, it is these hard cases that we must deal with. Experience is that those who have been convicted the second or third time, their case is very hopeless under existing arrangements.

10,335. You have been in Liverpool yourself?—Yes, for some years.

10,336. Well, you have not observed any difference in the action of the police, nor of the class of people that would be taken up?—No.

10,337. You have told us that your Glasgow area—what is the diocese?—I am speaking of the city of Glasgow only. The diocese includes many of the outside towns and districts.

10,338. We shall take the city of Glasgow, including Govan. Do you think that Glasgow is the more disorderly, or more intemperate place, than Govan?—Much the same here as in Govan. I might say also that, of late years, drunkenness has been very much less amongst our people since the League of the Cross—a temperance society founded by His Grace, the Archbishop—was founded; it has worked an enormous change in the habits of our people.

10,339. I ask you about Govan?—Govan is practically the same.

10,340. We find that Govan has only 28 per 1000 of arrests for these offences, which is less than half what occurs in Glasgow?—Well, of course such people are drawn to the centre of the town. Then there are those who are in the model lodging-houses, in the central districts, you might naturally find more cases there than in an outskirt like Govan. For instance, in St. Rollox, where I live, our people who get drunk do not get drunk so often with us as when they go down the town.

10,341. But does not that counterbalance itself—the south-sider will get drunk in St. Rollox?—No; the people from the districts find their way to about Argyle Street and Trongate, and the frequented parts of the city. The Govan people may get drunk there, and perhaps be counted amongst the Glasgow cases. In St. Rollox the number of cases brought up amongst us is very small, but some of our people may have perhaps been arrested and brought before the magistrate in the Central Division.

10,342. Have you any suggestion to make on behalf of your Senior Priests' Union, as to how the very regrettable amount of drunkenness that prevails

Father John M'Mullen.
19 Dec. 1894.

might be diminished?—Of course it is a very big question, and takes in more subjects than can fall under your inquiry. For instance, we believe the housing of the poor has to do with it, and also the high rents. We have a strong feeling also that the want of rational amusement may have something to do with it. In connection with our Church it is obligatory in every Catholic church of the Archdiocese of Glasgow that there should be a temperance society, and it is obligatory that there should be halls for amusements and different games, and we find that these halls of amusement make all the difference in the world. The parishes provided with them find it much more easy to keep the men sober than the parishes without them; so that, if by any public means places of recreation could be provided instead of the public-house as the sole place, much good might be done.

10,343. We shall take the case of an amusement which is perfectly innocent and healthy—football, say. We have been told by certain people that football matches lead to a great deal of drinking and, in fact, to a considerable amount of drunkenness—that is distinguishing between drinking where it does not become a police offence, and drunkenness where it does?—I would rather differ from those. Naturally, where there is a very large number, say 10,000 or 15,000 people gathered together, a certain number will get drunk there as they would have done elsewhere.

10,344. Take another case—races and excursions. We are told there is an enormous amount of drunkenness. For instance, Ayr has a very large ratio of arrests, and the explanation is the excursions and the races?—Yes, but you would have to take the percentage of the number of excursionists. A number of those persons, did they remain in town, would get drunk at any rate. Accompanied by a number of priests, we had a large excursion of our own in the country, several thousands, of whom a good many would have got drunk if they had remained in town, and, as it was, we had very few.

10,345. But don't you think in your excursion, accompanied by a number of priests, there would be less drunkenness?—Yes, there would be less on that account than might be otherwise.

10,346. Do you think there would be less drunkenness still if you had these amusements of which you spoke?—Yes.

10,347. I simply put that proposal to you in regard to amusements, in case it is decided by our inquiry to make any recommendation?—Just so. Then I might say, as regards the drink traffic, we hold that the number of public-houses is far beyond the requirements, and that this constitutes a danger to the working classes.

10,348. Have you anything to suggest on the administration?—We feel in regard to this that the present licensing laws are not carried out with that strictness that they might be.

10,349. There is one particular point about the publicans. They are guilty of a breach of the licensing laws in supplying drink to drunk persons?—We have often debated that question. There are some publicans—perhaps we can hardly say whether a majority or a minority—who are very conscientious; but there are others who are not so. There is no doubt that the publicans know drunkards who go in and get drunk week after week. They are known to the police, to their neighbours, and to the publicans, to be drunkards, and yet they are supplied in these houses till they are very drunk.

10,350. To supply a man who is a drunkard is not an offence, but to supply a man who is drunk is an offence?—Well, I speak of a man who is three-fourths drunk, and will certainly, if supplied, become very drunk. We do believe that supplying to these does take place. We have actually seen cases.

10,351. The police authorities complain that it is very difficult to get evidence in these cases, and I have been unable to find that any voluntary organisation assists them in obtaining evidence?—There is a suspicion that the police are not altogether free from blame in this matter, but it is a mere matter of suspicion. There is a suspicion that the police allow certain publicans off, and that they receive bribes. I cannot prove it, but there is a suspicion of that—that feeling is pretty wide. Then, again, we feel that drunkenness, as different from drunk and disorderly or drunk and incapable, should be made criminal. There should be some stigma attached to it, some means of getting at these drunkards, as this larger class does a greater amount of injury to their families and to the community than the comparatively small number of drunk and disorderly.

Father Joh M'Mullen.
19 Dec. 18

10,352. What means would you suggest?—Those who have more experience of foreign countries, and how these things are managed in other parts, should know better. Our idea is that there should be a list drawn up of persons declared habitual drunkards. This list should be supplied to the police and to the publicans, and the latter prohibited, under penalties, from serving such persons with drink. That would not, of course, always succeed, but it might have a healthy effect.

10,353. You do not mean merely the police court habitual?—No, the drunkards in family.

10,354. Are you in favour of compulsory segregation, at the instance of their friends, of the non-criminal habitual?—Yes; but before they are compulsorily separated there should be some other means taken.

10,355. They should be named, and publicans prohibited from serving them?—Yes; you could forbid the publican knowingly to supply habitual drunkards. These might obtain drink where they are not known, but in many cases the fear of being put on the list would have a deterrent effect.

10,356. Yes; but how would you make up the list if the man had not come under the notice of the police?—They do come under the notice of the police. At present as long as a man is not disorderly he is not arrested, but the police see him going home drunk. Again the name could be put on the list on the application and proof of the family or neighbours of the drunkard. We would press that habitual drunkenness, though not disorderly or incapable, should be made an offence. They are sinning actually against the family.

10,357. Yes; but if you take up these, you will take up six people in every hundred men, women, and children in Glasgow every year, if you extend the interference of the police so as to include every man who is staggering home singing a song?—I speak of habitual drunkards.

10,358. We know that the number of instances of police court cases is very small compared with the actual number of cases, and that the harm that is done by these habitual drunkards, although they have not broken the laws of the city, is incalculable. We are fully aware of all the evils of drunkenness. I shall ask you, therefore, not to elaborate that point of the subject; but your plan of dealing with them would be that if a man was frequently seen evidently intoxicated, though not criminally intoxicated, that the police should note him and his name on the list?—Yes, there should be a black list, and it should be supplied to the publicans. This would be the first step. If, after a certain time, the drunkard did not reform, his name should be entered on a public list. Thus a greater stigma would be attached to drunkenness, and a healthier public tone with regard to it engendered. As to the publicans, they should be punished for knowingly serving drink to those on the lists. It would be difficult for publicans to recognise the drunkards in every case, as it would be difficult to prove such knowledge against the publicans, but if a number of cases were prosecuted, in time the effect would be good. There should also be a public list.

10,359. After that, would you individually, or your union, be in favour of letting a man, at the instance of his friends, be brought before the sheriff, and on evidence be declared an habitual drunkard, and committed to some retreat or reformatory?—Decidedly;

Father John M'Mullen. 19 Dec. 1894.

after a certain time or warning being allowed him. We do not want to take him right off without a chance.

10,360. He would not be taken off without a chance if the sheriff had to take evidence that he was really an habitual?—Yes, but this power is so great, and interferes so much with existing ideas, that we think that the individual should have a chance of reformation; that he should be informed by the police that this compulsory separation would take place in his case if he did not draw up.

10,361. You have not been brought in contact with the habitual criminals to any exceptionally large extent?—We have not any exceptional knowledge, but it is a matter which, like other matters, we meet every six or eight weeks during the year, and discuss in reference to our people. We feel that in regard to habitual criminals the cases are, under existing circumstances, hopeless—at least almost hopeless. At present when they get out of prison they are met by their companions, and they find difficulty in getting work. They complain also that the police watch them, and that they lose heart, and get into a kind of despair.

10,362. We met a gentleman belonging to your Church—Canon Donlevy—in Edinburgh, who went to prison with us. There was a woman, a prisoner, that had been described to us as a desperate pest by the Inspector of Poor. Canon Donlevy said she had a great many good points, and he found her a situation in the country, and she kept square for six months. She might have kept all right, but her affection led her to come to Edinburgh, and she broke away. He promised to look after her again. With your Church and its wide ramifications, could not a good deal be done in dealing with habitual criminals, and transferring them from one place to another?—That is what we think might be done, because, if you remove them from their associations, our experience is that these people have very good dispositions as a rule, and they are not so very much worse morally than those outside; but it is the weakness and the hopelessness they feel.

10,363. As a matter of fact you have no such organisation?—No; we have a home at Dalbeth.

10,364. That is a reformatory, is it not?—We have also a home for women.

10,365. Have you any special knowledge of Dalbeth?—Yes.

10,366. Is that the orphanage?—No, the refuge is quite different from the reformatory.

10,367. Could you tell us the rules of that place?—The rules, as I understand, are not just so strict as in similar institutions. Not only are those admitted who have fallen into drunken or immoral habits, but also those who are in danger of falling.

10,367A. Do you know anything about the working of the reformatory schools connected with your Church?—No.

10,368. (*By Col. M'Hardy.*) There are not any?—Yes, there is a reformatory at Slatefield. There is the Dalbeth Reformatory also, for girls.

10,369. There were none in it in 1892, and none in it in 1893. It was closed, I am told, as a reformatory, and it was succeeded as an industrial school?—And refuge. There is an industrial school at Dalbeth, but it is a refuge at the present time for women.

10,370. (*By the Chairman.*) About this refuge, do you happen to know of your own personal experience any cases of women who have gone through that course who have proved permanent cures?—Oh, yes.

10,371. Many?—Many. We know of them who have been all right for two years; but the difficulty is that we lose sight of them, either through apathy or from a feeling that they don't like to write to us, lest their employers might know that they had been with us.

10,372. I thought that, with the machinery of your Church, you would have been able to look after them?—Yes, but our staff is so few, and our Church has to look after so many things.

10,373. Well, I simply wanted to know?—We have not. In regard to these places, these homes and reformatories, we would like very much to be able to extend them, but the difficulty is in the expense. Many of these girls are not good work-women. Of course laundry work is the work we give to them, and as they are not skilled laundrywomen, their work is not so remunerative, and we have to make collections in order to meet expenditure. If we intended to extend them we would need to have very much more means. If the Government would give us some help, we would be willing to extend the system so far as we could.

10,374. What would you employ your women at?—Much the same thing as at present. They are supposed to be self-supporting with public contributions, but if Government would give us some help it would make up for the bad work of the women.

10,375. But don't you think laundry work is overdone?—Yes; but we might have this Government assistance to make up for that. It takes about £14 a head a year for each inmate.

10,376. What else would you have?—There might be knitting and sewing. The knitting is easier than sewing.

10,377. And is it more remunerative?—It might be a little. What I do know as regards those who are knitting in their own homes, and those who are sewing in their own homes, is that knitting pays better than sewing.

10,378. But you can give us no hints as to any other industrial employment for women?—Of course there are women's employments of different kinds.

10,379. Could you add to our category?—There might be some of the girls in these homes who might be a little bit better educated, and there is the illumination of Christmas cards. I know some girls in their homes get employment—addressing envelopes and circulars, and such like.

10,380. Fruit-farming has been suggested?—As to anything on a large scale, such as fruit-farming, I do not know that I could suggest anything.

10,381. Is there any point that your Union wishes to suggest to us?—I think I have pretty well travelled over the subject.

10,382. Do you come across many vagrants?—Yes.

10,383. Have you any organisation for assisting them?—No. We have one or two homes for girls from a distance, seeking employment.

10,384. There must be a great number of girls coming from Ireland across here?—Not so many of the class of vagrants. Most of them come to their relations or friends.

10,385. In search of work?—Very few unprotected single girls come from Ireland.

10,386. I should rather have said tramps than vagrants, which include vagrants—that is, honest workmen and workwomen really in search of work, and the vagrant who pretends to be in search of work but does not want it. Have you any organisation for dealing with them?—Well, there is a convent where there is a small home for girls, and occasionally the Society of St Vincent de Paul obtains employment for them in private houses. We think there should be some home for these girls. There are cases of prostitution, we find, among this class.

10,387. Semi-state or municipally supported homes?—Yes, if there were help of a certain amount given, we would establish these homes; but we have so much to do with our churches and schools that we cannot do much ourselves, particularly as our people are of the poorer working-class. But we are able to do a certain amount, and we would do a great deal more if we had a little help from the state.

10,388. (*By Col. M'Hardy.*) The Roman Catholic visiting clergymen in Glasgow in the prisons have, as a rule, been Passionist fathers, and not the parish clergymen?—Some years ago it was found that the parish priests were unwilling to take the work at the ridiculously small salary. His Grace the Archbishop asked us to take it, but as soon as he feels he can

Father John M'Mullen.

19 Dec. 1894.

make proper arrangements again he will take up the work. We have only taken it temporarily.

10,389. There are a considerable number of prisoners Roman Catholics; out of 2500 in Scotland, there appear to be 950 Roman Catholics?—Yes; I should say in connection with that, that the tramps in Ireland, who are perhaps the hard cases in their own town, and whom the priests do not like to have about them, generally find their way to Liverpool or Glasgow. They have not all become criminals here in Glasgow, but many have been corner-boys and drunkards at home, and Glasgow and Liverpool are not to get all the discredit of these people.

10,390. It is desirable, I suppose, in order to procure the reformation of these people, to treat them as far as you can on a principle of dispersion in homes?—Certainly.

10,391. And do you think it desirable that one should try, in cases of Irishmen, for instance, who get into bad habits in Scotland, that they should be returned to their home in Ireland?—I am afraid they would find it very difficult in Ireland in the country parishes, where they usually come from. The people live much better lives there than they do here, and I am afraid that between the parish priests in Ireland and the neighbours they would not feel very much at home.

10,392. But they would be surrounded by healthy religious influences?—Yes, if you could provide work for them.

10,393. But is there not considerable scope for rough labour work in Ireland?—I think, from the amount of emigration that takes place, that the supply of labour is rather abundant. I have been round Ireland very frequently on missions to the different parishes, but I have not heard of any place where labourers were required.

Father John M'Mullen.

19 Dec. 189

10,394. The Roman Catholic Church at one time had a reformatory at Dalbeth?—Yes.

10,394a. And they closed that?—Yes.

10,395. In 1892?—Yes, about that time.

10,396. What means have the Roman Catholic Church in Scotland for receiving girls who are sent to a reformatory?—As far as I am aware, we have no female reformatory at the present time.

10,397. So that there is no provision made in Scotland for these girls, and they have to be sent out of the country, sometimes as far as Bristol, I think?—Yes. There are some difficulties connected with Dalbeth; but as you say you intend to visit there, the Mother Superior will be able to explain to you.

10,398. The supply, I think, of reformatory children at Dalbeth failed, owing to the lack of applications for admission. That is what is stated in the report of 1892?—Yes. We have industrial schools for both boys and girls but not a reformatory for girls. We have a boys' reformatory at Slatefield.

10,399. What means have you for looking after girls: is there one in Abercromby Street in Glasgow?—In Abercromby Street there is an industrial school.

10,400. But there is no reformatory in Scotland?—No. [The witness then withdrew.]

Dr. G. Wilson.

GEORGE R. WILSON, M.B., C.M., Physician Superintendent, Mavisbank Asylum, Polton, called in and examined.

Dr. G. R. Wilson.

10,401. (*By the Chairman.*) I understand you have a good deal of experience in connection with persons of inebriate habits that voluntarily commit themselves to your care?—I have had some experience. I have only been at Mavisbank since July, but previous to that I was at Morningside for four and a half years, and all through my life, before and during my medical course, and since my graduation, I have been associated with the treatment of drunkenness.

10,402. They don't take many voluntary persons into Morningside?—They keep down the number as far as possible. In Mavisbank I have had a good many.

10,403. How many?—About fifteen through my hands since July.

10,404. How are they sent in?—They come in voluntarily.

10,405. What does the voluntaryism amount to; do they come in at their own expense, or do they come in because of father or husband or some one else who supports them, and says, you must go in there and we shall pay for you, or you will be cut adrift altogether?—We have all three classes. We have patients—one or two, not many—who come in absolutely of their own accord, who begin to feel the habit growing too strong, and are sensible enough to know that they may get some help from seclusion.

10,406. Before we depart from them, are these people pure drunkards, or are they people who have had attacks of some form of insanity through drinking on previous occasions?—No. As a rule they have not been insane; they are simple drunkards. Then we have the other class who come in at the suggestion of their friends. There is a considerable amount of pressure put on them. Then I would put a third class who come in because it is the last thing left to them. Their friends tell them they are left to sink or swim.

10,407. Well, we shall take the case of those who come in under compulsion of their friends; how many of these have you had under your notice?—I cannot speak absolutely. I should say just now I can recollect three ladies and five gentlemen.

10,408. How long do they stay with you?—They stay varying periods—from six weeks up to six months. As a rule they don't stay out the six months.

10,409. In fact, I suppose you cannot make them come under compulsion to stay?—No; but we have a financial pull over them. We make them pay in advance, and if they are discharged they get their board returned. If they discharge themselves against the advice of the medical superintendent or of the family physician, their board is forfeited.

10,410. That is rather a financial pull upon the relatives; it does not come out of the patients' pocket?—Well, in some cases, of course, it does.

10,411. But I am talking of those who come in under the compulsion of their friends who say to them, 'You must go in or we shall let you sink or swim?'—Well, of course, the pull is largely upon the purses of their friends, but it tells upon them also. In some cases the funds are theirs to a certain extent.

10,412. I suppose your experience is of such a nature that you have not been able to trace the results of six months' seclusion at all?—No; but I know the results in some cases of persons who were at Mavisbank before my time, and had been discharged either shortly before or shortly after I went there.

10,413. And what are they?—They are mixed.

10,414. Have you got any accurate statistics about them?—No; I cannot give you the exact dates and that kind of thing.

10,415. But could you give us anything like the percentage or the exact percentage of cures at the end of a year or two years?—No; we cannot follow them up sufficiently for that.

10,416. These cases you speak of cannot be received or detained by you without the permission of the Commissioners on Lunacy?—They have to apply to the Commissioners to be admitted.

10,417. Have you a form of application?—There is no technical form. The patients simply write a letter to the Board saying they wish to come in, and asking the sanction of the Board to their admission. All these preliminaries are transacted between the patient and the Board, or the patient's friends and the Board. The patient simply comes to me with the sanction of the Board.

10,418. Do the Board ever refuse their permission?—They have never refused permission in my experience.

Dr. G. R. Wilson. 9 Dec. 1894.

10,419. Of course you agree that the lunatic asylum is not the proper place—not a desirable place for these cases?—Well, I am not so strong about that as most men are, because I see a great many disadvantages in having a house, especially a comparatively small house, completely occupied by drunkards. That is not altogether a good thing for the moral tone of the house, and I think an admixture of convalescent patients who are recovering from attacks of insanity, and who are not drunkards at all, has its advantages.

10,420. We were told by Dr. Clouston, the Medical Superintendent of Morningside, that the respectable lunatic objected to the low tone of the habitual inebriate, and was disgusted at being compelled to mix with them; and that, on the other hand, if you had many habitual drunkards or any appreciable leaven of drunkards in the asylum, these men very often spent their time plotting how to break the rules so as to get drink and so on, and exercised a demoralising influence on the patients?—I think there is a great deal to be said about that, but I have changed my opinion since going to Mavisbank. I have not found that the patients object to have voluntary dipsomaniacs as patients. I do not think that, on the whole, my alcoholic patients spoil the discipline of the house with respect to the treatment of the insane. Wherever you have these alcoholic patients they will be scheming and be difficult to manage, but I do not think the house is at all more difficult to manage with its mixed population than it would be if it were simply an inebriate establishment. Of course, it is more difficult to manage than it would be if it were simply an asylum for insane.

10,421. That was exactly Dr. Clouston's point. He looked at it purely from a lunatic's point of view, and said that from the point of view of the lunatic it was undesirable?—I fully admit that. It does make the house more difficult to manage as an asylum. But it has its advantages. In Mavisbank, for instance, you have a population of between 50 and 60 mixed of insane and alcoholic patients. Of these 50 or 60 there are ten alcoholic patients. They are, for the most part, men who are fairly intelligent. They are not demented. They are fairly active mentally, and they add greatly to the life of the place. They do a lot to cheer up the lunatics, and association with them by the lunatics is not altogether harmful.

10,422. We shall take another point. It has been urged upon us by every one who has spoken on the subject from a professional point of view that it was most important on the part of the habitual drunkard to go off work?—Yes.

10,423. What do your patients pay?—They all pay. Our lowest rate is £100 a year, and for the first quarter I always recommend the friends to pay at the £150 rate, if possible, so that the patient may have a man as an attendant to himself, so that he may have greater liberty.

10,424. You order lunatic patients to work for the good of their health, because you find it makes them quieter and makes them sleep better, makes them up better physically, and so cures them better of their disease. People regard that as obviously rational treatment. But, if you have got a man paying at the rate of £150 as an habitual drunkard, you cannot make him work, and you are deprived of the most rational treatment?—But we do make him work.

10,425. Does his friends not say, 'Well, we are paying a high rate for the man, and we do not see why he should work?'—No; the friends are very sensible and acquiesce very fully in what is done.

10,426. What do you make the men work at?—Garden work chiefly but not entirely. I have, for instance, one man working two hours regularly in the garden. I have another alcoholic patient working practically all the time of daylight at a joiner's bench. I have a third who does all sorts of engineering work about the place, and does it of his own accord. The ladies also do their kind of work. It is nearly all sewing; in the summer time we had them working in the hayfield, and also in the garden, but not in the winter.

Dr. G. R. Wilson. 19 Dec. 1894.

10,427. I suppose you got them into the hayfield as a sort of frolic almost on their part?—Yes; in fact I had to lead them myself, and they regarded it as a kind of picnic, but it had its effect no doubt, and they work in the garden quite cheerfully as a rule.

10,428. How many do you say have stayed the six months within your recollection, taking those who were in the place when you were there?—I have not had a single voluntary patient remaining out the six months since I went.

10,429. They have all forfeited?—As a matter of fact one man was discharged. His own medical man and I consulted and discharged him before. The others discharged themselves before we brought in this regulation about the money business.

10,430. Then is it your opinion that they had had long enough treatment to be all permanently cured?—Only in some cases; in the aggravated cases I certainly think not.

10,431. What detention would you consider necessary?—In aggravated cases I think you could not do much under a year. I made a mistake in saying we had no case of anyone staying six months. We have just discharged one man who has been over six months, and we call him 'discharged recovered.' I have great hopes of him if he is looked after, I think he is a very hopeful case indeed.

10,432. In your treatment do you eliminate alcohol altogether from the diet of the asylum?—Absolutely.

10,433. Do you try to persuade them to become abstainers?—Yes; but I never ask them to pledge.

10,434. Do they often pledge?—I don't know. I never ask them to pledge, but I always insist so far as I can that they shall be abstainers, and I press it upon them as strongly as I can.

10,435. We have had evidence given on behalf of various alleged cures—secret cures so far—the Tyson cure, the metabolic cure, and the gold cure; what is your opinion regarding these cures?—I disbelieve in them as cures. I think they are only methods of treatment by suggestion; I think they are, on the whole, frauds.

10,436. Well, we have another medical gentleman who proposes to give evidence on the subject of suggestion, that is, hypnotics?—Quite so, but we do not need to go the length of hypnotism. I do a good deal of treatment myself by suggestion. I use in some cases hypodermic injections.

10,437. With what object?—Telling the patient while you are doing so, that this is to take the place of alcohol in his diet; and I think that is all that is in these cures. Some patients believe it, and to a certain extent they have that advantage, but as for a specific cure I don't believe it.

10,438. Or any drug at all?—Not any drug that I am acquainted with.

10,439. In your professional experience and professional reading, there is no drug that is considered as having any specific effect upon the drink cravings?—I do not believe it.

10,440. Strychnia, you are told, is the basis of one or two of these things, but, beyond its tonic effect, I suppose you think there is nothing?—Nothing; it is just a nerve tonic.

10,441. You have told us about referring them from asylums to inebriate homes?—It is not a point I insist upon, but I do not take the objection that most men do to the mixing.

10,442. You are perfectly aware that though inebriates are received in one or two asylums we have, with the exception of yourself, always found the medical superintendents protest against the system, and unwilling as possible to have anything to do with them?—There is another side that may have something to do with that. All these asylums, at least the most of them, are large pauper asylums, and I do not know that these asylums would not be more hurt than mine by introducing inebriate patients, partly because the drunken pauper is probably a worse man to have in one's house than a drunken gentleman.

10,443. But they, of course, would never receive

voluntary inebriate paupers?—No; not paupers, but I mean the working-man class, or labouring class.

10,444. I don't know that they generally do receive many of these; it generally appears to be the richer classes that go as voluntary patients?—I have known one or two in Morningside not of the richer class, though not of the pauper class, but an intermediate class.

10,445. (*By Miss Stevenson.*) Those alcoholic patients you have had, are they generally elderly or young people?—Most of these whom I have had are over 25 and under 60.

10,446. Have you found out that there were any predisposing causes?—In some cases; not in so many as I have looked for. I don't know anything very remarkable in the way of predisposing causes.

10,447. In reference to the employment of these ladies, you say they worked in the garden. Did they do any actually necessary work, or was it simply a sort of amateur work?—It is amateur.

10,448. You have no one there who could really put them through actual work in the way of grafting, and other necessary horticultural work?—No, we have not had our ladies under skilled attendants. We have our men under skilled attendants.

10,449. Don't you think that would be a desirable thing?—Yes, certainly; if it could be done. You don't easily get gardeners who will take the pains to instruct ladies in that kind of thing.

10,450. I suppose the only way would be to have a woman who had been really trained as women now are trained at the Horticultural College at Swanley, to superintend work of that kind?—Then you would need to give her a garden of her own. You might have some difficulty in getting them to work smoothly in a large garden under a head gardener, and alongside a lot of men. You would need to have a ladies' garden and a ladies' gardener.

10,451. But I was thinking of the possibility of an Inebriate Home where this might be one of the regular employments?—Certainly; I don't think you could do better than that kind of employment, and under that kind of supervision.

10,452. Of course the class of patients you have are quite different from those in Morningside or the District Asylum?—Quite.

10,453. (*By Col. M'Hardy.*) Will you kindly tell us what were the results of the treatment by suggestion which you tried?—I think that that kind of treatment is best suited for treating not actually the drunkenness so much as some of its sensory effects. A great many of our drunken patients complain of various things which seem to them to aggravate their whole condition, and make them ill-conditioned and dissatisfied. They come to us with headaches, for instance, with diffuse pains and weakness in the legs, and that kind of things, and it is for these chiefly that I have treated them by suggestion. The galvanic battery is useful, and also this hypodermic injection is useful. When our patients come to us, especially in the first week or ten days, they feel the want of whisky. In one or two cases I have tried this hypodermic injection of a stimulant kind, which acts as a 'pick-me-up,' to use a slang phrase, and that injection, so far as I have been aware, has taken the place of whisky. When they have had it, they are more content to do without whisky, but to continue it would only be to substitute one habit for another.

10,454. So that in the cure—in the reformation—of an inebriate, some assistance in the initial stages may be obtained from some sort of drug administered somehow?—Certainly, I think so.

10,455. With regard to Morningside, you said that there were some voluntary inebriate patients there, not quite the pauper class, that they were of the working-man order?—Well, they were rather above it. I remember in fact, only two. One was a student, and the other was a skilled labourer of some kind

10,456. Do you remember how they were paid for?—They were both paid for by their friends.

10,457. Then the charge must have been low?—The intermediate rate at Morningside is £42 a year.

10,458. But were these persons' friends able to pay £42 for them?—Yes, either through their relations or their friends.

10,459. You don't know of any instance of a voluntary patient for inebriety more or less verging upon the pauper class, just above it?—I do not remember any at this moment.

10,460. There are none for whom special rates, more or less nominal, have been fixed?—There is a rate at Morningside, the ordinary £32 rate.

10,461. But nothing less than that?—No.

10,462. (*By Dr Sutherland.*) At Mavisbank do the inebriates sleep under the same roof as the insane?—Yes.

10,463. Out of your total of 60, your proportion of 15 inebriates is very considerable?—You have gone rather beyond it on both sides. You may take as our average total population 54—it is between 50 and 60; and you may take our average as 12 alcoholic patients, I should say.

10,464. Then the Board of Lunacy,—their only connection with these fifteen you have at present is that they are aware of their presence in your establishment—they have no control over them?—They have full control over them, the same as over a lunatic patient.

10,465. But how can the Board of Lunacy have control over a man or woman who is not a lunatic?—They have been given jurisdiction by law over them, to see that they are properly housed and clothed, and if the patients have any abuse to complain of they have recourse to the Commissioners of Lunacy, the same as our lunatic patients have.

10,466. But does it not strike you as strange that the Board of Lunacy should have control over a man or woman who is not a certified lunatic?—No; because the voluntary patient who puts himself under my charge declines responsibility so far. You see I have complete control over him until he discharges himself from my care, which he can do on three days' notice. But even that three days' notice is something. I can compel him absolutely in every way as I can compel a lunatic. I could use force to him; I could put him under restraint or in seclusion, the same as I can the lunatic patient.

10,467. That power of three days is vested in you by the Lunacy Board?—By the Lunacy laws.

10,468. And yet the people over whom the restraint is exercised are not lunatics?—No.

10,469. (*By the Chairman.*) The theory is that they come in under apprehension of approaching lunacy?—From some kind of mental effect which has not gone the length of being certifiable lunacy.

10,470. (*By Dr Sutherland.*) In your experience does the drunkard look upon drunkenness as carrying the same social stigma as insanity?—No; far from it.

10,471. Do you think that drunkards, assuming laws were passed to deal more effectively with them, would care to have the stigma of the lunatic asylum attaching to them,—if a special and inebriate retreat were licensed for their reception and detention?—I am convinced that if I had a separate house I would get many more patients than I do.

10,472. We have been told by the superintendent of one asylum that the habitual drunkards were usually idlers, and frequented the billiard-rooms and were generally a nuisance in the establishment. That is not your experience of them?—You get some of that kind, but my experience is more favourable than that.

10,473. I suppose you would be quite willing to admit that the mixture of lunatics and drunkards may have in some respects an unsettling effect on the former, for this reason, that the drunkard, not being insane, might suggest things to the insane, which might make their control and supervision much more difficult?—I admit that.

10,474. Is it not a fact that drunkards, as a rule, are notoriously untruthful?—There is no doubt about that. It is one of the outstanding things of their mental character.

10,475. Do you find that inebriety exists more

among women or men?—I cannot say about that. I think it is one of the most difficult questions, because women are so secret in their drinking.

10,476. But from the fact that the nervous system of a woman and the diseases to which women are liable are somewhat different from men, do you find that at certain ages and with the existence of certain diseases, more especially uterine, inebriety is more common among women?—My impression is, that in proportion to the amount of drinking, dipsomania is relatively commoner among women than men; but taking them all over I don't know that there are more dipsomaniacs among women than men; my opinion is to the contrary.

10,477. Have you seen hypnotic suggestion used for the cure of any cases?—I have heard of it in some cases coming under the notice of other practitioners.

10,478. Is it not the case that disastrous nervous effects follow frequent inducement of the hypnotic condition in the way, for instance, it is practised in France?—It depends on the extent of the hypnotism, and the frequency of the treatment. I have known disastrous effects follow a deep hypnotism.

10,479. Would you expect any good from the mere injection of distilled water in a case of inebriety?—Certainly.

10,480. Of course they would not experience the effects that strychnia would have in their system?—Certainly not.

10,481. May we take it that the Lunacy Commissioners do exercise a supervision over inebriates, who are neither technically or legally insane, lodged in asylums?—They do certainly.

10,482. With this difference that the inebriate can demand his freedom at the end of three days?—Yes.

10,483. (*By Dr Farquharson.*) How long has Mavisbank been established?—About fifteen years.

10,484. Has it records during the whole of the period of its existence of their treatment of chronic inebriates?—Not of the results after the discharge of the patients.

10,485. You have not followed them up?—No.

10,486. What is the most prolonged period of detention or occupation that they generally carry out in voluntary cases?—Very few stay longer than three months; most of them stay that come with their board paid up.

10,487. Then the enthusiasm for cure is not very victorious?—Well we have very few who come in from the enthusiasm for cure; the majority come in under the compulsion of their friends.

10,488. Those who came in with the motive of enthusiasm, does the motive last long?—The most outstanding thing about alcoholic patients is their hopefulness, their false judgment, and inability to see their own weakness. A man who has got a fright and come in, and having been six weeks in the house, thinks himself safe, cannot be persuaded against going out and risking himself. They are very sanguine on the subject.

10,489. Then the only compulsion you can use is of a benignant kind?—Yes, but of course that does not amount to much in most cases.

10,490. But a husband may put in a wife and say, 'If you don't go in for a number of years I won't support you'?—Oh yes, there are cases of that kind.

10,491. Do you think the results would be better if you had full powers of compulsion?—Undoubtedly; I think any drunkard who wishes to be cured can be cured under the present system if his friends are properly instructed and deal fairly with him, but the majority do not realise the gravity of their position, and I think you cannot cure any considerable number of them at present. If we had compulsory powers I think we would cure a considerable number of them.

10,492. If you had compulsion, would you ask for a legal minimum of detention, say twelve months or eighteen months or two years?—No; I should rather be inclined to fix a legal maximum without further certification.

10,493. And leave the intervening periods to the discretion of the medical superintendent?—Yes, because I have come across one or two cases in which I had evidence that prolonged detention, even the length of a year would do more harm than good. That is exceptional, of course; but I have seen people who would experience as much harm by staying in a year as others would who go out too soon.

10,494. Do you think they would suffer from a prolongation of the period?—Yes; chiefly because, in our institutions, as at present run, there is always an amount of mental inactivity and monotony in the place, and any one who has been in an asylum knows that it is impossible to make life quite so cheerful and active as a man's life is outside, so that I have sometimes thought there would be cases in which you might say to the patient that he had much better go back to his work and have his mind occupied, so long as he could do so with the help of his friends and relatives. But of course that is exceptional.

10,495. Are you pretty hopeful, that, with the powers you have indicated, you will be able to cure a large number of chronic inebriates?—Yes; very hopeful. In fact, it means a certainty in my mind. I consider drunkenness quite a curable disease, given the proper means of cure.

10,496. At all stages?—Not all stages. There are few stages at which drunkenness is not curable, but there are certain effects that you cannot cure.

10,497. Don't you think physical degeneration would prevent you curing the crave?—In some cases perhaps, but I think the notion of the crave is very much exaggerated. There is very little of that among my people.

10,498. Why do they drink if it is not a craving?—Chiefly habit.

10,499. Just a convivial habit?—More or less, convivial or careless.

10,500. Now, as regards suggestion; do you think you would have any chance of doing anything by suggestion to one of the lower educated class who has got into the drink habit?—More so, I think, than on an educated person, because the method of treatment by suggestion is based on the gullibility of the patient.

10,501. But then if, as you indicated, the effect of the suggestion and the injection combined is to diminish the craving, and the craving is a rare concomitant of the drink habit that gives a very limited range?—I do not think I used the term crave. I said that the patients felt the want of the whisky for the first few days. I don't go the length of calling it a crave. If a man is in the habit of taking six glasses of whisky a day, he naturally feels flabby for want of it, and I sometimes give the injection of strychnia and strophanthus to relieve him, and make him feel more comfortable.

10,502. Would it not be better to give him something in the stomach to make him warm and comfortable?—I think that naturally has a more comforting effect.

10,503. (*By the Chairman.*) What, roughly, is the percentage of the lunatics who have come under your view whose lunacy you would attribute to drink? Do you think that drunkenness contributes largely to the amount of insanity?—Much more than any other one cause. I went into the subject when I was writing my book, and found it was quite impossible,—at least I thought it was quite impossible—to come any way near a definite percentage, but I should say somewhere between 15 and 20 per cent. of insane persons in Scotland may have their insanity directly traced to alcoholic excess.

10,504. Will that include the number of persons whose alcoholic excesses were due to incipient insanity?—No, but it will include those whose alcoholic excesses are the result of what is called the insane predisposition. You see there is a difference between an incipient attack of insanity and a predisposition to insanity.

10,505. Then, on the subject of heredity in drunkenness, what is your opinion?—That is a most difficult question, because we really know very little about

heredity, and we would need to define it. As to its running in families, if you will allow me to use that phrase, it runs very markedly, as markedly as any other trouble that physicians have to deal with.

10,506. In some families do you find insanity run in one branch, and drunkenness in another?—Yes.

10,506A. Do you think there is any connection between them?—Certainly.

10,507. (*By Dr. Sutherland.*) Your idea of the drink crave is that it is the want of inhibition?—Yes.

10,508. But you think the great majority may pull up if taken in the early stages?—You have always two factors in drunkenness—environment and the man's own inclination. In putting a man into an asylum you do away with the environmental factor.

10,509. In your 20 per cent. directly attributable to alcohol, you don't include those cases who are on the verge of insanity, or who are predisposed to insanity?—I do not include those who give evidence of insanity before.

10,510. With regard to the hereditary element, have you ever known of a family of publicans, both father and mother notorious drunkards, and yet no member of the family develop drunken habits?—No.

10,511. If you did know of such a case, that would rather tell against the absolute certainty which many attach to the hereditary idea?—It would tell against the popular view of heredity.

10,512. And you might find, on the other hand, the children of the most pious and virtuous people, who have no temptation to become drunkards, falling victims to drunkenness?—Yes; and that also tells against the popular view, but not, I think, the scientific view.

10,513. Kindly explain what you mean by that?—It is a most difficult technical distinction. When I say of a man that he inherits a tendency to drink, I do not mean his father and mother were necessarily drunkards. I mean that he was born with a particular, unstable kind of brain, which was in his family before him. His father and mother may not have shown it markedly, but some of his relations must have shown some such instability of brain. It may not have taken the form of drunkenness in them, but of epilepsy, insanity, or hysteria. This is a case of drunkenness, not because the man's parents were drunken, but because they had unstable brains.

10,514. Then heredity comes to this—a low-balanced brain in one or both parents?—Yes; you can't get much more out of it than that.

10,515. (*By the Chairman.*) I want to ask you about opium and ether and chloral drinking?—I have had one or two cases of other habits than the alcoholic habit, but they are comparatively rare in this country. The last patient I had was a morphia patient, by injection. That, I should say, is the commonest of these drug habits in this country.

10,516. Do you think, or is it thought among specialists, that the chloral habit is more difficult to combat than alcohol?—I think it is, on the whole, a more fascinating habit.

10,517. That is rather an important point, from this point of view, that a number of people have said to us, in connection with alcohol, the person is cured of the alcoholic habit, but he goes into environment of temptation, and old comrades want him to drink—it is a social vice. The chloral or morphia habit is a secret vice, and there is no temptation when one goes out to renew the morphia injections. It would seem from that that the old associations do not play so much a part in the relapse as the fascination of the habit?—Quite so; it is the fascination of the habit, but it acts in both ways, because most of those who are morphia maniacs can get morphia in one form or another. The last patient I had to treat was a patient that had to be taken away to practically a desert island, but she had her morphia secreted, and she became so bad that she had to be sent to an asylum.

10,518. Where did she get her quantity?—I don't know.

10,519. How much was she taking?—From fifteen to twenty grains a day.

Dr. G. E. Wilson. 19 Dec. 1894.

10,520. How many ordinary mortals would that kill?—It is difficult to say, but if it were divided up amongst twenty I should not be one of the twenty.

10,521. I suppose it would certainly kill any ordinary mortal?—Yes.

10,522. Any two ordinary mortals?—I think you may say pretty certain to kill any four ordinary mortals.

10,523. And she took it without much trouble? Did it make her sleepy?—No; by the time I got her it only soothed her nerves. She was in a state of extreme nervous debility. If she went without morphia she became miserable and uncomfortable, and her skin was tender. Pressing on her limbs, for instance, gave her pain, and she had neuralgia all over. That is what I should call a crave. The morphia acted as a sedative, and removed the pains.

10,524. Did you knock her off at once?—We tapered her off.

10,525. How did you taper her off?—We gave her her own full dose of twenty grains for three days, till she got used to the place. She was a patient who used the needle. I then tried to make her substitute the needle by taking the morphia by the mouth. She rebelled against this, and said she would leave the house if we did not use the needle. We then went on gradually reducing the dose. As a matter of fact, we spread it over six weeks. She was six weeks in the place when she got her last injection. We tapered it down till she was getting water instead of any morphia. In her case also I used the same tonic as I use in the treatment of alcoholic patients,—that is, strychnia and strophanthus, instead of or along with the morphia. She had a sense of strength from that, and she thought she was getting morphia. For the last two days she thought she was getting morphia when she was not getting any. After that she never looked over her shoulder. She was two months in the institution after that, and she went away what we call cured.

10,526. Did she relapse?—She has not relapsed so far as I know, but she was a foreigner.

10,527. Where did she get the morphia?—Her husband was a doctor, and I think she must have stolen it.

10,528. Had she been long at it?—Yes.

10,529. She had never used anything else instead?—No.

10,530. Whisky would have no effect on her?—She took that too. She used considerable quantities of stimulants. She would drink six bottles of beer in a day, if she could get them, but she went off that too as she recovered.

10,530A. Chloral is stated to be a habit that has very much increased of late; have you come across any chloral drinkers?—I have never had a patient under my charge in the institution. I have had three in my comparatively short time for morphia.

10,531. Have you heard or read anything which would appear to give colour to the statement I have made?—No; on the contrary, there are certain things which go to show that chloral is not so much in use as it used to be. We have more hypnotics than we had fifteen or ten years ago. We use other things instead of chloral.

10,532. We heard of antipyrine used as a stimulant, or as a means of intoxication?—I have never had a case of that either. I have had, however, a case of cocaine habit. He was not directly under me, except on an occasion. He was a student, and took to the cocaine shortly after it became popular, and was in the imagination of medical men.

10,533. But it was very dear then—so many shillings a grain—at the time of its introduction?—It was not just at the time of its introduction, but very soon after. I do not know what quantity he used.

10,534. How did he use it?—Hypodermically: he injected it himself.

10,535. What was the effect of it: did it make him

Dr. G. R. Wilson.
19 Dec. 1894.

outrageous?—No; dazed and stupid, and presumably very comfortable, but it had considerable physical effects. It reduced his bodily strength very much, and made him weak.

10,536. Is it a fascinating habit?—Very; the effects of cocaine are very fascinating.

10,537. Did you doctor him?—No; he was a patient at Morningside, and he only came under my cognisance in that way.

10,538. Was he a voluntary patient?—Yes.

10,539. Was he knocked off or tapered?—I think he was knocked off completely. Another morphia patient whom we had before that—a lady, who, I think, had indulged for thirty years in morphia—we knocked off within five days.

10,540. I suppose if you had a lunatic with the morphia habit you would not consider her feelings in the way that you would this voluntary patient, who could leave you?—I should not knock it off again absolutely suddenly, after our experience with that woman. I should not, on the other hand, go through the trouble that we had with the other case, that took six weeks.

10,541. Had you bad effects?—Well, we thought we were going to lose the patient for about a couple of days. She seemed to us to be in a precarious state bodily, her heart failed so much.

10,542. Does morphia or opium, or any of these other drugs, give rise to anything like *delirium tremens*, involving danger to the persons themselves or the people around them?—I have never seen it or heard of it.

Dr. G. R. Wilson.
19 Dec. 1894.

10,543. You have never heard of, in any asylum in this country, or in connection with your specialty, of a patient suffering under any mania from opium?—I cannot recollect having heard of any such case.

10,544. (*By Dr. Sutherland.*) Have you heard of sulphonal or paraldehyde producing these effects?—No, not sulphonal; but I have heard of the paraldehyde habit.

10,545. Is morphinomania quite as curable as dipsomania?—It is quite as curable,—that is to say, you can break the patient more easily of the habit, but whether it is permanent is another question.

10,546. Have you much prospect of cure where morphinomania and dipsomania are combined?—Oh, yes. I think that very many of these morphia patients drink too much alcohol.

10,547. It is to relieve the depression in certain stages of the drug?—Yes. That lady we broke off has been quite cured for three years.

10,548. How did she get the knowledge of hypodermic injection?—The lady whom we tapered off hypodermically had had it prescribed for her medically, and at first she got her nurse to give it to her. Afterwards she administered it to herself. The other lady took it by the mouth. [The witness then withdrew.]

Mr. George Neilson.

MR. GEORGE NEILSON, Procurator-Fiscal of Glasgow, called in and examined.

Mr. George Neilson.

10,549. (*By the Chairman.*) You are procurator-fiscal at the police courts?—Yes.

10,550. You attend the Central Court, and act as procurator-fiscal there?—That is my usual place, although I occasionally attend all the courts.

10,551. At the other courts the police superintendent for the district usually acts as procurator-fiscal?—Yes.

10,552. And in your absence from the Central at the other courts?—The superintendent or a lieutenant acts in my stead.

10,553. What guides you in going to the other places?—Well, it is largely technical. Most cases under the Summary Jurisdiction Acts are prosecutions usually conducted by myself.

10,553A. When there was a stipendiary magistrate in Glasgow, you attached yourself to his court?—Yes.

10,554. I show you this diagram, which represents the number of arrests per thousand to the population in these towns of Scotland, England, and Ireland—apprehensions for breach of the peace, petty assaults, drunk and incapable, and drunk and disorderly. Glasgow is terribly prominent. It is 60 arrests per 1000 for the drunken offenders, as compared with 28 per 1000 in Govan, 20 per 1000 in Leith, 19 per 1000 in Aberdeen, and 21 per 1000 in Paisley. Can you give us any explanation of that?—I do not profess to be at all well versed in the statistics, and I therefore cannot offer any opinion more than that a great number of circumstances fall to be taken into account which vitiate any generalising from the mere figures. I know from my own observations that a great deal depends upon the proportion of policemen to population for one thing.

10,555. What do you mean: that the more police there are the more arrests?—Undoubtedly. I have observed that again and again.

10,556. That is so. Glasgow is the most highly policed place, but the Chief Constable of Govan tells us that Glasgow is not really so highly policed as the figures would show, because certain of the harbour police, I think he said, who are credited to Glasgow really work in a part of Govan, and if they were transferred from the nominal police force of Glasgow to Govan, that would make a considerable difference in the disparity of police force in the one place and the other?—Of course there is no comparison whatever between Govan and Glasgow in this way. I know that a considerable number of disorderly persons from Govan are to be found in Glasgow, compared with very few indeed in Govan from Glasgow. Take Saturday night, for example. Glasgow is the centre of a great population all around, which finds its chief centre of amusement there. Consequently the roll of our drunks and incapables and minor disorders in the police courts on a Monday morning is very largely recruited from the outside.

10,557. But don't you think, in its way, Edinburgh is a place that must form a centre of amusement?—It is the difference between Lanarkshire and the Lothians, which is an enormous difference. You would scarcely believe, unless you saw them, the number of people who come from Coatbridge, Airdrie, and these great mining centres round about.

10,558. And get drunk in Glasgow?—Yes.

10,559. What is your previous experience?—I have had no criminal experience, except in a small way as a private practitioner, until I was appointed fiscal three years ago in Glasgow.

10,560. Do you think the number of apprehensions has any connection with, in Glasgow, the very elaborate special Police Acts and the number of offences that they set up?—I should be inclined to think not.

10,561. In fact it cannot, in the case of these drunks, petty assaults, and drunk and incapables, which are offences all through Scotland?—Yes.

10,562. You acted under the late Stipendiary Gemmel, and you have acted in the Central, and seen a number of bailies administer justice. Was there any marked difference between his sentences and those of the citizen magistrates?—Well, Mr Gemmel was a judge in whom undoubtedly the humane instincts were very strong.

10,563. Well now, take any particular kind of case. How did he deal with drunk and incapables?—He allowed more drunks and incapables, generally, to go with an admonition than is usual at present.

10,564. What did he do in the way of fines and imprisonment for drunk and incapable?—Fines, 5s. and 7s. 6d.—very much the same as at present.

10,565. Taking the fine, is the ratio between the fine and the amount of imprisonment fixed by statute, or does it vary with the will of the magistrate?—It is fixed, or rather, more strictly speaking, it is limited

Mr. George Neilson.

19 Dec. 1894.

by statute. The Summary Jurisdiction (Scotland) Act of 1881 provides that, 'where a fine does not 'exceed 10s., the period of imprisonment shall not 'exceed seven days; exceeds 10s., but does not exceed '£1, fourteen days; exceeds £1, but does not exceed '£5, one month; exceeds £5, but does not exceed '£20, two months; exceeds £20, three months.' The imprisonment, you see, is, 'shall not exceed.'

10,566. Then you say it is not fixed by statute the amount. A man might inflict a penalty of 10s. or seven days, but one man might give 5s. or three days, and another man might give 7s. 6d. or three days, and another man might give 10s. or three days?—Yes, that is so. The period of imprisonment is limited by the Act, not fixed.

10,567. It is in the option of the magistrate, within this limit to heighten or lower the money fines, and to extend or diminish the imprisonment?—Yes.

10,568. It is customary, therefore, to have certain fixed fines and equivalent periods of imprisonment. You have, for instance, 5s. or three days?—Yes.

10,569. Which is common?—That is not by any means. I often notice a certain symmetry is observed. You have 5s. or five days, and 7s. 6d. or seven days.

10,570. But a man may reverse that?—Yes.

10,571. In prosecuting, do you bring forward or do you keep back previous convictions until after the man has been found guilty?—There is a general practice, I believe, especially in certain police courts.

10,572. You are not speaking of Glasgow?—I am speaking generally of a thing that is prevalent in Glasgow as well as elsewhere. There is a kind of general idea that where a person has been tried for being drunk, or drunk and incapable, or for having committed an assault, that the magistrate is entitled to ask, 'Has this man been here before?'—that is, after the prisoner has been found guilty. The law is extremely careful in dealing with the legal position of a prisoner in that case, that you can only aver a previous conviction after he has been convicted; and in certain types of cases, as in cases of assault, you can libel a previous conviction, but you cannot state the fact that the man has been previously convicted if you have not averred it on the face of the charge. Now that undoubtedly, as it stands just now, involves a great difficulty if the magistrate is not to be allowed to ask what previous convictions, or if there are any previous convictions, against a man. It compels the magistrate to give judgment upon an A.B. case. In the case of, for instance, drunk and incapable I have, after full consideration of this question, come to this opinion, that, as the law and as my duty, I, as procurator-fiscal, have no right to state, in prosecuting a case, anything which I would not be entitled to put a witness into the box to prove. In other words, take the case of assault where a previous conviction is not libelled. I have assumed that I have proved to the satisfaction of the magistrate that the assault was committed. The magistrate turns round and asks me, 'Has this man been previously 'convicted of assault?' or, 'Has he been convicted of 'any other offence?' My position with regard to that is this, I am not legally entitled to put a policeman, or any other person, into the box to prove that this man has been convicted either of assault or of having been drunk and incapable, and I cannot think that it is my duty or my right to make unsworn, on my own responsibility, a statement that he has been previously convicted. And for that reason I have systematically—and I believe I have the general concurrence of the assessors in the police court — discouraged, as far possible, inquiry not into character but into the question of previous convictions, except in cases in which character is a part of the case. The exception to which I refer specially is the case of prostitution, where you allege on the face of it—and you need to allege on the face of it—that the person is a prostitute; and I consider then that I am entitled to say, 'This 'person is a prostitute, because she has been convicted 'here on that charge.' I have frequently put a witness into the box to prove, not only that the person was a prostitute, but, as the best possible evidence that could be led, that she was a prostitute who had been convicted.

Mr. George Neilson.

19 Dec. 18

10,573. Do you give notice of previous convictions in the case of prostitution?—No.

10,574. We shall take the ordinary case of assault. In Edinburgh, the Chief Constable tells us that previous convictions were stated in proof—that is, before the verdict of guilty or not guilty had been given. As I understand, under Lord Kingsburgh's Act—on which I presume you base—the principle laid down is that previous convictions shall not be brought forward, at all events in certain cases, until it has been found whether a man is guilty or not. If he is brought guilty, these previous convictions are brought forward to enable the judge to determine his sentence. The object of withholding them beforehand is to prevent prejudice being raised by the proving of previous convictions, as bearing upon the simple matter of fact which the jury are appointed to try. As I understand, you keep back previous convictions, not only in proof, but after a man has been proved guilty. We were told that in Edinburgh the practice was to bring them forward in proof, before the verdict has been found. How can you explain to us that discrepancy?—Both things are quite conceivable, because I have personally to do both things in different cases. I might have brought you a case. There is a distinction in law laid down by the High Court in regard to these cases, but in an ordinary police case—take the case of a theft, or take the case of assault—where a charge bears that a person has committed such and such an offence, and this person has been previously convicted, forming a schedule annexed. There is a schedule containing the conviction for assault or theft, being offences of the same type as that which is charged in this case. It would be in the very teeth of the 1887 act to prove that offence, until the magistrate had found the charge proven.

10,575. Would you read us the clause in the 1887 Act which is supposed to guide this?—It is governed by section 67 of the Criminal Procedure (Scotland) Act, 1887, where, providing for the case of trial before a jury, it, by other clauses, is *ceteris paribus* to apply to cases in the police court, the previous convictions against the person accused shall not be laid before the jury, nor shall reference be made thereto in presence of the jury, before the verdict is returned.

10,576. In cases where there is no jury, the judge is the jury, and the judge finds as to matters of fact as well as of law?—That is one thing, but there is a clause that follows, and this is the clause on which every practice is founded—'Nothing herein contained 'shall prevent the Public Prosecutor from laying 'before the jury evidence of such previous convictions, 'where, by the existing law, it is competent to lead evi- 'dence of such previous convictions as evidence *in* '*causa*, in support of the substantive charge.' The meaning of that, as interpreted, is that, for instance in shebeening, you require to say, in stating a charge, that so and so has supplied liquor without a licence, and this is the second offence. The reason is that you require to set forth what the penalty is, and the penalty is determined by the question of whether or not it is the first or second or third offence. And where you have to put on the face of the charge that it is the second offence, it has been ruled by the court that it is necessary to prove, before closing the evidence for the prosecution, the two previous convictions, or the one previous conviction.

10,577. Therefore we may take it that in Glasgow, where there are no cumulative penalties, under that clause you would hold yourself precluded from mentioning previous convictions for drunkenness or any analagous offence in connection with the charge of drunk and incapable; but if you were acting in a burgh, under the Burgh Police Act, which provides a special penalty for repeated offences of drunkenness under a separate clause, you would consider yourself obliged to state convictions?—I confess my mind is not refreshed on the terms of the clause.

. George
ilson.
Dec. 1894.

10,578. The terms of the clause are that, for three convictions of drunkenness in a given time, a man may be sentenced to 14 days, with the option of a fine, in addition to the other penalties. If you claimed that penalty you would have, under your own interpretation, to put down the previous convictions?—It is very awkward to give an opinion without having the clause before me. The cases in Glasgow that we have, in which previous convictions are proved, are mainly shebeening cases and breach of the Licensing Act. We have it also in smoke complaints.

10,579. Well, we shall go to the case of Edinburgh, where the Chief Constable told us the practice was to lead evidence as to previous conviction in proof of this very case?—I would naturally be diffident about giving an opinion upon the Edinburgh practice.

10,580. I do not wish your opinion as against his opinion. We all understand that legal interpretations differ very vastly, but I presume that from your reading of the Act one might put it in law phraseology that it was not competent to lead evidence as to previous convictions, except in cases where previous convictions are considered as part of the case?—Quite so. That is the exact statement.

10,581. And it leaves you to determine if that is part of the case, and really affords very little guidance? It gives you no peremptory order, but I should like if you could put in that decision of the Court of Session to which you referred?—I shall refer you to it. It is the Dundee case.

10,582. You are aware that the practice differs most widely throughout Scotland?—It does, I believe.

10,583. That the interpretation of that clause, as applicable to police offences, varies in almost every town?—I believe so.

10,584. Now take the case of Glasgow, where we are told about its not being the practice here to lead proof of previous convictions before the verdict has been pronounced?—That is the general practice.

10,585. Last night we visited the Northern Police Office, and the superintendent, or the lieutenant on duty, showed us police records which he said would enable him to state how often anyone had been previously convicted, and I think from what he said I gained the impression that these previous convictions were utilised in the prosecution. Is the system, as based upon your interpretation, uniform in all the police courts of Glasgow?—It is so.

10,586. I suppose you direct?—I am in frequent intercourse also with the superintendents.

10,587. You are not merely head, but you have control?—That is so.

10,588. You say that the system you have described to us is uniformly exercised over Glasgow?—Yes. I should perhaps qualify that by saying that the magistrates put us all into an awkward box by asking the question, which I consider they have no right to ask sometimes, 'Has this man been previously convicted?'

10,589. Well, we take you to say that the most frequent case in which you make an exception to that general rule is the case of prostitutes, where you libel previous convictions?—Well, I do not libel them.

10,590. But you prove them without libel?—Scarcely that even. I have done it, but not as a rule. Not actual proof of a conviction, but the fact of there having been a conviction.

10,591. I have a verbatim report of a prostitute case here, and I shall just read it to you—'Barbara 'H. was charged with importuning passengers in the 'street. (*Barbara.*) Not guilty. (*Policeman.*) Last 'night at 20 after 12 the prisoner came along the 'south side of Argyle Street: between Jamaica 'Street and Polytechnic she accosted four separate 'men. I have known her for the last two or three 'years as a prostitute. The last time she was ad- 'monished. (*Second Constable.*) I know the prisoner 'to be a prostitute. She accosted four men last night 'between Jamaica Street and Polytechnic. Was con- 'victed here before. (*Magistrate.*) Any witnesses for 'the defence?—None. (*Barbara.*) I was the worse of 'drink at the time. (*Magistrate.*) When was she here 'last? (*Officer.*) In February, when she was ad- 'monished. (*Magistrate.*) 15s. or 14 days.' Now you call that proving a previous conviction?—The point on which that turns is the technical one of what proving a conviction is. The proving of a conviction, strictly speaking, consists in putting an officer into the box with an extract of the conviction, or with the court-book before him, who swears that such and such a person has been convicted. But that particular case, like the case against a prostitute, is under section 18 of the 1892 Act, directed against every prostitute, or street walker, who loiters about and importunes. It is necessary to prove that she is a prostitute, and that is usually done by the evidence of two policemen; and I consider that no better evidence can be led to the fact that a person is a prostitute than that she has been convicted.

Mr. George Neilson.
19 Dec. 1894.

10,592. You treat her exceptionally?—No. It is more a question of character, and the question I usually ask a witness is as to what means he has of knowing that she is a prostitute, and the answer which is given, and is expected, if I know that it is the case of a person who has been convicted, is 'be- 'cause I saw her convicted.'

10,593. That is not proving convictions, but character?—Precisely.

10,594. There is another thing about loitering. I understand they are not taken up for loitering—simply for importuning?—There used to be an old idea, in the more strict interpretation of statutes, that the word 'or' was tantamount in many cases to 'and,' and the charge now in all cases is 'loitering 'about and importuning passengers.'

10,595. There is another matter in the treatment of that class of prisoners that seems, at first at all events, exceptional—namely, the proving of the importuning is done by policemen, who have not, in many cases, heard the words used, and there is never any evidence brought by the man who is importuned, who has the right to complain?—There is great latitude—rather, I should say, great divergence—of opinion amongst the different magistrates with regard to the interpretation of that clause. Mr. Gemmel himself was strict, in fact, I should say very strict in his interpretation.

10,596. How?—In that he insisted upon the proving of something more than the mere fact that the person known to be a prostitute loitered about the streets, and was seen to speak to persons. If, for instance, the evidence led showed that the prostitute laid hand upon a man, or went out of her way in order to speak to one or two passengers, or took passengers up an entry; or if the actual words were heard, as sometimes happened, although I should say that of all the prostitutes I have seen convicted, in not half-a-dozen cases have the actual words been proved. But sometimes that has been done. Mr Gemmel insisted upon something more than the mere fact of their being seen to speak to a strange man. Some of the citizen magistrates in Glasgow do the same. Some others are content with rather less evidence, and obviously, from the legal bearing of it, it seems to be a question which lies entirely in the mind of the magistrates whether the proving of loitering about and importuning for the purpose of prostitution is enough or not. Another question which bears upon that, was that Mr. Gemmel would rarely convict for loitering about during the daytime, and I have seen in the same way that most of the citizen magistrates now apply a very much sterner canon of construction to the evidence of a case where it is loitering during the day, than loitering during the night.

10,597. What penalties did Mr Gemmel usually inflict, and what do the citizen magistrates?—Well, the new Police Act enlarged the penalty from 14 to 30 days.

10,598. What was it in Mr Gemmel's time?—The limit was 14 days, until the last year of his life.

10,599. But the last year will do when he had the

same powers as the magistrates?—I do not think he imposed so frequently the heavier penalties as are imposed by the citizen magistrates.

10,600. What were his usual penalties, 10s. or 15s.?—I do not think he often went beyond £1.

10,601. With how many days?—I do not think that he ordinarily went beyond 14 days, but at this distance I cannot say exactly.

10,602. But did he often go up to 14 days?—Often not, I should say. Mr. Gemmel was anxious to give these girls a chance.

10,603. Where did he sit?—In the Central.

10,604. He was anxious to give them a chance, and he treated them leniently? Did he send off many with admonitions?—Yes.

10,605. How was the city of Glasgow as to prostitution, I mean the parade of prostitution in the streets, which, I suppose, is what the police have to concern themselves with,—was the offensive and demoralising parading of prostitution in the streets worse in Mr. Gemmel's time than with the severer penalties which are now being enforced?—I believe that the streets of Glasgow have been relatively fairly clear, and, from my own observation, I could not give you an answer to that question. I have no reason to believe that there has been any material difference.

10,606. Then, as the result of your experience, do you think that these long sentences are useful or necessary?—I have not been able to satisfy myself that sentences of any kind are doing very much good.

10,607. Have you been in Edinburgh much?—Yes.

10,608. What do you think of the streets of Edinburgh as compared with Glasgow?—Well, I should say there are far more prostitutes to be seen in Princes Street than in Glasgow.

10,609. (*By Dr. Sutherland.*) That is of the showy kind?—Yes, but that is a very general impression.

10,610. (*By the Chairman.*) Do you think the risk of a decent man being accosted, or of a lady being insulted, walking along one of the Edinburgh streets is greater than would be the risk in Glasgow?—Broadly speaking, I do not think the risk is very great in either town.

10,611. But I ask you in which it is greater?—I could not answer.

10,612. There are some magistrates, however, who never give more than 5s. or 24 hours, and dismiss a great number of the cases?—I know.

10,613. But probably you don't think, at all events, that the long sentences have any practical effect beyond the physical removal of the women from the scene of their action?—I cannot say that. I have observed no marked difference.

10,614. You talk about shebeening cases. Have you many in Glasgow?—We have a great many in the Central district of Glasgow.

10,615. I suppose it falls upon you to issue warrants for the search of these shebeens as Procurator-Fiscal?—That is a function which is very rarely required.

10,616. Well, the Police Superintendent of Greenock told us that he signed 150 warrants a week, that they lapsed in a week, but that they enabled his men to visit 150 shebeens?—Our system is quite different here. The police, generally speaking, have no difficulty in being admitted into shebeens. The shebeener, as a rule, when the police go to the door—the shebeener undoubtedly could refuse to admit him, but, as a rule, he does not do so. The constables go in, they get a statement from the man, and, of course, they see what is there. The only difference between their being there with a warrant is, that they cannot open shut and lockfast places.

10,617. But is there any exceptional power, under the Glasgow Police Act, for constables to enter shebeens?—I am not quite sure that there is any exceptional power.

10,618. They can go in, but they cannot open lockfast places?—That, however, is by permission; and that is how our system is conducted in 90 cases out of 100.

10,619. You say that they allow your men to go in?—Yes.

10,620. That surely indicates a great amount of softness, if they know that there is anything illegal going on?—But it isn't illegal for a constable to enter any house. A constable may enter my house, if I choose to let him in.

10,621. But if you happen to be engaged in an illicit occupation like a shebeener you, as a lawyer, would not let the constable in?—No.

10,622. What I wanted to know is how it was that the shebeeners were so ignorant of the law as not to know their rights in the matter. Have you many convictions of shebeeners on the evidence obtained by the voluntary admission of customers?—In the great mass of cases, the evidence in shebeening cases consists firstly in the evidence of one or more of the persons concerned. Usually speaking, we get two of the persons who are drinking. They are persuaded to come and give evidence. Sometimes, of course, they are tried for being found in shebeens, being drunk and drinking, and afterwards, when the charge is brought against the keeper of the house, these persons come forward and tell that they went up to the house at such and such a time, and bought liquor from such and such a person; and they are very frequently in the house at the time the police go up.

10,623. Are these unfortunate men first sentenced to a fine or imprisonment, and then made turn witness?—Very frequently.

10,624. Do they expect any release?—That is the other side. But the fact that a man is to give evidence for me in a shebeening case is no reason why I should ask the magistrate to let him off. I do not think it is sound morals to do so.

10,625. Do you know how many shebeens are considered to exist?—No. I am not well versed in the statistical side of the question.

10,626. Here is the clause of the Burghs Police Act dealing with habitual drunkards. Look at it and say, if you were in a burgh, whether you would not consider it necessary to prove previous convictions, under your own interpretation of it?—I do not hesitate to say that in dealing with a previous conviction, under section 382 of the Burghs Police Act, if I were interpreting it in Glasgow, I should certainly not prove previous conviction until after conviction on the specific charge.

10,626A. But you would prove it then?—Yes.

10,627. Then you have three modes of dealing—(1) not proving the previous conviction till after conviction on the specific charge; (2) not proving convictions at all; and (3) proving convictions before the conviction on the specific charge?—Yes.

10,628. And there is a considerable variety of practice in all these details among the different towns?—I believe so; but these things only come before me when they are reported in the High Court proceedings.

10,629. In the Sheriff Court do you know if the same interpretation is placed upon that clause of Lord Kingsburgh's Act?—I understand that in the Sheriff court the same interpretation is given. For instance, if they have cases of previous conviction, they are only proved after the conviction on the specific charge.

10,630. On breaches of the peace and assaults in the county, in Lanarkshire I mean?—It depends. Some of them are brought before the justices, and the serious cases go before the sheriffs.

10,631. The petty ones go before the justices?—Yes.

10,632. Sitting in Glasgow?—They sit in different parts. The Lanarkshire cases are brought into Glasgow as the general centre.

10,633. For instance, in Perth, the Perthshire petty offences were brought before the sheriff-substitutes, whereas the Perth city cases were disposed of before the police magistrates of the burgh?—I do not think that is the method here, but I am not familiar with the practice.

10,634. The stipendiary magistrate in Glasgow must have known the habitual criminals better than the citizen magistrates?—It is the one great advantage in having a stipendiary magistrate.

10,635. But if you found yourself debarred from proving previous convictions, if the stipendiary knows the people, is not that driving a coach and four through the law?—Under the same principle the assessors, more or less, know the offenders.

10,636. But the assessors secretly impart their knowledge to the men on the bench?—I suppose they do, although it is not for me to say.

10,637. In connection with dealing with the habitual criminal is there any way which suggests itself to you as a method by which their number might be lessened, and a proportion of them, at all events, reformed?—I am afraid, although I have thought a good deal about the subject, I cannot say that I have been able to commit myself to any form of treatment.

10,638. We shall take another specific case—that is, the case of juvenile offences. Have you much to do with that?—We have a good many cases.

10,639. How are they generally dealt with?—First offences almost invariably are dismissed with an admonition.

10,640. And for the second?—Mr Gemmel used in certain cases occasionally to order the whip, but there has been no case of whipping since. The citizen magistrates have got an objection, apparently on principle, to whipping at all, and there certainly has been no case of whipping in the Central Police Court since.

10,641. Would you give your own opinion? Are you in favour of Mr Gemmel's or the citizen magistrates' practice?—I am not very clear on the subject. There are many cases in which one felt that it was no use sending a boy to prison, and that a whipping was really the best thing for him. But, on the other hand, the subject of whipping is surrounded with so many peculiarities, that one hesitates to say distinctly what one's preference would be.

10,642. In connection with the whip, you would not made any recommendation as to any extension of the Act by which whipping might be given as an alternative?—I do not think so.

10,643. How would you treat girls?—Girls, of course, have never been whipped.

10,644. The girls are not whipped, and it is still more undesirable to send them to prison if you can help it, than when it is boys?—Of course boys are frequently brought up for offences against public order—that is to say, in the way of throwing stones at constables, and little things of that kind, where the element of mischief enters into it. Girls do not come before us in that connection.

10,645. We saw two young girls in the Glasgow Prison, one of whom was in for the third time. They were then in for a charge of malicious mischief, which consisted of what might have been libelled as wilful fire-raising. They set fire to a show, and caused some damage. One of the girls had been twice in prison that year before. She had been in, I think she said, for disorderly conduct, running about and larking wild on the street. She was about fifteen or sixteen years of age. What about that?—Well, I am happy to say that is very exceptional for girls.

10,646. Here we had a case of two girls, one of whom, as I said, had been in twice before, as it was described to us, for being boisterous, and no doubt a nuisance in the streets, but not for any immoral conduct.—My experience is that conduct of that kind on the part of girls is decidedly exceptional.

10,647. Now we came across a boy. I forget what he was sent to prison for. He had been in, I think, two or three times before, once for kicking a football, which had landed against some woman, and dirtied her. Are there many of these football cases sent to prison?—Very seldom sent to prison, because the fine imposed is usually a very nominal one.

10,648. What do you call nominal?—Well, I have seen a fine of 1s., or of 2s. 6d. It is seldom that more than 2s. 6d. is imposed upon lads for playing football. Indeed, as a rule, the magistrates are not willing to convict, unless there is a very decided case of persistency and obstruction, and nuisance to the public.

10,649. Do not you think if a boy or girl of that class gets into prison it is very apt to do away with all the terrors that had existed in their minds as to the mystery of punishment in prison, and make them reckless in going back?—I am afraid that nothing that I have seen leads me to attach any great hope of the effect of imprisonment.

10,650. Do not you think that such a petty thing as kicking a football, or riotous conduct, could be dealt with by a boy or girl being relegated to the parents, and the parents being told that if they gave them a parental chastisement no further punishment would be inflicted?—That is done, I suspect, in the greater number of cases, and, personally, I fully share the opinion which you have indicated. Still there are cases of bad boys.

10,651. Now I want to have your own opinion on the subject of the policy of pledges. There, again, the practice varies very greatly throughout Scotland. We will take the case of a drunk and incapable, or a petty assault, or any case of that kind. He is let out on a pledge of, say 7s. 6d. He gives what name he likes, and if he is unknown to the police that name is accepted, and he makes off, and is never heard of, and there is no more trouble taken about him, unless he turns up. Payment of the pledge is in fact held by the police as having purged the offence. In Edinburgh we were told that if a man was let off on pledge it was regarded as bail for his appearance, and if he did not appear the bail was forfeited, and he was cited to appear afterwards, and that the forfeiture of the pledge was regarded as a punishment for non-appearance, and not as purging the offence?—I think that your statement entirely mis-states the actual character of the pledge in Glasgow. If a man gives 7s. 6d. in Glasgow, it is the pledge that he will appear the next morning for trial, and he is called next morning, and if he is not there the pledge is there, and then forfeited, so that if there is any difference in the practice in Edinburgh it is only a difference in procedure. The fact is the same—the pledge is not to purge the offence.

10,652. But the pledge is forfeited in consequence of his non-appearance, and not as a fine for his offence. The offence remains, and what goes on in Edinburgh is, they proceed to cite to bring the man up, and then they fine him for his offence, not counting the forfeiture as any expiation, but here you take no further trouble in the matter?—In the majority of cases we do not. Sometimes, although the pledge is forfeited, a warrant is granted for the apprehension of the man.

10,653. Can you tell us how many cases in Glasgow last year were brought up thus?—Scarcely any. I could not distinctly say.

10,654. Would there be ten?—I do not think there would be.

10,655. Then we may practically leave that out of the question, so that I think my statement of the difference between the two is practically accurate?—Except in its terms. The pledge is not taken by the police except as a pledge for the man's appearance, and it is forfeited by the magistrate for non-appearance.

10,656. And then the matter is allowed to drop, whereas it is only the first stage of the proceedings of the public prosecutor in Edinburgh?—Yes.

10,657. Now, this system is a very old system in Glasgow and all over Scotland, and I see you are in no way responsible for it, but you have shown yourself to be a man of subtle legal mind. What is your idea as to the strict legality of these diverse practices, or the policy of the diverse practices in all such instances as I have mentioned?—Well, the simplicity of working is very strongly on the side of Glasgow.

10,658. I suppose that is the chief practical recommendation?—That is quite evident. As regards the ethical view of the case, there is perhaps a great deal

to be said against it. On the other hand, these pledges are modified according to the offence. For a bad assault a man will lodge a pledge of even £5. The thing is graded, so that an attempt is made to have the pledge something approximately representing the fine which the magistrate would have imposed if he had tried the case.

10,659. In fact, they make it a little higher generally?—Yes.

10,660. But that makes the police lieutenant who receives the charge the judge as to the proper penalty on the assumption of guilt, whereas, in the other case, it leaves the whole business to the magistrate after hearing evidence?—Yes.

10,661. We have been told that it has this advantage, that it enables a number of people to escape the degradation of appearing before the police magistrate, but it has the theoretical disadvantage of dealing differently with the rich, who pay 7s. 6d., and the poor, who don't?—It does decidedly make a difference.

10,662. Do you let out, for instance, a Saturday drunk? Do you exact the same pledge as in the case of another fellow?—I think the Saturday night pledge is similar. In some cases they pledge down as low as 2s. 6d. and 5s.

10,663. In what office do they do that?—I have seen exceptional cases in the Central of 2s. 6d., but they are exceptional; 5s. and 7s. 6d. are the normal pledges.

10,664. I suppose it would greatly increase the trouble of the police to get up a case?—No doubt.

10,665. Would you give us the number of people let out on pledges in Glasgow?—11,612.

10,666. Pledges and bail bonds forfeited; there are very few bail bonds?—Very few.

10,667. I suppose 100 would cover them, and the rest be pledges?—Yes.

10,668. There is a pretty considerable revenue made out of pledges?—A large revenue.

10,669. What would you consider the equity of this? This revenue out of the pledges may be regarded as an inducement to pick up pledgable looking people? It has been represented to us as being a temptation to the town, as being a means of revenue?—It is infinitesimal, I think.

10,670. Suppose we were to recommend the establishment of adult reformatories, which have been proposed to us, for the treatment of these habitual criminals, would it not be a very equitable thing to recommend that support should be drawn from the pledge fund to which they have contributed probably very largely in their career?—Well, there are a great many conditions attaching to the answer to that question.

10,671. But you don't think the magistrates would like to part with the pledge fund?—These are financial considerations with which I have nothing to do; but there is the element that the pledges are given as a contribution at present for the maintenance, directly or indirectly, of the police force.

10,672. You think any encroachment upon the money received from pledges would be viewed with extreme jealousy by those who have to apply the funds at the present moment?—I have no authority to speak on their behalf, but I expect that would be narrowly looked into.

10,673. But, from the outside point of view, do you think the public would not regard the appropriation of specific funds of that sort with more equanimity than the levying of a rate for the special purpose of carrying out of any reformatory institution?—Personally speaking, it is to me a question that is now presenting itself for the first time. I do feel, however, that the proceeds of the police courts in Glasgow would fitly enough be applied in part to any institution which was for the treatment of the offenders in Glasgow.

10,674. There is another point about these pledges. They vary greatly in different places. I think it was in Dundee since the adoption of the clause regarding drunks in this Burghs Police Act which gave them additional powers. They have raised the pledge to 10s., so that the pledge, being drunk and incapable, is 10s. now. Here it is 7s. 6d. I think it is 10s. in Aberdeen. The average pledge in Aberdeen was higher than here. It was 10s., and in some places it was as low as 5s. That is more or less an equitable thing, but I suppose not more than the sentences resulting from the different views taken by different magistrates?—No. I suppose you are aware that the pledges are one of the surest signs of the condition of trade in a place like Glasgow. In good seasons there are far more pledges than in bad seasons, because there is more money. On the other hand, the thing works out so that there are in good seasons fewer people relatively going to prison, because more fines are paid.

10,675. On the other hand, the apprehensions are enormous?—Yes, the apprehensions are more, because there is more money to spend on drink.

10,676. The instructions to the police, we understand, are given by the Chief Constable, with little or no suggestion on the part of the magistrates in the different localities?—I understand the magistrates have nothing directly to do with the instructions to the police. The police instruction book is issued by the Chief Constable, and it is part of the discipline of the police for each superintendent to have constant and habitual meetings with the officers under him, at which the instructions are reiterated and amplified verbally.

10,677. This we find from different instructions in certain cases. Take the case of Govan. The Chief Constable told us that he had given very different instructions in regard to certain cases from what prevailed in the time of his predecessor, and that had a marked effect in reducing the number of apprehensions. The practice varies all over Scotland. Do you think that anything could be done by entrusting to the Inspector of Constabulary say, some general supervision of the instructions, so that you might pick up what was considered good, or wrought well in one district, and recommend its application in other districts?—I should think probably a good deal of good might be done in that way. In Glasgow there is a printed book of instructions very carefully prepared, containing practically a synopsis of the Police Act, and giving general instructions for the methods of the police in special cases, very carefully prepared, and a very serviceable book; but, although that might do for Glasgow, the conditions are different. We are dealing with special statutes and regulations, which are quite different from what they would be over Scotland generally.

10,678. Every Chief Constable appears to have a book. I do not know whether every member of the force has it. Ought not all instructions to embody the law on different points?—Well, I should certainly say that a general revision by some competent superior would be of great advantage.

10,679. For instance, as to the method of dealing with such petty offences as arise out of drunkenness?—Yes, it would tend, I should think, to reduce that evil of which you speak, namely, the great disparity in treatment.

10,680. Do you see any way of meeting the disparity of treatment which exists previous to trial. For instance, in one case you have every prisoner who pleads not guilty remanded for a day, thus breaking into the second day for his trial?—We have not that in Glasgow. Every man who pleads guilty is not remanded in Glasgow.

10,680A. No, but it does exist in some places, some are remanded for two days. There is no disparity in many towns. A prisoner remanded is sent to a comparatively comfortable prison. In Glasgow you remand them for 48 hours to the police cell?—Yes.

10,681. Well, that is a very great difference in punishment to a man who ultimately gets a very small sentence or a fine?—That is so, although perhaps no greater than the difference of prisons.

10,682. The difference of prisons? What do you mean?—That is to say, a man in the Glasgow police

r. George ilson.

9 Dec. 1894.

cells may be a great deal better; it may be even by the difference of the cell in which he is kept.

10,683. But the prisons are all under one uniform authority, and you have a minimum standard of comfort in the prisons which you lack in the cells. There is a uniformity of treatment of untried prisoners in prisons which is lacking in police cells. Do you think there could be nothing done to assimilate the treatment of untried prisoners?—In Glasgow, of course, we have rather exceptional conditions. It materially adds to the difficulty and the risks of the administration of justice if prisoners have to be conveyed to and from the prison. There have been a number of cases of men escaping during the passage to the prison, and every passage of that kind adds to the risk of escape. On the score of convenience it is certainly preferable that the man should be in the cells.

10,684. On the other hand, the untried prisoner in the cell has got to lie on a plank bed, and he has got no cover?—That is a thing that would be capable of easy amendment by the altered conditions of the police office.

10,685. Do you think it would be well to have one authority who would try and make the conditions of the untried prisoner, who presumably is not guilty, similarly bearable, as is done in the case of the prisoners by the Prison Commissioners?—I am not aware of any special reason for interfering, but certainly the question seems to be one for inquiry.

10,686. You want to keep the man safe and well?—Yes.

10,687. I do not know whether you ever have a second or a third prisoner put in the cell with a remanded prisoner?—I do not think it is usual with remanded prisoners, but we have had sometimes on a crowded night more than one prisoner in a cell overnight.

10,688. And you have had fatal accidents?—Not in my time, but there have been accidents which have resulted from that.

10,689. But, independent of accidents, it is a very horrible and undesirable thing for a man to be locked up from the Saturday night till the Monday morning with a ruffian or disorderly companion?—That is so.

10,690. You have nothing to say as to any suggestion as to the reformation of this matter?—No.

10,691. Do you believe in progressively accumulative penalties?—I have not seen any sufficient return from them to lead me to that view. One point that strikes one having so many cases as come necessarily under my eye, is the extraordinary absence of the slightest feeling of shame in a man about being drunk. You get 1000 cases of men who are charged with being drunk, and I do not think there is above 2 per cent. that ever dream of pleading not guilty.

10,692. But, don't the most of the shamefaced lot get off on pledge?—Well, I suspect there is something in that. Possibly they do, but I deal only with those who are before us. A great many of the pledged ones come back in the hope of getting the 7s. 6d. reduced to 5s. It is a clear sign of that absence of shame of which I speak.

10,693. But there are still a considerable percentage of the newer offenders who will offer anything on their persons in pledge?—Yes; but men charged with assault, with riot, or using abusive language, will at once say that they were drunk; but they draw the line at having been riotous, or having used abusive language, or having committed an assault. To say they were drunk seems to them to be no shame whatever.

10,694. About the abusive language. Is the language on which a person would be arrested desperately bad? I suppose it is chiefly women who are taken up for that?—Both men and women. The practice in the Central Court—I am not minutely acquainted with the other courts—is this: before I ask the court to commit, I make a point of its being a case in which a person has been practically abusive without provocation, where the language is gross in its character, where the language has been shouted out so that it could be heard a considerable distance off, and where it was, as I have said, gross.

Mr. George Neilson.

19 Dec. 1894.

10,695. These are not cases where a person arrested has used obscene and abusive language to the policeman?—In all these cases my whole influence has been against obtaining a conviction.

10,696. But are you not autocratic in that matter?—But the facts do not come fully out until the examination of the witness.

10,697. Does the charge not specify that?—The words of the Act are 'Used abusive language.'

10,698. And cannot you at the last moment withdraw the charge?—Yes. At the same time, when laying the case before the magistrate, whilst I frequently withdraw charges, there are many cases in which possibly the magistrate might be of a different opinion from myself, and it savours of a want of respect to the Bench to take up a high hand in dealing with these things.

10,699. Is not the Advocate-Depute who prosecutes before the Court of Justiciary entitled to withdraw or modify his charge at any stage of the proceedings?—Quite so; and I do that at all stages; but there are many cases which are so near the boundary line that I think it better to leave it to the discretion of the magistrate.

10,700. You will have two women fighting, and they will use abusive language. You might libel them either for abusive language or assault?—For being 'riotous and disorderly' is the usual form. There are practically never convictions for merely using opprobrious epithets in such cases.

10,701. Are the cases that are arrested and libelled as abusive not drunk people who shouted abusive language in the streets?—Yes.

10,702. Or will the complaint be entertained by a policeman, or some person that So-and-so shouted such-and-such an expression?—Sometimes it is a case where a private complainer comes—where there has been some standing feud, and one woman follows another and overwhelms her with epithets of abuse. That is one kind that sometimes happens.

10,703. But you think that is dealt with mildly?—I have great faith in the administration of the Police Act generally by the citizen magistrates.

10,704. You think it comes up to the stipendiary?—Well, I would not say that. You get from continuity of one man the steadiness of one mind applied to the same type of cases occurring again and again, and you get a man above all who knows the prisoners by head-mark, so that you get a regular system of punishment which, at least, is a better attempt towards a system than you can get from the accidental magistrate who is here to-day and away to-morrow.

10,705. As to procedure in case of our attempting to deal with habitual offenders by sending them to a reformatory. This procedure has been suggested: after a certain number of convictions within a time, or a certain number within a longer time, that the police—and I suppose you are the official who would have to deal with such cases—might remand the case to the sheriff as guilty, we will say, of riotousness or drunkenness and disorderliness, and being a habitual offender. The habitual nature of the offence would require to be proved by the sheriff, and if the sheriff held him to be a habitual offender, he might inflict the statutory penalty for the offence, which would require to be altered to any extent he choses, and, after imprisonment for the offence, order the prisoner to be removed to a sort of adult reformatory, and detained for a certain time. Would that mechanism to your mind be practicable?—Yes, and indeed it would be much preferable to a magistrate being expected to deal off-hand with the matter.

10,706. You could not entrust the magistrate with such powers?—I should say the sheriff was the obvious man.

10,707. I mean the machinery would work well enough?—Yes; the machinery would work in this way:—Suppose a man is brought up for being drunk, and suppose he is convicted, the magistrate, instead of

Mr. George Neilson.

19 Dec. 1894.

passing sentence on him, would remit him. I would suggest that there should be provision made for the averment to be on the charge that the man had been, say, six times committed during a certain period, perhaps three months, and in that case the magistrate, after trying him and finding him guilty of being drunk on this particular occasion, might remit him to be dealt with on what would be another charge. And I understand you to mean that there would still be a necessity on the sheriff's part to inquire into the case.

10,708. So that the man who was accidentally drunk would not be sent off. We have been told of the good working man, the model father of a family, the zealous church attender, who gets drunk every Saturday night, who might by accident fall into the hands of the police?—That would safeguard that.

10,709. So that there would be no fear of any elder or other individual having an injury done to him? You talk of the magistrate trying the man: could the magistrate find him guilty of the particular charge and order him to be dealt with on the sheriff's discretion as a habitual offender without sentencing him for the offence?—Oh yes. We have very much the same procedure already. A man may be tried for assault, which may, before the case is finished, be turned into a charge of murder. The trial is then at once stopped, even although the man was on the verge of being sentenced; in fact if he has been sentenced, he can be sent off to be tried for what is virtually the same act—that is a charge which was an assault, but is now a murder. But in this case you are trying a man for being drunk to-day, but you remit him to the sheriff to be dealt with for being a habitual drunkard. In other words, it seems to me to fit in with the general analogy of a man being dealt with as insane.

10,710. I perhaps did not explain. It would not do to let off the habitual offender, brought up on a charge of assault—it would not do to let him off the punishment for the assault and send him directly to a reformatory where we wish to disassociate the criminal element as far as possible from the element of punishment, and substitute reform as in the case of a reformatory?—No.

10,711. And in order to do that, it would be necessary to preserve the power of punishing for the individual act; and the punishment would require to be modified to this extent that it should not be by fine, because if a man was allowed to pay 15s. and then go to a reformatory institution, whereas if you give him thirty days and then order him to be sent to an adult reformatory and detained for a certain time—you follow me?—In that case the remit would practically be a remit from the magistrate for sentence, with power to the sheriff to inquire into the acts, and if he thought fit, instead of sending him to prison, to send him to an adult reformatory.

10,712. It would be analogous to your ordinary procedure?—Yes; it would fit quite well into it.

10,713. (*By Dr. Farquharson.*) What is the precise definition of a shebeen?—A shebeen is a house in which there is more or less habitual sale of liquor without licence.

10,714. Do you find that cases of drunkenness that come from shebeen drinking are more riotous and more difficult than those from the public-house?—They are later at night, and they are on the Sundays; but the degree is too fine to draw.

10,715. Is it your belief that the quality of the liquid sold in the shebeens is worse than in the public-house?—Undoubtedly.

10,716. And from that you would conclude that the person would be more riotous?—That there would be more rapid drunkenness rather than more riotousness.

10,717. A smaller quantity would go further?—Yes.

10,718. About loitering and importuning on the streets, I suppose the magistrates do not convict on the first offence, do they?—The magistrates convict on the first offence, simply registering the conviction and admonishing.

10,719. (*By the Chairman.*) Then, who gives evidence as to previous convictions?—The prosecutor usually puts the question directly or indirectly. There is in his hands always a note of previous convictions, and he asks the witness if there is any previous conviction against her.

Mr. George Neilson.

19 Dec. 18

10,720. But does not that lead to this: that, if you don't ask about a previous conviction, the magistrate concludes that there is none?—It does not work out in that way.

10,721. (*By Dr. Farquharson.*) And how does the police get their evidence in the case of a first conviction?—In Glasgow the constables are put in plain clothes, and they are out in the street watching; and both in plain clothes and in uniform, when on duty, they have seen the girls going about and they know sometimes where they live. They also see them out at very late hours, and find them sometimes in suspicious circumstances.

10,722. But, suppose a newcomer to Glasgow, how do you get a conviction?—Sometimes cases are brought to the Police Office, and the lieutenant inquires into it and dismisses it at the counter, because of the very fact that they are not known.

10,723. The police were seldom or never able to hear the words used to the men?—I have had probably three cases, certainly not many more in which the officers stated that they had heard the words used.

10,724. So that it is a case of inference from previous character?—Yes, coupled with the circumstances and the acts.

10,725. Do the men who are importuned ever appear?—They are frequently asked to come, but they invariably refuse. I should say I never knew of a case of a man coming as a witness against a woman, but I have seen a man coming for the woman.

10,726. (*By Dr. Sutherland.*) If you cite, cannot you compel them to come?—Yes, if you know the man, but as a general rule you don't know him, and if you ask him he probably gives you a false address.

10,727. (*By the Chairman.*) The police warn the woman before running her in?—As a rule, a woman is spoken to by an officer before being run in.

10,728. (*By Dr. Sutherland.*) Are you aware that of hundreds of samples of shebeen whisky analysed at Somerset House, and presented to the Playfair Commission that sat on this subject, in no case was there found any deleterious ingredient in such whisky?—I am not aware. My opinion is founded upon the statement of the people who have got the whisky in shebeens, who have very often said in evidence that the whisky was bad. This is my whole experience.

10,729. Have you seen the experiences of the Amateur Vagrant; he describes the whisky as exceedingly bad, just as you say?—Yes.

10,730. In regard to the inquiry regarding drunkards, why should it not take place before the stipendiary as well as before the sheriff?—I do not know there is any absolute reason why it should not be before the stipendiary or the sheriff, but the one thing that is necessary, and which Sir Charles Cameron's questions, I take it, were directed towards, was a process which would insure the utmost care in the matter; and I rather take it the sheriff who has the analogous cases of insanity to deal with would be better than to have citizen magistrates, sitting only at intervals.

10,731. But the man who becomes a stipendiary is, I should think, as qualified for his position as a sheriff is for his. He is a trained lawyer?—Yes, quite so.

10,732. So that, on the whole, the inquiry might be conducted before a stipendiary?—I do not think a clear line need be drawn.

10,733. (*By the Chairman.*) But sheriffs are to be found all through Scotland, whereas stipendiaries are very rare?—Yes; the sheriffs would be better on that account.

10,734. How many stipendiaries are there in Scotland?—There is just one.

10,735. But where is there a stipendiary magistrate at present?—There is none in Glasgow at present,

Mr. George Neilson.

19 Dec. 1894.

and that is the only place which has had one in Scotland.

10,736. (*By Col. M'Hardy.*) I think you said that a large number of the cases of apprehensions ended in forfeiture of pledges?—Yes.

10,737. Something like 12,000 cases in the year?—Yes.

10,738. Does your duty lie in any way in the administration of this system of pledges?—To this extent, that in a doubtful question the lieutenant will consult me as to the pledge to be taken.

10,739. Does he send for you at night?—No; I have never been sent for at night in a question of that kind.

10,740. But, as a matter of fact, does your jurisdiction extend to the supervision of these pledges?—I believe that my direction with regard to any pledge would have to be followed.

10,741. (*By the Chairman.*) Can you give us the clause that deals with pledges?—I shall send a copy of the clauses to you.

10,742. (*By Col. M'Hardy.*) When an offence has been committed, and it is bailable, and therefore can be dealt with under this system of pledges, whether in every case the person arrested gets an opportunity of procuring bail, does that lie within your province?—I believe that in all cases in which bail would be accepted the person gets that opportunity, but I am not present when that is done.

10,743. But I think you said you could issue instructions in regard to pledges?—Yes.

10,744. What opportunity would you give a man to obtain bail when he did not happen to have it in his possession?—The friends are sent to. A man gives a friend's address who will stand bail for him, and if the man is found or comes for him and gives the bail, as a rule there is no difficulty.

10,745. You said he would be sent for?—I understand so.

10,746. When you bring a case before the court in the morning, do you satisfy yourself there are reasonable grounds for the charge?—I have to trust to the care of those who have acted under me. There are an average, I suppose, of about sixty cases, and it is impossible to inquire into every case.

10,747. So that, it may be, there may be an improper detention of a person occasionally from time to time, and an improper charge made against him?—There may.

10,748. There is no way, I suppose, in easily preventing such a thing occurring?—It is impossible. In the first instance, almost everything depends on the officer who apprehends the man. After that a more or less careful inquiry is made at the bar by the lieutenant, but often under conditions not very favourable.

10,749. Could you have no control, as being the ultimate prosecutor, as to how the information should be taken,—that is, in a convenient way, and under convenient conditions?—I am not sure that I have any control over that, under the existing Act.

10,750. Not under the existing Act; but you occupy a very close position to the constable who arrests. You stand immediately behind him, and practically work with him, I suppose? A first charge is made against the man in the charge-room, and I suppose therefore the conditions should be, as far as possible, the best under which a charge could be taken down?—As far as possible.

10,751. And, from what you have already said, you are not quite certain that these conditions are quite fulfilled in your Central establishment?—I am quite certain from past experience that in the great mass of cases the information is taken most competently and carefully. But, on the other hand, it is equally certain that there are a number of cases which would have been better not booked at all.

10,751A. But then there is so much tumult in the charge-room that what is being said by the different persons speaking cannot be distinctly heard?—That sometimes happens, but it is not often.

10,751B. You are satisfied that it is not a common thing?—Yes.

10,752. But you may have heard of it occurring at times?—Sometimes the place is almost stormed.

10,753. And it would be desirable that that should not be the case?—It would be desirable that the information should be taken very quietly.

10,754. (*By Miss Stevenson.*) I should like to understand more clearly the difference you make between those cases of offences brought before the police court, where you allowed previous character to influence you in the penalty you asked for. I understand you to say that, in cases where previous convictions should be adduced to influence the decision of the magistrate, you would prefer that that evidence should be sworn evidence, except in certain cases; and the case you adduced was that of a woman brought into the office for the police offence of loitering and importuning?—I have not made what I said sufficiently clear. It is all sworn evidence.

10,755. What I understood you to say was that you would prefer not to adduce evidence of previous convictions, unless you could put some of the witnesses in the box to produce evidence of these previous convictions?—As a matter of fact I never do so.

10,756. Except where previous character would influence you?—What I said was that in one particular case, that of the prostitute, that where the character required to be proved before you could establish the charge that is being laid before the court, that that was a case in which, in my opinion, and in our practice, it was lawful to refer to previous convictions before the verdict was given.

10,757. You make an exception. In the case where there was a previous conviction you would say that her having been previously convicted would now make her be characterised as belonging to that class?—Yes.

10,758. Is it not the case that in the Glasgow Police Court a lot of women are brought in at one time and tried individually, but while they are all in the court?—Sometimes three or four.

10,759. Is it not possible the policemen may become familiar with these women simply from seeing them in the Police Court, and not on the streets?—It is certain the policemen must be familiarised with the faces of women who are prostitutes from seeing them there.

10,760. Would it not be juster that these people should be brought in separately?—The mere fact of their not being in the court would not lessen the danger to which you refer, inasmuch as the policemen would still see the prisoners in course of being tried.

10,761. Then a poor woman, if once convicted, is characterised as a prostitute, and that will always tell against her in every future appearance in the Police Court?—It may tell against her in any future charge in the Police Court for importuning.

10,762. And that is an exceptional case in regard to police offences; in fact there is no other case in which an offender is taken up on suspicion of committing the offence without actual evidence that she has done it; that suspicion being confirmed by the knowledge of her supposed previous character?—The prostitute is not taken up on suspicion. The prostitute is brought before the bar, charged and believed to have committed the offence.

10,763. Yes; but there is no actual evidence except that of the policemen that she was seen in suspicious circumstances?—There is the evidence of the policemen that she is a prostitute, and that she did certain things, which are—loitering and importuning.

10,764. And that is the only police case where previous character comes into account?—There is the case of the thief where previous convictions hold. The thief, under the 1892 Act, the known thief found loitering with intent to steal.

10,765. Did I understand you to say that in cases like that you prefer not to take previous convictions, unless you can have them sworn to?—Where the averment is that a person is of a particular character, it is lawful to prove that such persons are of that particular

Mr. George Neilson.

19 Dec. 1894.

character by reference to the convictions which they have already undergone for that particular offence.

10,766. By simply looking at the conviction book, and without sworn evidence?—No, no, not that; but by the evidence of the officials who speak to the character of the persons, and who incidentally allude in their evidence to the fact that in addition to their knowledge of the person's character they know and have seen her convicted, just as in the same way in the case under the Further Powers Act, where the allegation is that a person is a thief, and that that person was found in such and such a street with intent to steal. In that case it is the custom to put in the officers to prove that they know this particular person to be a thief. The question is next asked, 'How do you know the person to be a thief?' and the answer is that they have been again and again convicted. Just in the same way we again take evidence in a case where the allegation of a person's occupation or character enters into the charge. When you charge a person as being the holder of a licence for the sale of liquor you require to prove that he is a publican.

10,767. Then in what cases would you not accept previous convictions without being sworn evidence?—I accept no evidence except sworn evidence.

Mr. George Neilson.

19 Dec. 1894.

10,768. I cannot see the distinction?—The evidence is sworn in all cases. The distinction which I draw is this:—In the case of theft the charge bears that John Smith stole a hat; that he had been previously convicted on such and such a day. After the magistrate has held it proved that John Smith stole the hat and before he sentences him I say, 'There is a previous conviction to prove here,' and then there is put into the witness-box an officer to prove that on a particular day this man was convicted of a particular offence, and either an extract of the conviction or a court book is put in to prove the fact of the conviction.

10,769. And what is the difference between that case and the case of the woman brought in for the offence mentioned?—In one case you have got to prove the conviction, in the other case you have a witness speaking merely to the question of character, who adduces his knowledge of conviction as a part, and a most important and convincing part, of his evidence to that effect. [The witness then withdrew.]

Mr. J. G. Temple.

MR. JAMES G. TEMPLE, Jun., Newspaper Reporter, Glasgow, called in and examined.

Mr. J. G. Temple.

10,770. (*By the Chairman.*) As a newspaper reporter you have had considerable experience of the working of the police courts?—Yes.

10,771. And, on my suggestion, you paid attention to certain points with a view to giving the Committee accurate information on them?—I did.

10,772. You have got some preliminary notes of your general experience, and you think that the sentences inflicted by different magistrates vary very considerably?—Very much.

10,773. That, in the case of drunks, the temperance magistrates are the severest?—Yes.

10,774. You say that about Christmas time the sentence very often given is fourteen days?—Yes, with the option of a fine, that is very common; but that sentence is given for the express purpose of keeping in those persons over the New Year holidays.

10,775. Did you ever hear a sentence given of fourteen days without the option of a fine?—No.

10,776. It is incompetent?—In all drunk cases, I understand, you must give the prisoner the option of a fine. But what I want to bring out is this, that the magistrate, if the prisoner is a habitual drunk, gives the person fourteen days, so that he or she may be kept over the holiday period of Christmas and New Year. He fixes the fine usually at 10s. 6d., I think, and he knows from the class of person before him that he or she will not be able to pay the amount of money, and that the prisoner will have to go to jail for the fourteen days.

10,777. You say in your statement that this sentence is generally passed upon women?—Yes.

10,778. You have not seen it in the case of men?—I do not remember.

10,779. Do you think that drink is increasing among women?—Among young women I think it is.

10,780. And you say you have frequently seen young girls of sixteen years charged with being drunk?—Yes.

10,781. Have you noticed that the girls of the class who are habitual offenders are very small for their age, and look very young?—Yes, very young and very thin, and some very ill-fed.

10,782. But might you not consider these girls were much younger than they really were?—They look very young, but men get prematurely old. A man at forty will look sixty.

10,783. You say the magistrates do not convict first offenders?—They do not.

10,784. You say these girls when asked where they got liquor, always said, 'Frae anither lassie'?—Yes.

10,785. Do you think that is true?—I cannot say. I only take down what I hear.

10,786. And you say that magistrates often attempt to deal with them?—Yes, by sending them to some mission laundry.

10,787. As a rule, you say you seldom see a girl charged with being drunk who lives with her parents?—That is so.

10,787A. And that the girls who are brought in for drunkenness are generally on the street sometime before they began drinking?—Yes.

10,788. Do you mean even these young girls are actually on the street?—I cannot say whether these young girls are actually on the street, but they fall into drink about sixteen.

10,789. You think that the vendors of evening papers and matches very often become prostitutes?—What I would say is, that in localities such as Charing Cross, Glasgow, the poor children there who vend evening papers are children, I would think, of even respectable working people; but the children who vend matches, and boys especially who vend shirt links outside railway stations, as a rule, you will find are children of very poor persons.

10,790. Then, I suppose, you approve of the move of the magistrates to license these young people?—I think it is a good idea to license such children.

10,791. And provide those who have no regular home to go to with a home?—Quite so.

10,792. You say that at the police court many of the men are so thoroughly habituated to the place that they do not appear to trouble themselves?—Do not appear to put themselves the least about.

10,793. They don't even take the trouble to answer guilty or not guilty?—Well, that applies not so much to the men as to the women who are habitually brought before the court. I notice they stand half round to say 'Guilty,' in a manner which indicates that they are anxious to get away at once. They know there is no use of pleading not guilty.

10,794. When they ask for a chance they generally allege some physical weakness—erysipelas, you say?—Yes, I have noticed this; and amongst the men, and a goodly number of women also, there is a complaint about their eyes, and they produce a soiled piece of paper, which they say is a line to admit them into either the Royal or the Eye Infirmary, and that they are under the doctor's care for the eyes and erysipelas.

10,795. And the old soldiers generally have sunstrokes?—In nearly every case a reserve soldier who is brought up for being drunk, states that he had taken very little liquor, and that it was owing to his having sunstroke in India that resulted in his getting drunk very quickly.

10,796. You say the class of women who turn up in

Mr. J. G. Temple.

19 Dec. 1894.

the police courts have a sickening and offensive smell?—Yes, especially those with children.

10,797. And I suppose their night in the Police Court has not improved their condition?—I do not know. So far as I understand, the cells are exceedingly clean, and washed out every morning.

10,798. Yes, but the inmates are not?—No.

10,799. You have been struck with the gradually deteriorating appearance of the women who are brought up for prostitution?—Yes, you easily notice that. The woman who is brought up at court for the first time for prostitution is usually well-dressed, and with every subsequent appearance she becomes more degraded in her appearance.

10,800. But, do you find many of the well-dressed and apparently well-off prostitutes brought up?—It is only rarely.

10,801. I suppose if they drink much or incline to be disorderly, they probably would not be well-dressed or well-off?—No.

10,802. We have been told by women in prison for solicitation, and in other evidence of that class, that they were not guilty of the offence on the occasion on which they were run in, but that they were known to the police, and run in on every occasion, and that it was hopeless to hope to get off, and that they generally pleaded guilty?—My experience was different from what you say. I understand from what you say that they had pleaded guilty to the magistrates. My experience is that in very few cases do they plead guilty. I took the trouble to go along to the police office, and was allowed to turn up the Court-book, and I have statistics which show those who pleaded and those who pleaded not guilty.

10,803. You took down a number of names with the 'plead'?—I looked over the Court-book of the Glasgow Central Police Court for the month of October last, from the first of the month to the 18th, and I found that of the unfortunate women who had been brought up before the court, 30 had pleaded not guilty, and 14 only had pleaded guilty. But I have found in other courts that, where women were charged with prostitution, if they saw the magistrate had been lenient to the first they pleaded guilty, so that they might get a chance of getting off. I cannot say who was the magistrate sitting at that particular time. He might have been a lenient or a severe one.

10,804. You do not record the penalty?—It is usually 15s. or 14 days, and in very exceptional cases two guineas or 30 days.

10,805. You think the cases of 30 days are very exceptional?—So far as I have seen. I can only speak of my own experience. I do not always sit at the court. I only wait until I have got what I want from a newspaper point of view.

10,806. You have furnished me with the verbatim notes of a case of prostitution which I want to ask you about, because we have it in the notes of the procurator-fiscal?—Yes.

10,807. But you say that the police who gave evidence in this case appeared to give their evidence in such a way as to suggest that they had consulted together?—It is almost a facsimile.

10,808. And that is constantly the case?—Almost without exception.

10,809. You took a note of the evidence of the policemen in the case of the woman Barbara H.?—Yes.

10,810. And the general result of your observation of the police evidence in such a case was that it was almost identical?—Yes.

10,811. At my request you visited the police office, so as to take notes which would enable us to place on record the method of handling the petty offenders, and especially at the Central Police Office?—Yes.

10,812. You went there on Saturday 8th?—Yes, of this present month.

10,813. And between a quarter-past 10 and 11 o'clock eight persons were brought in?—Yes. Two of these were accused of being simply drunk and incapable, one being a man with a pin-leg, and the other a young woman rather stylishly dressed. The man was helpless, while the woman was crying, laughing, and 'slavering.' She could speak, for, when asked her name, she replied—'I'm Flora Macdonald!' Of course the lieutenant would not accept that, and she was sent up the hoist and kept in a cell till she felt disposed to tell her correct name.

10,814. Did they bother themselves about the right name?—No. It was like a case that occurred some time ago in another office, where a man gave the name of 'Charles Stewart Parnell.' They knew that wasn't his right name, just as they knew 'Flora Macdonald' wasn't her right name.

10,815. It was a sacred name?—Yes.

10,816. There were no 'dead or cold drunks' brought in while you were there?—No. On a wet Saturday night I have found from past experience you get more 'dead and cold drunks' than when the weather is good.

10,817. Will you explain to the Committee how these 'dead or cold drunks' are dealt with?—I chanced to be in the Central Police Office on a wet Saturday night when one or two of these particular drunks were brought in. They are usually brought in a barrow to the police court, taken off the barrow and just dragged in to the front of the bar, where the lieutenant or the officer in charge goes round and pulls their ear to see if it is possible to waken them. If he finds he cannot get any life into them at all, they are sent up to the casualty room, where they are examined by the doctor and watched until they become sober enough to give their name and address.

10,818. They have a special room separated by gauze, so that he may watch them that nothing occurs to them?—Yes, I believe so, separated by iron bars.

10,819. (*By Dr Sutherland.*) You have not seen the barred chamber?—No.

10,820. (*By the Chairman.*) You saw several cases of assault. You say that, while watching, two young men came to the bar and offered 30s., you think, to get a friend out, but the lieutenant would not take it?—No. He whistled up to the turnkey and asked if that man was able enough to be allowed out on pledge, and the answer he got was 'No; he's 'still mad with drink.'

10,821. And the lieutenant very properly refused to take the pledge?—Yes.

10,822. But at this point they thought you were staying too long, and told you that, without express permission of the Superintendent, you could not take any notes?—Yes.

10,823. That is not important, as we visited the police station ourselves?—Yes.

10,824. From the times you have been in the police office, do you think the people who are brought in are all people who require to be brought in?—On the average, say 9 out of 10, or 19 out of 20 cases.

10,825. Do you think they are cases which should be cleared off the streets, or do you think they appear to be cases that, so far as the order of the streets was concerned, might have been left to stagger away home?—I can only speak of what I have seen in court.

10,826. About the police office?—I would not like to give an opinion about that.

10,827. Also on my suggestion you spent a forenoon, on December 18th, at the Central Police Court, and took full notes of the procedure?—Yes. I remained there from 11.5 to 12.5.

10,828. You took a pen and ink photograph of what occurred?—Yes, and I found that from 11.5 to 11.40 there were, in that short space of time, 58 cases disposed of.

10,829. But I suppose a great majority of these pleaded guilty or were pledged?—There were 13 pledged out. That is, they did not appear. Their pledges were forfeited. Then there were six men who were taken up in a batch and let away.

10,830. You have got the names here, but it is not necessary that we should pillory these men by putting their names down, but to show the care with which

Mr. J. G. Temple.

19 Dec. 1894.

you have done the thing. It will let us know that you went thoroughly into the matter?—Six were taken up in a batch and let away, the magistrate considering that they had been punished enough through being confined from Saturday till Monday morning. These men were charged with being drunk.

10,831. Who was the judge?—Bailie Martin.

10,832. But Bailie Martin takes rather a lenient view of drunks?—His popular sentence, if I remember correctly, is 2s. 6d. or three days.

10,833. Will you go on?—There were next six men, drunk cases, who were similarly dealt with. Then there were seven men who had each left 7s. 6d. as a pledge, and had the money forfeited, as they did not appear when their names were called. Other five men who had been pledged out had their bail money forfeited.

10,834. Do they bring the men and women up at the same time?—No; the men first, and women afterwards. As to the women, six were placed in a batch, and were let off. Then came the stylishly-dressed woman, who on Saturday night had given the name of 'Flora 'Macdonald.' She was charged with being drunk and incapable. Her proper name was Helen N——. Here is what took place:—'Helen—I took too much drink, 'and I'm guilty. I was here a month ago. I went 'through to Edinburgh, but returned on the Monday 'night. Magistrate—Have you been here before? 'Helen—Yes, once before. Magistrate—Five shillings 'or four days.'

10,835. Now, you will kindly note that the persons who were brought up in batches had just as bad records as Helen N——, the stylishly-dressed woman, and yet they got off and she didn't?—I asked the fiscal why this was so, and he replied, 'We take the 'worst cases separately.' Now, I saw that woman brought in myself to the police office, and I would say that she was pretty drunk, but she was not 'cold,' or incapable of taking care of herself. She was not so bad as that.

10,836. Did she know that she was giving a wrong name in the police office?—Yes, she knew that. And yet, while they got off, she got 5s. or four days, although she seemed to have been sufficiently punished.

10,837. (*By Col. M'Hardy.*) What was the end; did she pay the fine?—I can't say.

10,838. (*By the Chairman.*) But, according to this, she was charged a month ago, and she said that she had been once there before, and if there had been any contradiction of that you would have noted it?—I would. I took a *verbatim* note.

10,839. She admitted being once there, and no more?—The only unfair feature about her case was that these women who were let off in a batch had not the question put to them, 'Were you here before?'

10,840. And this suggests to you the question of whether there was any record kept in such cases?—Yes.

10,841. We have had evidence given by the procurator-fiscal that in such cases he would consider it contrary to the spirit of the recent Act—in fact, the letter of the recent Act—to mention previous convictions at all, either in the proof or after the person had been found guilty before he was sentenced.—With regard to that, I was in the court last Monday, and I was very much struck to hear a new magistrate, who made his first appearance there, ask whether a prisoner 'had been here before,' and Mr Neilson, for the first time ever I had heard him, said that he had been informed that he was not to tell any antecedents, if he hadn't proof for it regarding the prisoner, and therefore the magistrate did not get the information he wanted last Monday.

10,842. But the magistrate had always previously been told it?—Yes, in past years, in a general way. Such as, 'Oh, yes; we know Maggie; she has often 'been here.'

10,843. (*By Professor Dove Wilson.*) Are the persons who tell these things upon oath?—No. It is the fiscal.

10,844. (*By Dr Sutherland.*) Does the assessor speak?—The assessor rarely opens his mouth, unless he is cross-examining a witness for the defence.

10,845. Has he communication with the bench?—He sits beside the magistrate.

10,846. (*By the Chairman.*) Another batch of women came then?—Yes; they were taken up in a row, and they all got off, the magistrate saying, 'You have 'been here since Saturday; go, and do not come back 'again.'

10,847. No moral advice given?—No moral advice given.

10,848. Come to the next cases?—Agnes R——, drunk and incapable. She admitted she had been 'up' before, and was fined 5s. or four days. Mary H—— said she was before the court twelve months ago, and asked for a chance. She had been drunk and incapable, and was sentenced to 5s. or four days. Then came Mary J——, fined in 10s. 6d. or eight days for being drunk. She had been up before. Next Mary G—— admitted she had been drunk, and said it was seven weeks since she had last been in a court. Her sentence was 10s. 6d. or fourteen days.

10,849. How did all these previous convictions come out? Was it on the admission themselves?—Yes.

10,850. Were they asked anything about the matter?—They were simply asked the question, 'Were you here before?' and the answer was 'Yes.' I always find, and have been astonished at it, that prisoners tell the truth.

10,851. But it seems a very absurd and subtle definition to say that previous convictions must not be given in evidence, and then to allow a prisoner to be asked about them, without the chance of contradiction if he or she tells a lie?—Yes.

10,852. (*By Dr Sutherland.*) Do they not tell the truth because they are so well known?—I really think they tell the truth as any ordinary person would tell the truth.

10,853. (*By the Chairman.*) Then you came to the disorderly cases; were they taken in a batch?—No. They never take disorderlies in a batch.

10,854. Were they mixed up with the drunks?—They finish the drunks before going on to the disorderlies.

10,855. Just give us a few specimens.—When one watches the disorderly cases he is surprised at the sentences. Here is one man, John K——, who pleads guilty to being riotous and disorderly, and the sentence is 7s. 6d. or five days.

10,856. That is the same as a drunk and incapable?—This man had been riotous and disorderly. He had been more than drunk, and yet he is fined 7s. 6d. or five days, whereas I have seen some magistrates, like Bailie Pettigrew, give a man 7s. 6d. or five days for being simply drunk.

10,857. Then the next case?—George R——; he got the same. Then, in regard to the assault cases, a very common experience is that where a man has been assaulting a wife she does not turn up, in order to defeat the ends of justice. But if a policeman thinks the assault is a very bad one, the fiscal asks for a continuation, and it is granted. I have two cases, Dennis G—— and James F——, who were discharged on account of there being no evidence.

10,858. Was the accusation against these two for beating their wives—were they their wives?—I could not say that. Then Charles C—— and Robert C——, who had been fighting, and had been up six months before, were fined 10s. 6d. or eight days.

10,859. How did you get that information?—That came out from the prisoners. They admitted it on being asked, but, if a case goes to trial, the fiscal, after the evidence has been led, says to the magistrate, 'Have you made up your mind?' and the magistrate says 'Yes, the man is guilty.' Then an officer steps into the box, and takes the oath, and, turning up a book, swears how many times this man has been up before, and the magistrate in that way can deal with a prisoner severely, taking into consideration his previous convictions.

Mr. J. G. Temple.

19 Dec. 1894.

10,860. Yes, but that we were told was confined to certain classes of cases—assaults, I think, are under a certain statute?—Yes. Then came James D——, charged with assault, and fined 7s. 6d. or five days; Peter M——, for being riotous, got 7s. 6d. or five days; then Mary Brown, for being riotous, and who had been up a long time ago, got 10s. 6d. or eight days.

10,861. Mary would have to go to prison?—These poor people cannot pay the fine. The next case was Jane S. K——, who was pledged out.

10,862. She forfeited her pledge?—Yes. That makes thirteen within an hour who forfeited their pledge. Mary D——, for using bad language, got 10s. 6d. or eight days.

10,863. Now, is the language for which so many people are brought up in Glasgow, does it appear to warrant such a severe sentence as in this case, which virtually amounts to eight days' imprisonment, for I suppose Mary would not pay?—I think often the bad language is caused by the policeman threatening to take them in, and they pass swearing remarks to the policeman, and then that rouses him, and then he says 'Come on; a bad language case.'

10,864. I suppose it must rouse Mary also?—Yes. In these cases you very seldom get a witness to come and say that the person had been using bad language. It is just as in prostitution cases. I never saw a civilian come and give evidence.

10,865. I was under the impression that it was quite the contrary with cases of using bad language. I understood that such a serious penalty would not be inflicted for using bad language against a policeman, and that it would be proved by independent witnesses?—Very rarely that.

10,866. Was the language used in this case remarkably bad?—It never came out. I think the woman must have pleaded guilty.

10,867. (*By Dr. Sutherland.*) Would the language be stated on the charge sheet?—No, just 'using bad 'language.'

10,868. (*By the Chairman.*) Would she get eight days for pleading guilty to a charge of bad language, the nature of which never came out?—If she admitted it she would.

10,869. It would take a good deal of bad language to warrant a person getting eight days?—I certainly think a person would require to use a good deal of bad language for a sentence of that kind.

10,870. Well, go on?—Mary M—— was charged with being riotous. She had been up twelve months ago, and the penalty was 7s. 6d. or five days. Then Mary M'G——. This case went to trial, and took some little time, perhaps ten minutes, to dispose of. This was a case that I noticed on the Saturday night. She struck a woman with a tumbler on the head, and cut it very badly. The woman who was injured got the wound dressed early in the night, but came back about eleven o'clock streaming with blood, and the officer in charge said to me, 'There is no doubt that 'woman has had another fill-up of drink, or the wound 'would not have burst out again.' The woman who assaulted her was sentenced to sixty days' imprisonment, without the option of a fine. The wound was on the head. The next case, I think, was Charles T——, who was fined 10s. 6d. or eight days for using bad language. He had been up before.

10,871. You did not notice whether he pleaded guilty or not?—He must have pleaded guilty. Margaret C—— pleaded not guilty to riotous behaviour, but on evidence was convicted, and fined 10s. 6d. or fourteen days. I have noticed that some magistrates, if their time has been taken up, and some trouble has been taken to bring in witnesses, they are sometimes severer than if a person has pleaded guilty right off. Rose C—— was sentenced to 10s. 6d. or fourteen days, the magistrate remarking to her, 'This will keep you over the New Year.'

10,872. There is no secret about keeping them over the New Year?—No. Sarah T—— is the next case. She had only one leg, and had been cursing and swearing. She pleaded not guilty, but got 10s. 6d. or eight days.

Mr. J. G. Temple.

19 Dec. 1894.

10,873. Was it sufficiently strong?—I think if I remember rightly this was the woman who spoke in a perfect whisper, and the magistrate expressed his astonishment that a woman like her could swear, but the evidence came out that she really had been swearing.

10,874. There are swears and swears, and an eight days' swear would require to be a very stiff one; was it such blasphemous and abusive language as would demoralise those who heard it?—I give you the particulars. After she had spoken in a whisper in reply to the charge, the following dialogue took place:—'Magistrate—What does she say? Whisp—whisp—'whisp. Magistrate—Not hearing a word. Police-'man—She gets off often by speaking this way. A 'Second Policeman—She was cursing and swearing in 'the Trongate at ten minutes to six on Sunday morn-'ing. A Third Policeman—I told her to go down 'King Street, and for that advice she directed me to 'h——. (Laughter.) Sarah—I was waiting till the 'religious tent should open, where I would get some-'thing to eat. Magistrate—Waiting till the tent 'should open! Why, you are usually waiting till 'the Central Police Court should open! (Laughter.) 'I let you away the last time. Sarah—I was afore 'the doctor, who said I was awfu' bad. Magistrate—'The doctor's book shows that there is nothing wrong 'with you. 10s. 6d. or eight days.'

10,875. What I want to know is, whether the magistrate takes the trouble to get the exact words? I mean to say, here is an offence being committed which he has considered merited eight days' imprisonment, for I presume it would come to that. While there is a good deal of the use of profane language, and especially among the less cultured class, there is very often strong and abusive language, interlarded with oaths and other profanities—all that is very bad—but what I should like to know is the precise heinousness of the offence that is visited with eight days' imprisonment?—I have often found that the prisoners had no idea what they had said. If they asked the policemen, the prisoner got off usually, for the policemen's evidence did not coincide; and usually you will find that when a person has been charged with cursing and swearing, and it goes to trial, the policemen, as regards what the prisoner has said, differ very much.

10,876. I suppose it is only on the evidence of two policemen that they are convicted?—Yes.

10,877. And the person who is sworn at, if an outsider, does he come?—No; it doesn't seem to injure him.

10,878. Does it coincide with your evidence that in a case where a policeman was the object of the abusive or cursing language, that the charge was either withdrawn, or an endeavour made to get a light sentence; and that it was only in a case where some neighbour woman was the object of the offensive vituperation that heavy sentences was pressed. That doesn't concur with your experience?—When a woman has been charged with using very abusive language, it is generally a woman who appears against her, because she has been insinuating that this person in the witness-box has been of ill-fame; and she has come more to get out her spleen upon her by appearing in Court than anything else.

10,879. But the cases which you frequently come across—those were all cases where the policeman was the prosecutor, and where the evidence was entirely that of policemen?—In the case I have instanced the evidence was of policemen.

10,880. Give us your other cases?—All these cases were disposed of by 11.40, including Elizabeth H., who was fined 7s. 6d. or five days for being riotous. Then three young men were charged with stealing a ham, and their case lasted from 11.40 to 12.5. These men were convicted, and that made up the hour.

10,881. So that you had 53 cases within the space of 35 minutes, and three more, which made up the hour?—Yes.

Mr. J. G. Temple.
19 Dec. 1894.

10,882. That is 61 cases in an hour?—Yes, including the theft case which lasted nearly half-an-hour.

10,883. (*By Col. M'Hardy.*) That is not deducting forfeitures?—No, it is including them.

10,884. And there were some dozen?—Yes, 13; but as much time as the person took up who pleaded guilty was taken up by the calling for prisoners, the signing of names, and the entering of the matter in the book by the magistrate.

10,885. (*By Prof. Dove Wilson.*) In the case of persons who were brought up for being drunk and incapable, am I right in stating that these were always police offences?—Always.

10,886. Is the fact of whether the person has been up before brought out with a view to influencing the sentence?—Well, the magistrate will ask the prisoner, or the fiscal very often will say, 'Maggie (or "Jessie" or "Jock") is an old customer,' and he sometimes increases the sentence very much, and keeps her over the New Year by giving her a substantial fine or fourteen days.

10,887. In the case of persons brought up for loitering and importuning, is the case that you gave us a typical one?—Yes; one of the ordinary cases.

10,887A. Is there any further evidence of loitering or importuning ever given than that she accosted men?—The expression used is that she accosted a man at such and such a corner, or in such and such a place.

10,888. And that is all the evidence that is given?—No; the fiscal asks the question first, 'How long 'have you known this woman as a prostitute,' and the constable says what he knows.

10,889. What I mean is, is the accosting all the evidence that is given of loitering and importuning?—Yes.

10,890. Are the police ever asked how they know the woman to be a prostitute?—They just ask 'How 'long have you known her to be a prostitute.' One policeman will say, 'I have known her for two years,' and another perhaps will say 'for three years;' and another case may come up and he will ask, 'How long 'have you known this woman,' and the answer will be 'two months,' and the next constable will say 'I 'have known her for eighteen months.'

Mr. J. G. Temple.
19 Dec. 189

10,891. Is time ever given to any of the convicted persons to pay their fines?—I cannot say that, not being connected with the police force.

10,892. You would hear the sentence?—Yes; and I have often heard them, if they had no friends in court, saying that they would like some one to call at so-and-so's, where money could be had to get them out.

10,893. Is any condition ever put into the sentence that the persons shall have a certain time to pay?—Never.

10,893A. (*By Dr Sutherland.*) Who proves the previous convictions in the Court?—When it is a case of assault it is always the officer in court who proves the conviction, after the magistrate has been satisfied of the prisoner's guilt; or if it is a case of theft, it will be a detective officer.

10,894. How does he identify the prisoner?—I do not know.

10,895. In the Circuit Court the detective officer is put in to prove previous convictions?—After an assault case is finished, and the magistrate is convinced that the party at the bar is guilty, the fiscal says, 'Wait a moment,' and an officer, who is permanently in the court, enters the box and takes the oath, and turning up a book which has the leaf folded down, turns up a summons, and says 'this prisoner here was 'convicted on such and such a day.'

10,896. He was present and saw her convicted?—That never comes out.

10,897. As a matter of fact he was present?—He ought to have been, but that never comes out.

10,898. (*By Prof. Dove Wilson.*) In the Circuit Court he is always asked?—Yes.

10,899. (*By the Chairman.*) These convictions might have taken place in other courts, not the Central, so that the conviction would be recorded against John Smith or whoever he might be?—I am not so sure of that; I think every court's records stand by themselves.

10,900. (*By Col. M'Hardy.*) But they all admit it in these cases you have given us?—Quite so. [The witness then withdrew.]

Dr. A. J. Currie.

A. J. CURRIE, M.D. (Cin. O.), F.G.S.E., called in and examined.*

Dr. A. J. Currie.

10,901. (*By the Chairman.*) You are the Superintendent of the Glasgow Institute for the treatment of Inebriety?—Yes, I hold that appointment.

10,902. The Institute is in George Street?—Yes.

10,903. And you are M.D. of Cincinnati (Ohio)?—Yes.

10,904. And what do the letters F.G.S.E. stand for?—Fellow of the Geological Society of Edinburgh.

10,905. Would you please give us the history of this Institute for the treatment of Inebriety; it was founded in connection with some cure?—It was opened first of all as the "Metabolic Institute" by some well-known local gentleman. The special treatment I believe, as laid down by formula, was originally the property of Americans.

10,906. But what is it called?—That treatment you refer to was called the 'metabolic' treatment.

10,907. We have been told about that; that is the thing that Mr King has been connected with?—Yes. He has taken an active part in connection with it.

10,908. He told us about it. How did you become connected with it?—First of all through an advertisement in the *Glasgow Herald*, asking me to meet a Mr Coykendall, an American, in St. Enoch's Hotel. I met him there and he showed me letters, &c., from Mr J. Y. King, and several well-known gentlemen in Glasgow, setting forth that they had taken up the matter favourably. Concerning their acquaintance with the value of the treatment, I was personally assured by Mr Johnstone, J.P., and Mr J. Y. King as to what these gentlemen knew about the matter, and had an opportunity of seeing some cases dealt with in Glasgow, prior to taking the matter up in America. Mr. Coykendall had to go back to America. I did so after weeks' careful consideration.

10,909. When was this?—In the month of September 1892.

10,910. That treatment we understand consists of?—Hypodermic injection of a fluid with the administration of tonics.

10,911. The composition of the fluid is kept secret, but we were told strychnia enters into it. Besides the injection there is some other fluid taken by the mouth?—A tonic is usually given.

10,912. At the same time?—Not always.

10,913. And that is done how often?—Four times a day for twenty-one days usually.

10,914. During the treatment the patient cannot attend to work?—Oh yes; if the occupation is light he can attend to business as usual.

10,915. If not?—It is better to take a rest.

10,916. You have the names of a committee here: is Mr King on it?—No. It is only about three months ago these gentlemen, whom Mr King is associated with, consented to the formation of a working committee.

10,917. Who is the inventor of the 'metabolic' treatment?—The first name that I know that has been associated with it is Coykendall. There are several

* Dr Currie, considers the "Metabolic Treatment" merely a very useful agent in the curative treatment of certain forms of Inebriety, and lays no claim to any special merit or originality. Neither has he brought forward any *wonderful* cases that he has cured. He has but endeavoured to deal with the treatment of Inebriety in a spirit of scientific enquiry and research.

r. A. J. urrie.
9 Dec. 1894.

brothers in that family—two doctors, and a lawyer, and a fourth, I believe.

10,918. How long has it been in use in America?—From a little pamphlet which I received, the treatment, I understand, had been carried on in America for four years before I heard of it.

10,919. And what result is alleged in that pamphlet?—The very best.

10,920. Now you have had two years' experience here of it?—Fully.

10,921. And up to October of this year you have treated, I understand, 47 cases?—Excuse me; 47 poor class cases were dealt with as Institute cases.

10,922. How many cases have been dealt with by you since the opening of the Institute?—I cannot give you the exact number, perhaps about 100. The Institute in George Street has nothing to do with private cases. The George Street cases have been principally very poor people.

10,923. What is your allegation as to the results in the private cases?—Better than in the poor cases.

10,924. And in the cases here that you have dealt with in George Street?—There has been a period of abstinence following the treatment in every case; sometimes from the period of treatment till now, sometimes the period of abstinence has been very short.

10,925. Do you allow the patient to drink, or place any restriction on drinking?—When they commence, they are invariably led to understand they are quite at liberty to take what they feel they cannot do without; and when they feel they have no desire for liquor they must leave it alone.

10,926. Does the absence of desire in this treatment amount to aversion?—In some cases, the treatment seems to be followed by what I may call a positive loathing; but to my mind, that is merely owing to some of them realising to what position drink and drinking has brought them to.

10,927. They object to it more on moral than physical grounds?—I believe so. Many speak very strongly about the extraordinary loathing, but, so far as I have been able to see, that is the reason.

10,928. We were told, in regard to the 'Tyson' cure that one patient could not bear the smell of whisky, and another that it tasted to him most disgusting?—I have met some cases that have gone through the metabolic treatment that have expressed such a feeling.

10,929. Because in that case it would be easy enough to test it upon people who are not habitually drunkards, to see if you could get them brought round to dislike drink also?—Yes.

10,930. What is the cost of your remedy? We were told that the original cost of the 'Tyson' cure was £10?—The amount fixed before I had anything to do with the metabolic treatment was twenty guineas, and it has remained at that since; but cases dealt with in George Street have been treated in a monetary way on their merits. Fully a third paid nothing, and some paid very small amounts.

10,931. Have you had any specimen cases as was the case in Dundee?—No public exhibitions of any kind. Cases have been taken up as test cases for the satisfaction of gentlemen, privately; but I have always had a decided aversion to taking any part in public exhibitions of the kind.

10,932. In this list which I have in my hand, you have a very miscellaneous collection of professions in your record. You have specimens of a great number of trades—four clerks, three commercial travellers, two painters, and two physicians: were they Glasgow physicians?—One in Glasgow, and one close by.

10,933. Registered physicians?—One a member of the College of Physicians of Edinburgh, and the other a member of the Faculty, and M.D. of Glasgow.

10,934. In their cases, has the cure proved efficacious?—Yes; but in neither case have they remained total abstainers, although both were total abstainers for a time.

10,935. These gentlemen were treated by this George Street Institute as poor cases?—They were not able to pay a regular fee.

Dr. A. J. Currie.
19 Dec. 1894.

10,936. They took the pledge?—Yes, after the close of the treatment. They promised to abstain from all intoxicating liquors.

10,937. But if they did that they have broken their pledge?—Yes. When they and I were satisfied they had no desire for drink, they signed the pledge: it has been the rule to invite people to sign the pledge.

10,938. Mr. King, I think, said there was some special arrangement for the treatment of philanthropic cases?—That may be.

10,939. You do not know?—That would be under the monetary arrangement that was entered into by Mr Jas. Johnston, J.P., and Mr A. M. Brown of Gryffe Castle with Mr Coykendall. They, for the promise of £300, £100 was paid in advance, got the privilege of putting this treatment within the reach of the poor. Mr King acted as legal agent in the matter.

10,940. Mr King told us that he was hoping to get authority to make public the nature of the remedy. I presume you have no authority to do so?—Mr King, probably, would explain my peculiar position in that matter.

10,941. Do you know it?—Oh, yes.

10,942. Do you make the remedy here?—I can hardly say that I make the remedies. I put the several ingredients together.

10,943. You compound it on this side?—Quite so; but I get some of the ingredients from the other side, because I am not able to get them in Glasgow conveniently.

10,944. How long have any of your cures lasted?—There is a two and a half years' history of the treatment, so far as I know, in Glasgow, and cases have been dealt with since then.

10,945. Do you mean renewed?—They have been useful members of society since the date of treatment. Prior to that, they were altogether a drag on every one connected with them.

10,946. (*By Dr Sutherland.*) All of them?—Oh, no; but many of those who have gone to the Institute have been in desperate circumstances before they found their way there.

10,947. Have you had in the Institute any police court drunkards?—Several, I believe, but I have no accurate information.

10,948. And you have never had any test cases. You told us that certain test cases were brought before you; you have never had any of these test cases from the police court, who have been repeatedly convicted?—Several of them have been repeatedly convicted, how often I do not know.

10,949. You do not know the details?—No.

10,949A. (*By Col. M'Hardy*). How long does the treatment last?—Not more than three weeks has been required in any case so far.

10,950. And there is no further treatment?—We let them understand that there is no likelihood of a second treatment.

10,951. And do you leave the person treated in the same environment as you found that person?—With poor people it is difficult to get them away from their friends, but we strongly recommend a change of surroundings sometimes.

10,952. But if the environment is bad, and they go back to it, do they not go back to their old ways?—Some have gone back to liquor.

10,953. What proportion have gone back in that case?—I should say, roughly, a third. I have had no opportunity of making myself acquainted, although I endeavour to make it a practice to communicate with those who have been in George Street, but in some cases I have lost trace of them altogether.

10,954. Have the majority of the cases treated, had in the condition of treatment a change of environment?—No. Taking the pledge, that is insisted upon in some cases, towards the close of treatment is advisable. We believe in building up as many barriers as we can.

10,955. And you have been successful in two-thirds of the cases where the individuals were living in a depraved state of society?—There has been a period of total abstinence, in every case, for a greater or less period.

10,956. Yes; but has there been what we should honestly call a cure?—I never use the word 'cure' coupled with this treatment.

10,957. You said you had experience of a case of two and a half years; is that a case where the environment is bad?—Very bad, staying in one of the worst part of Glasgow. They were submitted by Mr Johnston, one of the local justices of the peace. Mr King knows of them. There was one lapse in connection with them. They have a boy, and, in February 1893, when the electric light was introduced first, that little boy was run over by a car, and the father saw the boy being picked up and conveyed to the hospital.

10,958. Yes, I think we have heard that story.

10,959. (*By Dr. Sutherland.*) Are you formed into a limited liability company or anything of that sort?—No, that was not considered necessary.

10,960. Do other people derive profit as well as you?—No; but I do not derive the profits in a pecuniary way. The loss pecuniarily I hold is greater than profit.

10,961. But, if you treat the better class people, what do they pay?—Twenty guineas.

10,962. And the medicines?—I do not vend medicines; it is a course of treatment.

10,963. Have you not fifty-three cases at twenty guineas a head?—They have not all paid that. The amount has been very much modified in certain cases.

10,964. Was Dr Alexander Nairne associated with you?—Yes.

10,965. Why did he leave you?—Our partnership was interfered with by the action of the General Medical Council.

10,966. Did he make a statement before the General Medical Council disparaging the treatment?—All I know is what I read in the newspapers at the time, and there were certain statements there about the treatment by him.

10,967. He had been nine months associated with you, and there was no cause for him to make disparaging remarks about your methods when he was before the General Medical Council?—No, everything to the contrary.

10,968. Even although he was forced by the Council to sever his connection with you?—No.

10,969–70. Yet all the same, he did so. Now I understand that the metabolic treatment suggests a change in the tissues of the body?—Metabolism simply implies a change.

10,971. Your medicine is said to have the effect of changing the tissues?—The treatment has been productive of change, as far as I could see. I do not adhere to the formulæ that were put into my hands at the outset, but there are some cases that I did adhere to them.

10,972. I do not know much about the treatment you adopt, but I assume you know that alcohol, continued over a long period, produces disastrous effects upon the brain and other tissues?—Yes.

10,973. Do you mean to inform the Committee that you have discovered a remedy which will remove the structural changes in the tissues and restore them to the normal state?—To some extent, but I make no pretensions to originality. It won't bring back the brain to the condition it was in before commencing drinking; but so far as I have been able to find, with adherence to total abstinence, there has been no recurrence of what is commonly called 'the drink craving.'

10,974. Then the inference is that your specific remedy brings the tissues to their normal state again?—This treatment does to some extent.

10,975. As a medical man, do you believe there is any drug in heaven or in earth that will alter the cirrhosed liver, or the kidneys of a drunkard?—A good deal may be done to help the condition of that man.

10,976. Where the normal cells of these organs have been replaced by new and adventitious fibrous tissue, do you believe any drug will bring it back to its normal condition?—Not to the condition it was originally.

10,977. Will your medicine replace the fibrous tissues which has taken the place of the normal cells with something else?—The treatment helps nature to do the best it can.

10,978. Supposing I tried your medicine, is it necessary for me to tell those drunkards in Glasgow among the poorer classes that they are undergoing your treatment?—I don't see how they can undergo it without being aware of it.

10,979. Must they know that it is a special remedy?—That has not been done; they know they are going through the treatment.

10,980. Supposing you give me the hypodermic medicine, and the tonic, and I used them, would you expect that in my hands the same result would follow as in yours?—Two or three cases were dealt with before I had any connection with the treatment, by local medical practitioners, and good results were not attained, through negligence it was thought.

10,981. In regard to the Keeley and Tyson cures, and other nostrums of that kind, we are told it is necessary that the individuals under treatment should know that they are being treated in a special way; is that necessary with your alleged cure, or would it be enough if any medical practitioner faithfully carried out the treatment? Would it fulfil the same purpose?—The patient who is under treatment must know, I would think, what is being done if he is asked to attend and be treated four times daily.

10,982. Take a prisoner who is in my hands for thirty days for habitual inebriety—I give him tonics—they do him no permanent good, as they only serve to strengthen him to indulge his craving when he gets his liberty. If I were to give him your medicine, is it necessary to give him this special form of treatment?—No, four times daily is not a hard and fast line in every case.

10,983. Then if you were to supply me with the material you use, you would naturally expect that I would get good results?—Yes, I would expect so; but whether I am in a position to put the remedies in your hands or not, I cannot say, as I would require to obtain legal advice.

10,984. Mr King said so?—I had to sign a declaration you know before details of formula, &c., were placed in my hands.

10,985. Is it necessary for the patient to know that he is undergoing that specific and special treatment?—I believe the treatment is physical and not faith-healing. In that case, with a correct diagnosis, simply the application of the proper remedies is sufficient, no matter by whom, so far as I can judge. I never had an opportunity of taking up a case and carrying out the treatment without acquainting them of the fact.

10,986. They have come and told you that they have been in the hands of private practitioners, and you say, 'I am going to subject you to a process which 'will cure you.' Do you believe that?—I say it will help them; I never say 'cure' them.

10,987. You are taking safe ground, I can see.—I never use the word 'cure.'

10,988. You are aware that in rational therapeutics it is not necessary for a patient to know what he is getting to produce the desired effect?—Of course.

10,989. Do you know if in America there are any institutions where your method is being used?—There were eight or nine metabolic institutions in America, according to the circular put into my hands.

10,990. Would you furnish me with the names of the institutions where this system has been practised for some time?—Mr King would be better able to give you all information about that matter. I think there is one at Cedar Rapids, in the State of Iowa, where one of the Coykendalls was; another at Burlington; and another at Tennessee.

10,991. Supposing I told you of a doctor in Glasgow who had four dipsomaniacs who consulted you, would you mind telling me whether your treatment has been successful in their cases if I sent you the names?—Yes, I will have no hesitation in giving my opinion.

10,992. Why do you limit your treatment to four times a day?—Four times has been found the best arrangement, but there are some business men who cannot come so often.

10,993. Why do you fix on four times?—That rule was laid down before I had anything to do with it, and I have not improved upon it.

10,994. But is there not some rational reason for adopting four times?—The medicine is given according to the severity of the disease.

10,995. Do you give it according to the physical and mental deterioration present?—Yes, that is so.

10,996. If that is the case, would you not expect that in a moderate drinker—an abstemious man in short—a small dose now and again would have the effect of curing him of any desire to drink at all?—The doses are altered according to the requirements, or what are thought to be the requirements. The doses are very small indeed. Owing to the mode of administration, the solutions are very strong, and the doses are very small.

10,997. But you give them in small or large doses, in proportion to the degree of inebriety?—And sometimes one remedy is used, and sometimes another. The different ingredients are changed according to the cases.

10,998. (*By Dr Farquharson.*) Are your views on the tissue changes, as effected by your remedy, purely theoretical?—Theoretical, I should say, from what I have read and heard.

10,999. They are not founded on any chemical or microscopical or physiological examination?—My opinion has been principally based on practical results.

11,000. I only wish to know whether there is any scientific basis, or whether they are just founded on theory?—It acts directly on the nerve centres.

11,001. That may be a valuable statement as expressing your opinion, but is it founded upon scientific principles?—I believe investigations went on for four years, and they are referred to in that same little pamphlet before alluded to. It might be advisable to get hold of it. The brothers Coykendall, in conjunction with a chemist, had been carrying on a series of investigations for four years before anything was done in a public way.

11,002. Is the remedy composed of any drugs which are known singly to affect those changes on the human tissues?—Yes.

11,003. And are there any scientific facts that we could read connected with them?—I am afraid I cannot give you a satisfactory answer to that question. I do not think I would be at liberty to mention the particular ingredients.

11,004. That would imply disclosure of the ingredients. We have been told that one of the ingredients is strychnia?—In some cases strychnia is very good.

11,005. But that destroys any scientific basis?—I have no doubt that Messrs Coykendall, in America, could be persuaded to divulge what knowledge they have for a monetary consideration.

11,006. Does it contain alcohol?—No, it does not.

11,007. In the tonic?—There is a small proportion of alcohol in some of the tonics, but in the remedies proper there is no alcohol.

11,008. You as a medical man have watched the effect of this treatment on patients. Does it produce an immediate effect or otherwise?—In some cases the effect appears to be immediate. In other cases they go on drinking, if they are inclined to drink at the outset for days, tapering off gradually.

11,009. Does it produce nausea or sickness?—When there has been very heavy drinking immediately before treatment, there is sometimes very much nausea or sickness; but when there has been moderate drinking, sometimes there is a slight degree, and sometimes none. With total abstinence from drink or periodical drinking there is no sickness.

11,010. Do you ever suspend the remedy after a time before completion of treatment?—In some cases.

11,011. Do you think the very fact of inserting an instrument into a patient and injecting something would have a certain effect on his moral nature?—It may have.

11,012. Then you don't exclude altogether the moral effect of the treatment?—Moral treatment is not an integral part of the 'metabolic treatment.'

11,013. Call it mental treatment, if you like that phrase better. I should think it is an important element in it, if there is anything in it at all?—Of course, moral suasion is decidedly necessary in some cases, *plus* physical treatment. Metabolic treatment alone is not sufficient in some cases.

11,014. (*By Dr Sutherland.*) Is there any poisonous substance among the ingredients?—Perfectly safe in competent hands.

11,015. (*By Dr Farquharson.*) Dr Nairne was obliged to give up his connection with you by the General Medical Council. Your people in America are not so particular on these points then. You are a qualified medical man?—Every State in America has its own regulations. My degree is American.

11,016. Have they no discipline for their graduates on that point?—The members of the profession are not disciplined as they are in Great Britain by its Medical Council.

11,017. Did you get your degree by examination?—Yes, after a course of training. I had a course of medical training here of four years before that.

11,018. Are you an American by birth?—No, I was born in Glasgow.

11,019. Was it not rather unpatriotic of you to go to America to get your degree?—I left Scotland to better my circumstances.

11,020. And you then took the opportunity of taking your degree?—Yes.

11,021. Quite so. I think you said you were quite satisfied in regard to the habits of those people on this list of yours that they were really bad cases?—Ample evidence had been afforded.

11,021a. How long after the beginning of the treatment did these various persons sign the certificate?—After the close of the treatment.

11,022. After the treatment had thoroughly cured them, how long was that?—In no case has that certificate or document been signed until after the close of the treatment, sometimes not for months after.

11,023. You mean at the end of the course of treatment which lasts?—For three weeks or twenty-one days.

11,024. But do not you think it is rash to say they are cured after three weeks?—A fresh start appears to be given.

11,025. Do you not think it is rash to say after two months that they are cured of inebriety?—If placed on a safe platform, it rests with them to remain there.

11,026. You are not prepared to go beyond the point it has reached?—No.

11,027. (*By Dr Sutherland.*) Where there have been the remarkable changes you speak of in a general way produced in the tissues, would you not have expected something like a lasting benefit?—With total abstinence after treatment we have not been able to find that there has been the slightest recurrence of the drink craving.

11,028. Do you mean to say that structural changes produced by drinking have been rectified by a couple of months of abstinence?—I make no statement concerning two months. But I only said that some of the people signed a declaration two months after treatment, but there are a number of people who have for twelve months or eighteen months been abstainers, and before time of treatment they had been continually or periodically drinkers. [The witness then withdrew.]

Mr. Andrew Wallace. 19 Dec. 1894.

MR. ANDREW WALLACE, Inspector of Poor for Govan Parish, called in and examined.

11,029. (*By the Chairman.*) You have been an Inspector of Poor in Scotland for the last twenty-eight years, and you have been Inspector to Govan Combination Parochial Board for the last twenty-two and a half years?—Yes.

11,030. You think pauperism is not increasing?—The pauperism of the Govan parish, as well as of Scotland generally, has not increased during the last twenty years in proportion to the increase of the population, but has considerably decreased.

11,031. Then, as regards lunatics?—There has been a very large increase in the number of the lunatic poor.

11,031A. Would you please state the total number of paupers in Scotland in 1893, and their ratio to the population?—92,004, or in the ratio of 23 per 1000.

11,032. And that shows a decrease of 8 per 1000 as contrasted with?—1874.

11,033. Will you give the ratio of the Govan parish?—6003 in 1893, including dependents.

11,034. The proportion?—In the proportion of 21 per 1000.

11,035. That is considerably under the national percentage?—2 per 1000.

11,036. You attribute the decrease to the strict administration of the Poor Law, and to the growth of charities, which relieve you of much work which would otherwise fall on the parish?—Yes.

11,037. You mention Quarrier's Homes, and other institutions, as good for children, and the multiplication of infirmaries and hospitals relieving you of the care of a good number of such poor?—Yes.

11,038. Do you say a very large percentage of the lunacy is attributable to drunkenness?—About 40 per cent. That is a very moderate estimate I think of the pauper lunacy occasioned by drink.

11,039. That is directly, is it; now what do you consider the amount of the indirect pauper lunacy?—I should say nearly 10 per cent. is caused indirectly, but in order not to be outside of the mark, I have put the cases, direct and indirect, at 40 per cent.

11,040. And you are justified in your opinion by the ratio of female to male population.—Partly so.

11,041. You think the females drink more heavily?—No; but I think they are driven to it by the bad usage of drunken husbands.

11,042. And you put them down as indirectly?—Yes.

11,043. And they are more numerous than the males?—In the ratio of 60 to 52.

11,044. Briefly, are your ideas on that point that upwards of 40 per cent. of pauper lunacy is caused directly or indirectly from drinking, while no other cause is responsible for more than 15 per cent.? What is the next cause?—Heredity.

11,045. Including direct and indirect cases, you think drinking causes?—I have put it at 40 per cent., but I might put it at 50 per cent., and I think I would be under the mark there too.

11,046. You have some statistics here as to the number of dependents who have been deserted by husbands and fathers, and their cost to the parish?—We have in the Govan poorhouse at present 33 deserted wives, with 44 dependent children—77 in all; and if you calculate the cost of their board and maintenance at 4s. per week, which is a moderate estimate, it gives us an annual outlay of £800.

11,047. That does not exhaust the cost?—On the outdoor roll we have 49 deserted wives, with 109 dependents, and, calculating their aliment at the rate of 2s. per week, it comes to £820 for the year.

11,048. And then there is the expense for the deserted children?—We have at present on our rolls 110 deserted children, who are either boarded in the country or with relatives, or remain in the poorhouse, and, stating the average cost of their maintenance at 4s. per week, it gives per annum £1200.

11,049. Does it cost you as much to keep a child as an adult?—When we board the children out we give 2s. 6d. to 3s. a week for them, and provide them with clothing and school-books.

11,050. Under these three items, which you consider are caused by misconduct, mainly intemperance, you have 334 persons chargeable to the parish at an annual charge of what?—£2820.

11,051. Besides this, you have got 100 children separated from their parents, in many instances because the latter are in prison?—Yes, and some in the infirmaries, and others in the asylum.

11,052. And you think that a third of these parents have been placed in this condition through drink?—Yes. That gives us 33 more paupers, at an annual cost of £350, making a grand total of 378 paupers, at an annual cost of £3170.

11,053. You have gone minutely into it, and calculated what was the cost incurred by your parish in respect of children and women thrown on your hands through their husbands or parents being imprisoned—will you please let us have that?—I have submitted a statement, of which I will now give you an abstract. The number of people who were chargeable to the parish during the previous five months up to this date, on account of their husbands and parents being in prison, I find was as follows:—There were 30 adults and 115 children—total 145, who have been chargeable to the parish for longer or shorter periods, and the cost up to this time is £102, 6s.; and as several of the cases are still chargeable, owing to some having got six months' imprisonment, I am sure that before they are off the roll it will be upwards of £200. These are mere casual cases of short terms of imprisonment. There are some cases where they get seven years, and so forth, and these will be on the roll till their parents come out of prison.

11,054. Your yearly estimate for supporting the dependents of these petty offenders amounts to?—£500 or £600.

11,055. And that does not include some expenses incurred on account of persons undergoing long sentences?—No.

11,056. Now, you applied your figures to Scotland?—To the whole parish, and then to Scotland, and my estimate is that we have 2436 people on the rolls, outdoor and indoor, in Govan parish on that basis, which is a moderate basis, who are brought to us, directly or indirectly, chiefly through intemperance. It is the great cause of pauperism; and, applying the same thing to Scotland, we have 36,800 paupers through the same cause, at a cost, roughly, of £350,000.

11,057. You think that the only way to deal with this great evil is to stop it at the fountain-head, and put down the drink traffic?—Yes.

11,058. Of course that is beyond our remit. As to corrective measures you recommend an amendment of the Habitual Drunkards Act. What is the extent of your amendment?—I think the Act should be made compulsory—that when a person has been proved to be a habitual drunkard he should not have it in his option to refuse to be placed under restraint. He should be compulsorily put under restraint. An amended Act should be passed giving powers to the sheriff, on the application of the Fiscal or the Inspector of Poor—where the dependents have become chargeable to the parish—or the nearest relative, and, after due enquiry, to order the offender to be confined in a retreat at his or her own expense, if in funds, or in prison, or in a workhouse, or other institution, where the offender would require to work for his or her maintenance.

11,059. You use the word workhouse. Is that synonymous with poorhouse?—No, our place is not a workhouse. I think the institution should be more under the police than under the parochial authorities.

11,060. You propose a fresh institution. At whose expense?—At the expense of the country.

11,061. You have shown that the present system entails much expense on the Parochial Boards

r. Andrew Wallace. — 9 Dec. 1894.

Would you suggest that the parochial funds should pay for it?—I think it should be the police funds, because a lot of them are just now kept in prison.

11,062. We find that everyone wants some one else to find the funds?—I am dealing with the delinquents.

11,063. But have you not a lot of people who oscillate between the prison and the poorhouse?—Yes; and then when parents desert their children and allow them to become chargeable to the parish, they should not be allowed to claim them back again unless they pay the cost of their maintenance while so chargeable, and unless they can satisfy the Sheriff that they are suitable persons to take charge of these children.

11,063A. But is not that the law now?—It is the law as between two parents, but I do not know that it is the law to Parochial Boards.

11,064. (*By Miss Stevenson.*) Under the Custody of Children Act, the Parochial Board, I believe, can keep the child if the parent can be proved to be an improper guardian?—Not in Scotland.

11,065. By the Act of 1891 or 1892, was there not that power given?—I know there was an Act, but I do not know that it gives that power.

11,066. Do you think you should have that power?—Yes, but I think the Board should also have power to dispense with these conditions if they are satisfied that the parents have merely been temporarily misconducting themselves, and would be quite suitable for guardians afterwards.

11,067. (*By the Chairman.*) You do not advocate long sentences for petty offenders?—No.

11,068. But in cases when they require to be protected from drink, you think that they should be confined and employed?—Yes, and made to be as remunerative as possible by placing the men on small farm colonies, which might be formed in various parts of the country, and made to work at reclaiming the land.

Mr. Andrew Wallace. — 19 Dec. 18 4

11,069. What would you do with women?—Women might be employed in useful work.

11,070. Washing, we know, and millinery, sewing, knitting, and so on. Have you any other suggestion for getting work for women?—We make them make all the female clothing in the poorhouse, and they wash the clothes.

11,071–2. But everywhere women are set to washing. But if you had colonies you would have to get something else for women to do?—I think women could be trained to do a great many more things than men.

11,073–5. Suppose you were installed as manager of a female colony—put aside the washing and the sewing, and the knitting, and the cooking, and the making of their own clothes—what else would you suggest to make it self-supporting?—In the Smyllum Institution at Lanark, I have seen women, trained by ladies do fancy carving work, and make inkstands and ornaments of various kinds.

11,076–8. You are, I see, very strongly in favour of substituting the lash for imprisonment?—Yes; I think where a person has been very frequently imprisoned, nothing but the lash will do for him.

11,079–80. And you think that the public-house regulations should be more strictly carried out?—Yes; much more strictly enforced than at present.

11,081–2. And you are in favour of earlier closing?—Yes.

11,083. (*By Col. M'Hardy.*) What would you do with people who were not able-bodied?—People who are not able-bodied would become chargeable to the parish.

11,084–5. I see you have about 60 or 70 committed to the poorhouse or prison, and they would be treated in the same way?—Yes; we would keep them. [The witness then withdrew.]

[Adjourned.]

TWENTY-SECOND DAY.

Glasgow, Thursday, 20th December 1894.

Present:—

Sir Charles Cameron, Bart., M.P. (*Chairman.*)
Col. A. B. M'Hardy, R.E.
Dr Farquharson, M.P.
Professor Dove Wilson.
Dr J. F. Sutherland.
Miss F. C. Stevenson.

Dr. Alexander Nairne. — 20 Dec. 1894.

ALEXANDER NAIRNE, L.R.C.P. & S., Glasgow, called in and examined.

Dr. Alexander Nairne. — 20 Dec. 1894.

11,086. (*By the Chairman.*) I understand that you were associated with Dr Currie who gave evidence here in connection with what is termed the 'metabolic' treatment of drunkenness?—Yes.

11,087. And that you severed your connection with Dr. Currie under circumstances which I should be obliged if you would state to the Committee?—I was ordered by the General Medical Council to appear before them on a charge of infamous conduct, in a professional respect, by associating with Dr Currie in this treatment for inebriety.

11,088. And when you came before the General Medical Council, I understand you made some statement regarding the treatment?—Yes. I said that what I had seen of the treatment was good, as far as it went.

11,089. What did you see of the treatment?—I saw that it was perhaps one of the best remedies for the thing that I have known for picking up a fellow after a spree. I was only associated for perhaps about five months altogether, but I saw two or three men on the borders of *delirium tremens*, and in a week after having been seen, or almost four or five days, they were well.

11,090. Would you please explain to the Committee in what the treatment consists? Of course we understand the nature of the application is a secret, but you might explain the way in which it is administered?—I do not know what the thing is that is used. To me it appeared, I suppose, a compound of strychnia, morphia, and cocaine. I should think it was that from the effects. Of course it is administered four times a day.

11,091. And some was taken by the mouth?—A simple tonic.

11,092. And this treatment is kept up for 21 days?—Yes.

11,093. According to Dr Currie, there is no charge made for drugs, but a charge for the course of treatment; is that so?—I presume that includes drugs.

11,094. You do not know anything about the

present financial arrangements. Did you leave your association with Dr Currie and the treatment solely through the attitude of the General Medical Council?—My own college first, and, if it had not been for that, I would have gone on, because I thought the institution was doing good.

11,095. The institution does not appear to have treated very many. (*Dr Sutherland.*) 50 paying and 57 non-paying.

11,096. What is the principle of the treatment?—It is not well-known. Of course this is not a cure. It is only a remedy for the results of intemperance.

11,097. And it does not profess to create a disgust at stimulants?—No, I do not think it does. My experience was that in a few months a man was just as he was before.

11,098. But during treatment?—It does produce antipathy to drink after a day or two.

11,099. And has that ever been tested in the case of a man who is not an habitual drunkard but a moderate drinker?—Yes, and it has temporarily produced a disgust.

11,100. But, suppose a man were to take a little strychnia, with morphia and cocaine, would you as a medical man expect that that would create an antipathy on the part of the moderate drinker, a person who is not in the habit of having wine, beer, or whisky?—If I administered it four times a day, and used an emetic.

11,101. Is there an emetic in that?—It is not a single drug; it is a compound. My impression is when a man is very bad and inclined to drink they administer an emetic for that.

11,102. (*By Dr Farquharson.*) You were told the composition?—No.

11,103. Does Dr Currie know the composition?—Yes. He says he has improved on it.

11,104. Do you accept the theory produced by Dr Currie that this remedy makes some physical change in the composition of the tissues?—It must do so; it is an alterative.

11,105. Do alteratives change the tissues of the body? Is that the reading you have of the word 'metabolic,' as applied to the cure?—Change.

11,106. What do you say is the meaning of the term 'metabolic'?—Change and nothing else.

11,107. But is this change—is this theory of the action of this remedy purely speculative or founded upon any scientific basis of fact?—I do not know. I only know what I have seen.

11,108. But, as a medical man of training have you formed no theory yourself as to the way in which this so-called cure acts on the human constitution?—Simply as an alterative.

11,109. Of course that is a recognised medical phrase, but a rather vague one, as we know?—Yes.

11,110. Would you consider the whole effect of the drug was physical, or is a mental impression made on the patient?—Entirely physical. My opinion is simply that there is a certain psychological influence in the personal administration of all medicines.

11,111. Nothing in what is called sensation or expectation?—There is something in the treatment you see of a patient four times a day; and it has a powerful effect.

11,112. Would you expect the same result from treatment by ordinary drugs?—Yes, if you saw and treated the patient four times a day.

11,113. Would you be confident of permanent cure or temporary cure?—Only temporary. It will give a man a new start; it will make him better in a few days, and he will be right in his mind and dependent upon his own mental stability.

11,114. But you do not think by these means you can give a man permanent advantage?—No.

11,115. (*By Dr Sutherland.*) This secret medicine you say is an alterative medicine?—Yes.

11,116. That is to say, it corrects the morbid condition of the organs resulting from inebriety, and eliminates the alcoholic poison from the system?—Yes, I think it does.

11,117. Do you know of any alterative in the pharmacopœias of Britain or America which brings back to their normal state say, the cirrhosed liver of a drunkard in which the liver cells are supplanted by an adventitious fibrous tissue?—Blue-pill, for example, is said to do so.

11,118. Changes the fibrous tissue formed in the liver, and restores the hepatic cells which have been destroyed?—So it is said.

11,119. Can you give us a scientific reference to verify that, or could you tell the Committee of any other therapeutic agent which has the effect of removing pathological products formed in the viscera at the expense of the normal tissues?—Anti-toxin.

11,120. Anti-toxin, as you may be aware, is given to counteract the effect of the specific poison of diphtheria?—It is said to remove a diphtheritic patch.

11,121. But that patch is merely an outward manifestation on the throat—of the specific bacillus poison in the blood?—I suppose that is an alterative if it does so. It is a complete alterative of the blood.

11,122. It is merely a new and foreign constituent of the blood which this anti-toxin counteracts. Do you think there is any analogy whatever between the anti-toxin treatment of diphtheria, and any therapeutic remedy given, it is claimed, to remove the new tissue formed in the liver, kidneys, and brains of drunkards at the expense of the normal cells?—Not with our present knowledge.

11,123. Suppose I got this medicine, and experimented on half a dozen notorious drunkards, and gave them the medicine as I give medicine to any other patient, would you expect the same result as you get. Please understand the patient would not know that the nature of the medicine he was taking was this so-called drink cure?—No. It is my impression that the knowledge has something to do with it.

11,124. Have you yourself applied the remedies?—No.

11,125. You have never been allowed to apply them?—No.

11,126. You are aware that tartar emetic has been so far successful in creating a disgust for alcohol, and long before ever American doctors came across to this country?—Yes.

11,127. You informed the Chairman that you knew of many cases where a person had been drinking, and appeared very shaky and in bad condition, and that after four or five days' treatment he got well?—That is correct. That is within my own experience.

11,128. But, from the system of treatment usually followed in this country in such cures, the same results are got in the same time?—Oh no. A very bad case of alcoholism you will not have well in a fortnight or three weeks.

11,129. But cases of *delirium tremens* in Gartnavel or in the home, after five or six days' treatment, get better?—But these were men who were almost insane. I remember one man could not answer a straightforward question.

11,130. What does that indicate?—That he is untruthful. It shows the condition of his mind, that he would go round instead of straightforwardly.

11,131. So that there would be no use my giving it in the guise of an ordinary tonic, to get good out of —Yes. It would test the value of it as a drug.

11,132. But you informed us that if it was to do much good it would be necessary to know this cure was being taken?—Because it enhances its value.

11,133. So that there is something in the suggestion that he is getting this special remedy?—In all medicines it is the case.

11,134. By no means. As a medical man, do you think any pronouncement as to the efficacy of a drug is of the least value where, first of all, the nature of the medicine is not known, where the physiological effects are not stated, where the pathological condition calling for treatment, and where the results of the treatment are not given on scientific lines?—It is of actual value: that I have seen; that I know.

11,135. But if it has got an actual value, why cannot its effect, like say those of blue pill, be expressed on

Dr. Alexander Nairne. 20 Dec. 1894.

scientific lines? You have given certain pathological conditions which can be expressed, and you have given certain remedies, and if with the treatment you are able to show beneficial results, why cannot the accurate scientific facts be stated?—Because the inventor chooses to keep it a secret. He will not sell it.

11,136. But, allow if you like, the inventor to keep the medicine a secret, is there any reason whatever why he should not state the pathological conditions he finds, and the changes effected by the medicine in the tissues of the body as revealed by physical signs, &c.?—There is no reason why he should not.

11,137. But you know quite well that is not done?—No.

11,138. It is only expressed in the ordinary every-day language that So-and-so has been cured?—Yes.

11,139. Do you know of any other medicine prescribed by any medical man in this or any other country, where it is necessary to know the nature of the remedy a person is taking to produce a change in the tissues?—In some cases it is necessary they should know; in some it is not.

11,140. Can you tell me any single remedy in the British Pharmacœpia in which it is necessary to know the nature of the medicine the patient is taking, in order that that medicine may produce certain changes in the physical condition of the body?—A purgative, for example.

11,141. To know the effect of the medicine?—If you tell a man he is taking magnesia it will have a purgative effect.

11,142. Not necessarily. If he gets a purgative dose it will purge him, whether he knows or not what it is?—It may not.

11,143. Then, obviously it is not a purgative if it does not produce a purgative effect? It isn't a purgative to that individual?—[No reply.]

11,144. Allow me to give you the instance of a dilated heart. You know the effect of digitalis on such a heart; is it necessary for the patient to know that he is getting digitalis to remedy his condition?—It is wiser, but not necessary.

11,145. Supposing you had two people who had dilated hearts—one a medical man who knows he is getting digitalis, and the other an ill-informed man, and both take the same remedy, the one knowing what he is taking and the other not, is not the result the same in both cases?—No. It is not the same.

11,146. That is to say, digitalis as a therapeutic remedy requires the knowledge of the individual swallowing it to produce its effect?—It has some greater effect on the patient who knows he is taking it for that purpose.

11,147. The same would, I suppose, hold good of a poisonous dose of morphia. Can you refer us to a single scientific reference in this country that would bear out that view that you have given to the Committee now?—I could not at the moment.

11,148. (*By the Chairman.*) Have you any knowledge of any of the other remedies for the treatment of inebriety?—No, except the ordinary medical treatment—bromide, and so forth.

11,149. I mean any of the secret remedies, the Tyson cure, &c.?—No. This is the only one I had anything to do with.

11,150. I understood you had made some statement to the British Medical Council about the 'metabolic' cure?—That was the only statement I had made—that I had seen the good of it.

11,151. At what date did you make that statement?—June of this year, of 1894.

11,152. About what time, in what month?—It was the beginning of June. [The witness then withdrew.]

Mr. John Lawson.

Mr. JOHN LAWSON, Superintendent of Discharged Prisoners' Aid Society, called in and examined.

11,153. (*By the Chairman*). You are Superintendent of the Glasgow Discharged Prisoners' Aid Society?—Yes.

11,154. You come personally into contact with each prisoner?—Yes.

11,155. How many prisoners did you deal with in the course of last year?—In the year 1893 there were advised to us from Barlinnie 11,317 male prisoners, and of these 6855 came to us.

11,156. Have you the figures for this year?—In 1894 we have had for the ten months, that is up to the end of October, advised to us 9473, of whom 5453 came to us and had breakfast, that is to say, we received the latter number into our rooms.

11,157. You talk of advised; do they advise you of all prisoners to be discharged?—Yes, every day.

11,158. But they do not all come to you?—No. We prepare to give them all their breakfast, but a number have their wives waiting for them and other friends, and they do not come to us. Only about two-thirds come to us.

11,159. Then would you please tell us what you do?—We receive the prisoners. Two men go to the prison gate, where they are discharged. The men are brought in from Barlinnie and are discharged within the quadrangle of Duke Street Prison.

11,160. But, before we go further, you have a woman from Duke Street who takes charge of the females. These figures deal only with the men?—Yes. I can only speak definitely about the men. Mrs. Elder takes charge of the women.

11,161. But you have the same machinery?—Yes.

11,162. Doesn't the Discharged Prisoners' Aid Society do that?—Yes, but the females are under the charge of a lady.

11,163. Have you her statistics?—I have not.

11,164. Then explain to us what you do?—The prisoners go to Duke Street, and I send up two men, and each prisoner is offered a ticket with a different colour for each day, so that a man cannot come the next day for his breakfast. They come round with these tickets, and we can tell where a fellow has sold his ticket by the changes in the colour. The man who does this work is an old convict himself.

11,165. Setting a thief to catch a thief is your policy; is he a good man?—A first-rate man. He has been five years with us.

11,166. When do the prisoners come out?—Between 8.30 and 9.15.

11,167. Do you think it would be any improvement to let them out before the public-houses are open?—I may say when I began to insist that men who smelt of liquor should not get their breakfast, it had a wonderful effect, and I find now that not a man comes to us with the smell of drink upon him.

11,168. Then you think they would rather have their breakfast than the drink? That holds good at least with 6855 out of 11,317?—That is so.

11,169. Do you think it would be an improvement if they were landed at a time when the public-houses were not open to receive them, for instance at seven o'clock, an hour before the public-houses are open?—I do not think it would do any good. I think those who do not come to us are taken away by their friends, rather than go into the public-house.

11,170. Then you do not think that many of them are met by dissolute friends who take them to the nearest public-house?—Some of them, but not many. There are a number of decent men who get into prison, and who are met by their friends and at once taken away with them.

11,171. Taking your 6855 or 5453 of this year, what did you do with them?—First of all there were in 1894 this year 4642 drunks, that is to say, men who had from 3 to 30 days in prison.

11,172. But these do not all come to you?—Yes, I am giving you the numbers up to October 1894.

11,173. And of these 4642 were drunks?—Drunks—men who were under short sentences, who were either in prison for simple drunkenness or assaults. I

have 927 or 75 per cent. of those who came to us in 1894, who were in for being drunk, and 9½ per cent. were for theft.

11,174. Well, now about the drunks, what further proceedings do you take?—I see each man and speak to him, and learn his history as far as I can. Then, before I arrange to get him work, if he has a wife I send for her. I find, after a good deal of experience, that it is a good thing to see the wives, because I find it is not much good unless you get a man's wife to back you up: or, if he has a daughter, that is, if he is a widower, the same thing may hold good; or a father or mother if he is a young man. I do the best I can to turn them inside out, and see if it is safe to recommend them, and either I or my assistant places the man in work.

11,175. What sort of work?—All kinds, but it is mostly labouring work.

11,176. Doesn't a serious offence affect a man when he goes to work?—That was the case at first, but it doesn't do so now.

11,177. I want to differentiate between prisoners. Employers won't trouble much about a man who has simply got a few days for drunkenness or for a drunken assault, but do they not hesitate about a thief?—We proceed this way. I go myself first. I know many Glasgow employers of labour well, and I arrange with the employer to give work to our men. They refer us invariably to their foremen, and I think that is the best part of it. We have got these foremen to take us up most thoroughly. Generally, foremen have been workmen themselves, and have risen from the ranks, and in some cases are better than the employers. They are sorry for these men, and they have helped us marvellously. We have done good to these foremen by giving them an interest in the men.

11,178. Do you find many of the drunks coming back to you?—If a man has disappointed us twice after giving him work, unless there are very strong reasons to the contrary, we do not give him work again.

11,179. Take a man who has been in for being drunk three times, who probably will have lost his situation, and who has threatened to become a regular habitual—that is the class we are particularly interested in; you can do nothing for him? You must keep up your character?—We would spoil our influence if we sent these men. We would lose our own character.

11,180. Then, practically, for these habituals, your Society does not exist? It does not deal with them?—No, but there are a great many of that class you know who are five or six times in prison, and——

11,181. There are many people who are five or six times in prison in the course of three or four or five or six years?—In one year.

11,182. Yes, I know that, but would you refuse work to a man who had been in prison five or six times in as many years?—No.

11,183. It is a fellow who is several times in prison in one year that you refuse?—Yes, twice or three times a year.

11,184. What do you do with the 9½ per cent. of thieves?—We have a good deal more talk with them when they come out, because they generally have been 6 months, or 12 months, or 18 months or more, and their gratuities are given to me. They are entitled, if they behave themselves, to a shilling a month when in prison, and that is sent to me if the sum exceeds four shillings; and I pay as much as a couple of pounds or so to some of them.

11,185. You are entitled to retain a considerable portion of it at your discretion?—I invariably give them a small portion at a time, and that gives me a hold over them, because, if they do not work, they do not get their gratuity when they wish it.

11,186. But, apart from the gratuity, where or how do you get them placed in work?—In various ways,—foundries, locomotive shops, ship-building yards, and as masons' labourers.

11,187. As labourers?—They are mostly all labourers.

11,188. But do not you find a strong prejudice on the part of employers and of foremen against men who have been in for theft?—Well, we do not just tell the whole story. We do not enumerate the thefts. We judge of the man by our examination of him.

11,189. You are notoriously connected with this institution. The first thing a foreman will ask you is 'What was this man in prison for?'—He does not do that.

11,190. But, if it has only been for drink, you tell him, don't you, and, if you do not, he will take it for something worse?—They are not so particular as that. We are so well-known that when we offer a man they take him.

11,191. Do you find many of them coming back?—Not many. They do not come back. They may go wrong, but they do not come back to us. Up to 1894 for that year, we placed in work 410 men for the ten months.

11,192. Of all classes?—Yes; and we have provided with clothes to enable them to enter upon their work, 403.

11,193. You say, to enable them to enter upon their work, but it doesn't follow they got work?—We have actually placed in work 403 who are provided with clothes. They get perhaps a shirt, or a pair of boots, or some other article. Then, of those, 29 only turned out unsatisfactorily.

11,194. Out of 813?—Yes, and in addition to that, we had 60 convicts in 1893, of whom 55 were placed, and 5 were bad. That is all. We can be sure of that.

11,195. Because they have to report under ticket-of-leave?—Yes. We have far more satisfaction in dealing with convicts than the others.

11,196. You have a bigger gratuity, and they are under ticket-of-leave?—Not so much as that they are soured by the long imprisonment, and anxious at the first blush to lead a better life, and if a man has got £4 or £5 to get, he will call upon us four or five or more times.

11,197. Their tickets-of-leave will extend over a period of 15 months; during that 15 months you know about them, and you mean that only 5 out of 60 went bad out of that number?—Yes.

11,198. You have accounted for 463 out of 5500. That leaves roughly about 5000 who came to you to breakfast, whom you have not accounted for?—In 1893 there were 6800 altogether.

11,199. What are these last figures?—For 1893.

11,200. And the 410?—For 1894.

11,201. We will take the 410 and 403 that you have found work and clothes for respectively; that makes 813, and I suppose you would have about 60 convicts besides?—No. For the 10 months of 1894 we had 72 convicts, and of these we have, up till now, placed 58 in work and 12 of them have turned out bad.

11,202. That is a much bigger percentage than last year?—Yes.

11,203. You have disposed this year of 885—or, say 900,—out of 5453 who came to you for breakfast; that would leave, roughly speaking, 4500—that is deducting, say 900 from the 5400?—For 1894.

11,204. What do you do about them?—Nothing. They do not want anything. I do not suppose we have above four or five every morning who want work. A man is working on the underground railway, or some other job, where he gets his pay every day, and has just been on the booze since Saturday; and he gets his job when he goes back again.

11,205. He only wants to start with his breakfast?—Yes.

11,206. The Government gives you half the amount of your disbursements in respect to any prisoner up to the sum of £2, that is to say, the Government will not give you more than £2?—More than £1.

11,207. Would you state the maximum amount you can recover from the Government up to a given maximum? Would you please state the maximum contribution of the Government?—£1. If I expend £2 we get £1.

11,208. Then as to your other sources of revenue?—Subscriptions.

11,209. And, besides that you have the gratuities

Mr. George Milne.
14 Dec. 1894.

8006. What does that cost?—The last one I lodged cost 9s. 6d. a week for board and lodging.

8007. You want to get the convict away from Aberdeen?—In some cases I urge them to leave Aberdeen. I have just seen a convict's wife away to another place, where I think they will do better, and the convict follows in a few days.

8008. Do you find families willing to receive female convicts?—Many are not inclined to receive them.

8009. Are the prisoners willing to go to homes?—Not usually. As an example—two women, sisters, who had been frequently convicted, when in prison expressed earnest desire to change their habits, and willingness to go into a home. I made arrangements for their admission, and sent a person to convey one of them from the prison to the home. She reached the home, and went off within ten minutes. After that I sent to the other sister, still in prison, but she also changed her mind and refused to go.

8010. Have you any success with habitual offenders?—There is one case in which a woman, classed as an habitual offender, has been for nearly a year without an offence. That is a rare experience. Those who have been in a first time generally turn out best.

8011. Do you find occupation for them?—Mostly at labouring work: but in a recent case a prisoner who had been a packman asked me to retain his gratuity till he got his licence. That was done, and he is now doing well.

8012. (*By Col. M'Hardy.*) Do you visit the prison?—I visit the prison, but I have access to the prisoners only by their being brought out. I would like greater facilities.

Mr. George Milne.
14 Dec. 1894.

8013. Have the visitors perfect freedom of access?—They have.

8014. What do you mean by a separate system of confinement?—I mean a system under which each prisoner would be separately confined.

8015. Is not that what they have?—I mean that the prisoners seem to get too familiar with their surroundings, and that even long imprisonment ceases to have a deterrent effect.

8016. (*By Dr. Sutherland.*) What would you call a deterrent punishment?—A sufficient period of solitary confinement—say a week.

8017. If you learned that 90 per cent. of the first offenders are deterred, by a few hours in a police cell and leaving a small pledge, or a penalty of 5s. or 24 hours inflicted by a magistrate, why should you wish severer penalties?—It seems to have wrought with the 90 per cent.

8018. (*By Professor Dove Wilson.*) So far as you can you require labour before giving any advance?—We do.

8019. Do you find that your labour department pays its expenses?—No, there is a loss of £100 to £150 a year, which we consider one way of giving relief.

8020. (*By Dr. Farquharson.*) Have you difficulty in getting employment for discharged prisoners?—In some cases we have.

8021. Are you ever short of funds?—Our funds have hitherto been sufficient for our needs. [Witness then withdrew.]

Professor Matthew Hay.

MATTHEW HAY, M.D., Professor of Forensic Medicine in the University of Aberdeen, and Medical Officer of Health in Aberdeen, called in and examined.

Professor Matthew Hay.

8022. (*By the Chairman.*) You are Police Surgeon and Medical Officer of Health in Aberdeen?—I am.

8023. You see a good deal of the habitual criminals of the town?—I am only called to see them when there is difficulty in dealing with them—when they are ill or requiring professional attendance.

8024. Are the people of Aberdeen unusually riotous?—I have no means of comparing them with others.

8025. The proportion of arrests on the charge of being drunk and disorderly is enormously greater than anywhere else?—I am not aware, of my own knowledge.

8026. Have you any theories as to the deterrent effect of ordinary modes of dealing with habitual criminals?—I do not consider the ordinary treatment of any service. I have prepared some notes on the subject. (MS. handed in.)*

8027. Do you know anything of Elmira?—I have not personally visited it. I am aware that some difficulties have arisen recently in connection with the institution, but they appear to have no bearing on the principle of treatment.

8028. You speak of dealing with the reclaimable class on farms, and think the cost would be less than on the present system: did you work that out?—I have no special information.

8029. It has been suggested that, after a certain number of convictions, during life or a shorter period, the police might be authorised to bring a complaint, aggravated by the consideration that the accused was a habitual offender, and that it should rest with the Sheriff to decide who should be considered a habitual offender?—I think something might with advantage be done in that direction.

8030. How would you deal with the habitual drunkard who does not come before the police?—I think there should be some means of dealing with such persons. I have often been appealed to about them by their friends, and my advice has been that, where they cannot deal with them domestically, they should be declared insane, and treated in an asylum. But I have generally found that medical men decline to certify for an asylum in such cases.

8031. Do you know of any cases, which might properly have been treated as those of habitual drunkards, having been certified and sent to lunatic asylums?—Yes.

8032. (*By Dr. Sutherland.*) As a medical jurist you have come across cases in which habitual inebriety has been well-known, but has not come under cognisance of the law?—I have, and I think there is great need of provision for such cases.

8033. Your purpose would be served if such persons could be brought before the Sheriff, and an inquiry conducted on the evidence of friends and neighbours and medical testimony in addition?—Yes: in such cases probably the inquiry should be private.

8034. (*By Dr. Farquharson.*) You have told us of one or two cases in which habitual drunkards have been put as lunatics in an asylum. How long would they be detained there?—Till the superintendent of the asylum considered the patient fit to take care of himself when released.

8035. Would the superintendent of the asylum be warranted in keeping the person for a long time on that footing?—I think not, and that some other provision is needed.

8036. Do you think it is possible in this way to cure inebriety?—I am fairly hopeful, from my experience, if the detention is at a sufficiently early stage, and I would give all cases a chance.

8037. Is there not this difficulty—that the evidence in an early stage might be insufficient to satisfy a magistrate?—I hardly think so: even in men of the age of a university student it would at times be possible to give evidence showing the desirability of their being so treated.

8038. In more advanced cases there is not so much hope?—In later cases structural changes occur in the system: it becomes both a moral and physical condition. If the case is got early enough, and treated promptly, I believe that, in a majority of cases, good results may be achieved.

8039. Would confinement for a period of, say a month, serve any curative purpose?—A period of one month would probably be of no use. It would have to be not less than three or six months, and, if brought back again, then for a longer period. That should be left largely in the discretion of the institution

* Appendix.

Professor Matthew Hay.

14 Dec. 1894.

superintendent. There should be a maximum and minimum, within the range of which those in charge of the institution might be at liberty to choose.

8040. How would you treat habitual offenders?—As to general offenders, I have faith in detention if accompanied by education, moral and physical. I judge from the good effects in the Elmira and kindred institutions, from which about half have been sent out on parole, with the result that only 15 or 17 per cent. have lapsed into their former ways.

8041. (*By Professor Dove Wilson.*) In the case of habitual drunkards, do you think short terms of imprisonment do any good?—No, they tend rather to confirm the person in his drunken habits, and he loses his work.

8042. (*By Dr. Sutherland.*) What is your opinion of the 'Tyson,' the 'metabolic,' the 'gold' cure, and such like?—I have not analysed them, but I think them utterly useless. I am not a believer in medicinal remedies for intemperance. [Witness then withdrew.]

Miss Addison.

Miss ADDISON, Matron of Aberdeen Home for Fallen Women, called in and examined.

8043. (*By the Chairman.*) You are Matron of the Rescue Home in King Street?—I am.

8044. How long have you been in that position?—I came eight months ago.

8045. Have you any reports of the operations of the institution?—I put in the two last reports.

8046. How many inmates have you?—Eleven: There were 13 admissions during the year, 9 left of their own accord, 2 were placed in service, and 2 it was thought necessary to send away.

8047. With what kind of cases do you deal?—Young girls that have been astray, or who are in danger of going astray.

8048. How long do you keep them?—For two years. We don't admit them unless they make up their mind to remain two years.

8049. How do you occupy them?—In laundry work and housework.

8050. If they change their minds they can leave at any time?—If they leave they get back their own clothing, but if they remain two years they get a nice outfit.

8051. I see you sent off two; have any others left before the expiry of their term?—They all remained.

8052. Two were placed in domestic service last year: how many this year?—Two; one to domestic service and one to mill work.

8053. I see your collections and subscriptions amount to £187: how much do you make by work?—We have made £263 by washing.

8054. (*By Col. M'Hardy.*) How are your inmates accommodated?—Each has a little room to herself, with a bed. We have 16 beds.

8055. How do you regulate their work?—So many in the laundry and so many at housework. They get up at six in the morning and leave off at six in the evening. Those who light the fires are up at half-past five. They make all their own clothes and the outfits that they receive in going away.

8056. (*By Miss Stevenson.*) Before coming here you were engaged in the Industrial School at Ayr and in Dr. Guthrie's School in Edinburgh—for how long?—For three and a half years in each.

8057. Had you charge of boys or of girls?—Of both. I was for eight months matron of the girls' school.

8058. Did you find that they were already familiar with vice?—Some of them were already familiar with such things as lead to the need for Refuge Homes, from the way in which they had been brought up.

8059. Had you any experience with the unfortunate class of women before coming here?—I had not.

8060. Are you in charge of the institution?—Yes; there is a ladies' committee. The ladies take month about, and come regularly and go over the house.

8061. What is the routine of your day?—One girl gets up at half-past five for work in the kitchen, and another for housework: the rest at six. Breakfast is at eight, and worship after breakfast, lunch at 11, then to work. Dinner at one, and work again at two. After six they have tea, and do their knitting or sewing. There is an evangelistic meeting every Thursday. In the summer time, instead of going into the class-room, they go out and play. When tired they have books out of the library, and games occasionally.

8062. What is the average age of the girls?—From 15 to 27.

8063. Have any of them been in homes before?—One has been.

8064. (*By Dr. Farquharson.*) Do you get many who have been long on the streets?—No; our committee object to taking them when advanced in vice.

8065. Is there no chance of reclaiming them at a later stage?—We have one 26 years of age; she has been well-behaved.

8066. Do they complain of having been harried by the police?—No.

8067. (*By Professor Dove Wilson.*) Have any of them been habitual drunkards?—One of them has been; more or less they have all taken drink.

8068. (*By Dr. Sutherland.*) Do you find that all, or nearly all prostitutes, are drunkards?—Yes, they could not live the life without the drink.

8069. Do you recognise among them different types of disposition and temperament, as well as different degrees of vice?—Yes. I think it is desirable to have them classified.

8070. Is there a risk of those old in vice having a bad influence on the younger?—We make it a rule that they are not to speak at all of their former lives. [Witness then withdrew.]

[Adjourned.]

EIGHTEENTH DAY.

DUNDEE, Saturday, 15th December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart, M.P. (*Chairman*).
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Lord Provost Low. 15 Dec. 1894.

LORD PROVOST LOW, called in and examined.

Lord Provost Low. 15 Dec. 1894.

8071. (*By the Chairman.*) You are Lord Provost of Dundee?—I am.

8072. How long have you been Lord Provost?—Since November of last year.

8073. And how long have you been in the municipality?—I have been a councillor for 18 years, and I was a magistrate for 5 years previous to my being appointed Lord Provost.

8074. I understand that you have paid particular attention to the question of habitual drunkenness, and that you think that the question of habitual crime with which we have to deal can be better spoken to by others?—Yes. I mean that I have not given very much thought to the questions with which this Committee is dealing, other than the question of habitual drunkards.

8075. Habitual drunkenness, in order to understand clearly what we are talking about for the purpose of dealing with that, may be divided into three classes, or rather two great classes—those who would support themselves in asylums or retreats, and those whom the county would have to support?—Yes; that is so.

8076. We will deal first with the case of those who would support themselves?—Yes, I have thought of both classes; in fact I divide drunkards into what I would call three classes. I call the first class drunkards pure and simple, who appear before the Police Court—that is to say, those who are not charged with or convicted of crime other than drunkenness. Then the second class I call habitual drunkards who are frequently convicted of other offences—of other petty offences—along with drunkenness; and the third class I call habitual drunkards who don't appear at all before the Police Court, but who, nevertheless, are great sources of trouble to their families and friends.

8077. Well, now, I suppose you prefer to deal with them in the order you have mentioned?—If you please.

8078. Then let us have the case of pure and simple drunkards?—The pure and simple drunkard is he or she who is brought to the Police Court and convicted of being drunk and incapable of taking care of themselves, and so taken up by the police, and dealt with by the magistrate. The principle which pertains now is to fine or imprison for a very short period as the law allows. They either pay the fine, or, more generally, go to prison for a few days. They leave prison raging for drink, and the very first thing they do is by hook or crook—even by selling the garments off their backs—to obtain more drink, and the result is that, in a very short time, they are back again at the Police Court, and back again to prison.

8079. You spoke about imprisonment for a very short time. I believe you have power here to imprison for 30 days?—I will give you the maximum penalty. The maximum is 40s. or one month.

8080. But, practically, such a high sentence is seldom given by the police magistrate? That is the same penalty as in the Burghs Police Act?—The same penalty. Two years ago we practically adopted that. Previously we were not able to give such a long sentence.

8081. In passing—you have been a magistrate under both of these conditions?—No. I have not served on the police bench since we adopted the general Police Act clause, but I am familiar with the work.

8082. Could you give us any statement of your own experience as to the comparative results of your lightest penalty—5s. or 24 hours—and the system under which your maximum penalty in ordinary cases is 40s. or one month? I don't know whether you have power to add 14 days in cases of habituals?—No, I think that the maximum for "drunk and incapable" is 40s. or one month.

8083. Still, there is a great difference between that and 5s. or one day. Can you tell us whether there is any marked improvement?—I cannot give you a comparison, because I have not served on the police bench since we adopted this particular clause.

8084. Have you anything further to say about that class?—Well, the question now is how to deal with that class—I mean what to do with them other than what we are doing. Generally, my idea is that in order to deal with drunkards, it will be necessary to have a separate retreat, or, what I would prefer to call, reformatory, for this class altogether. We will no doubt deal with that a little further on; but I would say, with regard to those convicted of being drunk and disorderly, I would be inclined to recommend that that class be sent directly to such a reformatory. That is to say, I would not in the first place send them to prison. I would send them directly to the reformatory, and my idea of the length of time of detention for habitual drunkards is that it should not be less than 12 months. I have arrived at that opinion from many conversations during several years which I have had with medical men and others, who believe that, in order to get the alcohol poison thoroughly removed from the blood of those miserable creatures, 12 months is the shortest period in which such cure may be expected to be effected; and I would therefore consign the habitual drunkard 12 months to this proposed reformatory—habitual drunkards who were not convicted of any other crime.

8085. And your next class of habitual drunkards?—Well, the next class are those who are convicted of habitual drunkenness with other petty offences, such as assaults, breaches of the peace, and disorderly conduct. I would deal in exactly the same manner with that class, plus punishment in prison for the other offences, and I would do that on this ground, that I think it would be a dangerous precedent in law to say that a drunkard convicted of the other more serious offences in the eyes of the law should simply be consigned to this, what you might call, asylum. I have arrived at this conclusion because, if a drunkard were admitted to a reformatory pure and simple, without paying the ordinary penalty for ordinary crime, then it might very well be asserted that a drunkard committing a very grave criminal offence might plead that drunkenness was the sole cause of this, and therefore he should not be punished otherwise than being consigned to this asylum in a similar way to lunatics. I think that would be a dangerous principle, and, in my opinion, the drunkard who commits crime other than drunkenness,

Lord Provost Low.

15 Dec. 1894.

should first be punished by the magistrate for that offence—I mean, sent to prison—and then be consigned 12 months to this reformatory.

8086. There is a practical question arising here. What do you consider a habitual drunkard?—I have also thought of that, and I think that any one appearing during a year, and being convicted of drunkenness, with or without any other crime, for four times or more, should be held as being a habitual drunkard.

8087. That proposal, as you know, has been very much before us, and we had it objected to in Glasgow, for instance, and in other large manufacturing towns, that a considerable number of decent working men who support their families getting drunk, on pay nights would find their way into the hands of the police four or five times in the course of the year?—I know the point. It has not escaped me. I have no doubt we have the same class in Dundee.

8088. Do you think that could be obviated by committing these men, say to the sheriff, as guilty of such and such a crime, aggravated by habitual drunkenness and repeated convictions, and asking him to pronounce against them as habitual drunkards or habitual offenders? Would you take other evidence than the mere number of commitments?—I would not be inclined personally—I have thought of the subject exactly on the lines which you have stated—I would not be inclined to make any difference between one class and another class convicted at the Police Court. My experience is that the hard-working wage-earning men who simply get drunk on Saturday do not appear at the Police Court with such frequency as that. There are some occasionally getting into a scrape and appearing now and again, but by no means with any sort of regularity. I don't think I could say from my experience that I remember of any working man appearing twice in the year. I am perfectly satisfied he has not.

8089. So you think four would be a safe margin?—My objection to making differences is this, that, if you do make a difference, then that very class would not have the same fear of being committed for 12 months to this asylum, which I think would be a very deterring thing, particularly to that class. It is the very thing that is wanted. We must not forget that that very class sometimes go and spend large portions of their wages before they go home. They then proceed home drunk, and make a perfect pandemonium of their homes, to the total destruction of peace and quietness there, and I feel that if those men—who, mark you, are all very intelligent men—felt that there was a danger of being consigned for 12 months to this asylum, they would think twice—because they are capable of thinking—before they permitted themselves to get into that condition; and I think if we wish to deter we must force on the minds of that class the danger of being sent away for a long period.

8090. We know your views regarding the two classes of Police Court habitual drunkards, and we come now to the habitual drunkard who does not come into that distinction?—Well, of course they cannot be dealt with in the same way—I mean they cannot be committed in the same way, and the question is, how to remove them when they ought to be committed. Well, on full consideration of this matter, my opinion is that the simple certificate of two medical men and a Justice of the Peace or magistrate should be sufficient evidence that these people are fit subjects to be consigned to a reformatory.

8091. Would you have them consigned to a reformatory to keep themselves there? Would you have them consigned to a public reformatory?—I would have them consigned to a public reformatory where they would have to pay for themselves, just on the same lines exactly as lunatic asylums, where we have paying patients and non-paying patients.

8092. At whose instance do you expect them to be committed?—At the instance of their friends.

8093. Would you allow the police to take action in such cases?—I don't think it would be necessary.

8094. About the expense of these reformatories—do you think that Dundee would care to contribute at all towards that?—I think these should be national institutions.

Lord Provost Low.

15 Dec. 1894.

8095. But there is this difficulty, you see, that, assuming that any legislation were to result in the direction you indicate from the investigations of this Committee, it would probably be confined to Scotland?—Yes.

8096. Because the machinery in Scotland is different from that in England, and our remit is simply as to Scotland. There would be some little difficulty in asking England and Ireland to set up a big system of reformatories at their expense, if they did not participate in them?—Well, you will observe that the local public do not in the meantime have to pay for criminals who are incarcerated in jail.

8097. That is quite true?—And I think it would be a burden thrown on the local rates which would not be warranted in the circumstances, because, in my opinion, if this plan were adopted, it would very soon be felt that Government would have much less to pay for their ordinary prisons than they have now.

8098. Well, of course, we have not overlooked that consideration, but I think the result of the evidence placed before us has been to this effect, that the habitual offender—the habitual drunkard—is a burden on the state for his maintenance in prison, on the municipal rates for his handling by the police, and very often on the parochial rates for his sojourns in the poorhouse in the intervals of his imprisonment?—I quite perceive that; still I am of opinion that this ought to be a national movement, supported as ordinary prisons are, from the national purse.

8099. Then we got evidence in Aberdeen yesterday from one of the leading magistrates to the effect that they have there in the city and county both contributed largely—£600 a year at least—towards the maintenance of the reformatory and Industrial School, and he thought they would be prepared there to give a local subsidy in the event of any such institution as you speak of being erected. You don't think that would hold good in Dundee?—I don't say Dundee would decline to do so, if Parliament in its wisdom thought it was the right thing to do; but I am stating broadly in my opinion that this is an institution which ought to be maintained entirely by the state.

8100. Well, of course, probably the Chancellor of the Exchequer might consider the matter from another point of view. But, assuming that powers were given to corporations and County Councils to contribute to such schemes, do you imagine that there would be any likelihood of Dundee availing itself of these powers?—Well, I don't know whether others who have given evidence have considered as to the probable number of such institutions which might be required in Scotland. My idea is that very few indeed would be required, and that one or two central institutions would, at least in the first place, be all that would be required.

8101. Well now you want, when you get the people in, not merely to be locked up, but to be employed. Have you any ideas on the subject of employment during the reformatory period?—Yes. First they ought to be employed—of that there is no doubt—both paying and non-paying patients. I would make them work. As to the nature of the employment, I know that is a most difficult problem, especially in regard to indoor employment. The prison authorities find that to be so, and, other than the ordinary prison work, I don't know I could suggest anything for indoor employment, but I should greatly advocate the idea, in connection with such reformatories, of having some land attached to them, which I should strongly recommend to be worked by spade labour. I think that what you might call very large gardens—if I might use the term—rather than farms, would be a very right thing.

8102. We have also had that brought under our notice, and I think there is not so much difficulty in suggesting work for male inmates, but take the case of females?—Let me say further as to males that, in my opinion, this garden idea would pay, if fruit were cultivated largely, which is done almost entirely by spade. That

Lord Provost Low.

15 Dec. 1894.

is a business that pays, and in that way they could to a certain extent pay their own way, and the burden, whoever it fell upon, would be less, so far as males are concerned.

8103. In connection with the Scottish prisons, there is a considerable amount of sacks made in Dundee, is there not?—I am not aware. I know that many mats are made, and one great objection to that is that the industry seriously interferes with industries carried on by certain charitable institutions, such as Asylums for the Blind, which are seriously crippled in their efforts for that very reason, and hence I said a minute ago that there was great difficulty in connection with indoor employment for prisoners.

8104. We have heard about that. We have also heard it suggested that some of the charitable institutions derive their supply of blind men's mats from the prisons?—That is not so, so far as regards the institution for the blind in Dundee, which is a splendidly organised and well-conducted institution. I had occasion quite recently to speak to the Secretary for Scotland on that subject, and I explained the matter to him, and I can assure you that, so far as Dundee is concerned, the mats are made in the institution.

8105. Now about the females. Of course we know about washing and sewing, but all the institutions may be turned into washing and sewing, and if you are to turn in a large number of habituals—I see the number of drunk and incapables in Dundee last year was some 1600—— ?—Yes, the females are largely in the majority.

8106. That would be a difficult job—you could not turn them all out to washing and sewing, and you cannot turn them on to spade work. There are 1600 apprehensions for drunkenness. You deal with that very considerable number of habitual drunkards, and the secretary says there are some 60 or 80 women up before you constantly. Would not that necessitate finding some other means of employment? Is there anything you can suggest?—I entirely disagree with those who think that those women cannot be employed at outdoor work to a large extent. I would, most assuredly, both for profit and cure, employ them in the open air as much as possible.

8107. That is a desideratum. But how?—At fruit culture again. Why, in the Blairgowrie district, where so many strawberries are grown and other fruits, raspberries and so on, the women do the most of the labour. Women, as a matter of fact, in agriculture perform a very large amount of ordinary farm work, as we know; and in garden work, which this would practically be, those women would do it first-rate. I should have, in this connection, a considerable poultry farm, which again would pay, and could be managed very nearly entirely by women.

8108. We know that poultry farming can be done exclusively by women, but fruit farming would require men, and it would be desirable to keep them separate, would it not?—They must be kept separate, and any men who might be required to assist at such a garden or farm as I would have connected with female reformatories, would not be criminals.

8109. Men of good character?—Men employed by the authorities.

8110. (*By Professor Dove Wilson.*) You would require very few?—Very few. I maintain this could be done well by women.

8111. (*By the Chairman.*) There is another suggestion that has been made to us. It has been suggested that, a number of these female inebriates being mill workers, possibly a small textile factory might be erected, where they could be employed in making materials for the prisons. What do you think of that?—What materials?

8112. Well, such things as rugs, and so on, and bedding?—Well, of course, there would be no difficulty whatever in putting up looms. For instance, hand-looms would be very easily put up. I don't know that I could recommend anything of the nature of a factory.

8113. What I wanted to know was your opinion whether that would be likely to excite opposition among the people who are employed by private firms carrying on similar factories?—I should say this, that, if these people were made to weave common stuff, such as is made in Dundee in such immense quantities, with the view of keeping them employed on the one hand, and of earning something on the other hand, all they could produce of such goods would be so infinitesimal that it would never be felt, and would not raise any trouble amongst the operatives, but it would simply require to be weaving—spinning would be impossible—the object would be to get them employed.

Lord Provost Low.

15 Dec. 1894.

8114. Yes, and employed at trades they have some knowledge of?—Yes; the one difficulty is that I am afraid the people who would be sent from Dundee would not be able to weave even. The weaver in Dundee is, as a very general rule, a very respectable citizen. I don't know that in all my experience I ever had before me a weaver. We find that it is a lower class of the community that come before the Police Court. I should not like to name any particular branch of industry from which these poor women come, but I should say generally that I am afraid very few of them would even be fit to be weavers, because of course it requires some technical knowledge. It is a business not learned now, and I am afraid that not much progress can be made in what I would call the textile industry in any department, unless a factory were erected, which, I should think, would be what would not be approved of at all.

8115. The suggestion was that those girls who turn out drunken women have been brought up to some trade—many of them as mill workers—and that the knowledge thus acquired might be utilised in employing them usefully, giving them habits of industry, and launching them out again on their own lines of industry?—Well, I doubt that there would be practical difficulties; but I would make this suggestion. In Dundee we have a home for women who go wrong. They are drawn from the lowest strata of society. When they go to that home they do not really know anything about the work done there, but they very soon learn it, because these women work, and the work done there exclusively is laundry work.

8116. Well, but we have got laundries wherever we go, and reformatories or Magdalene Asylums. It is always laundries; and what we should like to have is a suggestion regarding something apart from laundries and sewing. We know the beneficial results and everything else?—I cannot suggest anything else, other than—in the summer weather and at suitable seasons—out-door work—fruit culture and poultry farming; and I think that these, combined with laundry work and sewing, would be sufficient to keep these women in full employment, and would elevate their minds and train their eyes and hands as well, and they would come out better citizens than they went in.

8117. (*By Professor Dove Wilson.*) Have you any notion what number of habitual drunkards might be sent yearly from Dundee to this institution?—Well, last year—the year 1893—we had convicted of drunkenness, combined with other offences, more than four times, 12. But then we had an immense number of convictions of one kind or another, a vast proportion of which, I have no doubt, was due to drunkenness—I should have said habitual offenders, who appeared frequently before the Police Court last year. They were charged not with drunkenness, but with the more serious offences.

8118. It is just an idea of the number?—Well, I was to point out how difficult that was from tables which are in our possession. One can only make a guess. Here is how I have put it. I say a proportion of those convicted of other offences induced by drunkenness, more than four times, 15. Then importuning, induced by drunkenness, more than four times, 16, making in all 31. I have no hesitation in saying, therefore, that last year there would have been sent from Dundee not less than 31, and very probably more. If this pla were adopted, the police authorities in charging thes

Lord Provost Low.

15 Dec. 1894.

offenders would take care to charge them with drunkenness, plus the other more serious offences. Just now they are charged only with the more serious offences, and thus any statistical information we have is not accurate on this simple point of drunkenness; but I should say that last year we should have sent at least 31 from Dundee.

8119. And these people you propose to send for two years, or for what number of years?—The people who were convicted of other offences, along with drunkenness, I would send first to prison for the usual period—I mean for assault or breach of the peace—they would be sent perhaps 14 or 28 days to prison for either of these offences, plus 12 months to this reformatory to cure them of drunkenness.

8120. So that, one way or other, there would have been about 30 last year?—There assuredly would have been 31, but very probably many more, because I cannot tell you definitely. I merely guess the proportion.

8121. Does this class of habitual offenders exist to the same extent in the county?—I should think a population like that of Dundee would yield a much larger proportion than a county population.

8122. Now, about the question of rates. Do you not think it possible that if a rate were put on for the whole of Scotland, the counties might object to pay for habitual offenders who come so largely from the cities?—Well, of course, the way I look at it is, that it is in the interests of the country at large, and they might object, but I think it would be a very narrow-minded view to take of the subject.

8123. Is it not the case that the cities vary very considerably also in the proportion of habitual offenders?—I don't think so. I think the numbers, according to my experience, are pretty regular.

8124. (*By Dr. Farquharson.*) Do you think that the habitual inebriate class are on the increase, generally speaking, or rather from your experience?—I would not like to say.

8125. Then your desire for legislation is not based on the increase of that class?—My desire for legislation is based on my present knowledge—on my knowledge of present conditions, I should say.

8126. Then your idea is to send the habitual inebriate who is not a criminal, except as an inebriate, to a reformatory without preliminary detention in prison?—Yes.

8127. How would you manage in that case? Would you send a man like that to a reformatory on the first conviction?—No; I would not send to a reformatory until he was convicted four times.

8128. What would you do with him the first three times?—Just what the magistrates now do. For the first conviction for drunkenness he is generally admonished and dismissed. For the second offence there would be the usual small fine, or short imprisonment, with another admonition from the bench. Thirdly, a slightly increased punishment in the same way, and then with an admonition again that, if he appeared again, he would be sent to a reformatory for 12 months.

8129. Then would he not have a long period of enjoyment of drink before going the length of a reformatory in that case?—You mean after the third conviction?

8130. Between the first conviction and the fourth. He would be practically enjoying the drink without much check or hindrance except fined?—Well, that is true; but we must arrive at some period at which the authorities would be warranted in confining a man for such a long period as 12 months, and I think it would be reasonable to say that a man was not a habitual offender until he habitually appeared for a certain number of times before a Court. That is what, in my opinion, would constitute him a habitual offender, and this institution will be put up only for habitual offenders.

8131. What do you expect the result of long detention to be? Do you expect reform, or only seclusion?—I would expect reform.

8132. You are hopeful of that?—I am.

8133. And are the medical men you have consulted hopeful of reform?—They are.

8134. After a certain long period?—Yes.

8135. Now, as regards cost, your opinion is that the cost would not be very great at first?—My opinion is that the inmates would, to a considerable extent, earn what would defray costs, and that the deficiency should be paid out of the Imperial Exchequer. At the same time, if that was found impracticable, then as an individual, I would not hesitate to say that burghs and counties should join hands and erect and maintain such institutions.

8136. Do you think that the idea of institutions of that kind would act as such a deterrent to the inebriate class that it must———?—I believe it would terrify them. In that way the cost would not be great, because they would take care to keep out of the reach of them. My opinion is, that it would have a splendid effect on the drinking class.

8137. Then your view is, that if Government declined to take any part—in that case do you think localities would willingly bear the burden?—I would strongly recommend it.

8138. Do you think your recommendation would be likely to be successful in Dundee?—I believe it would be successful; but I wish it to be clearly understood that, in my opinion, this thing should be done by the state, because it is to relieve the state of much costs in connection with their prison expenditure.

8139. By the state you mean a purely state contribution? You don't mean the general rates, as the Professor indicated, throughout Scotland?—I mean a state contribution from the Exchequer. I don't mean a purely Scottish contribution.

8140. Or a definite rate of any kind?—Or a definite rate of any kind.

8141. Just merely a plunge into the Imperial Exchequer?—That is my view, but I would not let that stand in the way of erecting this institution.

8142. Now, you expressed an opinion with which I entirely agree, that women might be largely employed in open-air agricultural work?—I did.

8143. It is the case that they do this now?—Yes. I think it would have the effect of improving the physical health of these women, who, we must not forget, are all taken from the slums in the cities, or very nearly so, and whose physical condition is not good; and I think it would strengthen their physical condition, and so, at the same time, in all likelihood, strengthen their moral condition.

8144. But, as regards the fruit industry, would there not be a danger of too many people going into it, and of profits coming down to vanishing point?—No. I think that the demand for fruit is growing enormously every year, so much so, that a very, very large proportion of the fruit required for industrial purposes in this country has to be imported from foreign countries.

8145. Not strawberries?—Not strawberries? Well, I beg your pardon. There is an immense quantity of strawberries now imported from Holland for the simple reason that, as a matter of fact, there are not enough strawberries grown in this country to supply the necessities of the people. But it would be a great advantage to the consumers of this country if more strawberries were grown, because home strawberries are so much better than the foreign strawberries which arrive here always in more or less bad condition.

8146. But in my part of the country it is found that, when the English crop is abundant, the price of the strawberries grown in Scotland runs down to a small price indeed—that the market is entirely dependent on the state of the English crop?—We don't find that here. That is not the case. Last year there was a glut of strawberries in England at a certain period, and yet the price of strawberries in Scotland was maintained—in fact, at a high figure, considering the large crop.

8147. Then you think that industry is eminently adapted for female labour?—Yes, and raspberry growing, of which fruit there is never enough.

8148. (*By Professor Dove Wilson.*) And currants and gooseberries too?—Yes. Both these are crops

Lord Provost Low.

15 Dec. 1894.

which are uncertain in the Scottish climate. Therefore, I would not promise that they would be always so profitable. It would depend of course where the institutions were set down, and that would be a very important feature in selecting sites for the institutions. I mean this, that if it were resolved to put down an institution where a fruit-farm could be connected with it, care should be taken to select a site where fruits more generally come to good crops and perfection, and that is easy to be achieved in Scotland.

8149. But then that would take up only a very short time in the year. How would you employ them after the fruit season is over?—Ah; but the fruit requires cleaning. There is a great deal of work in connection with strawberries during the season, cleaning, and weeding, and holing, and digging manure in the ground, and replanting patches, because strawberries have to be taken up and replanted periodically.

8150. Would you have a jam factory too?—Well, I would not approve of that, because I think that would be going into an industry that would require a great deal more skill than you could possibly expect from prisoners. You would in that case have to employ skilled labourers at very high rates, and go into details which, instead of yielding profit, would yield loss.

8151. Is there much skill required in making jam?—Oh, yes.

8152. Would you include dairy-farming as part of women's work?—There again, I think there would not be sufficient skill. Dairying requires great skill.

8153. You just put in your milk and turn your handle and there's your butter?—It requires such skill that in this country they have had frequently to bring people from Denmark to teach them. That, in my opinion, would not do at all for this particular class.

8154. (*By Dr. Sutherland.*) You favour a sliding scale in awarding punishment to petty offenders?—Yes.

8155. I find that, from your annual returns, practically 7000 people were apprehended by the police during the past year, and of these 5100 were only before the Police Court on one occasion?—Yes.

8156. Don't those figures suggest that the method of punishment—the powers of punishment—you at present possess, is adequate to check almost 90 per cent. of the people coming before the Police Court?—Well, it would appear so from what you say. I am not quite familiar with the figures. I may explain, that so far as they are concerned, Mr. Dewar will be able to speak more particularly to statistics than I can profess to do; but generally I should say that what you say would appear to be correct.

8157. Then you look at 30 days or 40s. to a casual offender not as an oppressive sentence?—Oh yes, I would.

8158. I think in answer to the Chairman, you said you looked on prostitution as synonymous with drunkenness?—No, I did not. I said that out of a certain number of these women who were brought before the Court I took it that they were there consequent upon being at the same time drunk. Drunkenness was the immediate cause of their being before the Court, plus this other offence.

8159. It practically comes to this—that the kind of prostitution that goes on in Dundee is closely identified with drunkenness?—Oh yes.

8160. As a magistrate have you had any experience of well-dressed prostitutes coming before the bench?—We have not much of that in Dundee. Some of them are tawdry dressed, but to say that they are well-dressed would be altogether a misnomer.

8161. In adopting a sliding scale how would the magistrates, changing from month to month, know to award cumulative sentences and penalties?—Well, the previous convictions are notified again. That is again permitted. It was stopped, you are aware. It was found that it was most unsatisfactory—entirely unsatisfactory, that the magistrate did not know anything about the history of the prisoner, and if a man is convicted of drunkenness or any other offence; and the court officials state whether it is the man's second, third, fourth or other time.

8162. In the returns I see it is stated that 79 women have been convicted five times and upwards of drunkenness, drunk and disorderly, and prostitution. Their presence would no longer be required in the city?—Well, you will observe this, that the principle on which I have been proceeding all along has been that when a person is convicted four times in the course of 12 months he or she shall be held to be a habitual offender. We have not had 79 so convicted in one year four times. We would not therefore require accommodation, in my opinion, for a large number. It might be that as time went on we would, but I have told you that, in my opinion, taking last year for example, 31 would appear to me to be the number which we would have had to send to this institution.

8163. Well, the return of the Chief Constable gives the number of 79 women, and only three men convicted five times and upwards for the offence of drunkenness?—Not during the past year.

8164. We have the returns here?—Oh, well, that may be. Of course, you explained that you took a certain proportion of those offences as being related to drunkenness. It may be that all the 79—every one of them were also drunkards, but I should think not. I have taken the proportion, and you have stated that, in my opinion, 31 would be the number.

8165. In regard to the cost at the present time, those people and their dependants in many instances are being maintained in prison out of imperial taxation, in the police cells by the police rates and a Government subvention, and in workhouses by the Parochial Boards out of the poor rates. That being so, do you think it would be a fair thing now to come on the Imperial Exchequer for the cost of these people, which, at present, comes from three sources?—I think it would be the best thing to do.

8166. Have them maintained by the State, and the institution solely a Government institution?—Certainly.

8167. And you would have no local interference?—Just as prisons are—just have a board. I would just have a board to be drawn from various quarters just as now.

8168. (*By Miss Stevenson.*) In the case of those habitual drunkards whose drunkenness never brings them under the notice of the Police Court, on whose evidence and by what authority do you propose to have them certified as habitual drunkards in order that they might be sent to the proposed reformatories?—You may be satisfied with the certificate of two medical men and a magistrate. I mean I would not have them to be brought before any public court. I would hold that just as in the case of a lunatic, this certificate was sufficient, and I would incarcerate them accordingly.

8169. And on the evidence of a man or woman although an immediate relation?—These medical men would satisfy themselves that they were justified in granting such certificate before they did it, and I would be satisfied that they would so satisfy themselves.

8170. Then you attach great importance to the medical certificate?—I do.

8171. And you think it would be sufficient to have this done not in open court but before a magistrate?—I would not have it done before an open court. In my opinion there is no necessity for a court at all. I should say that if two medical men and a magistrate—if these three were convinced that any given person was an habitual drunkard from evidence privately placed before them, that would be sufficient.

8172. In the case of those retreats or reformatories, do you propose that they should be under public management?—Public management entirely.

8173. And you would not approve of their being carried on for the profit of any individual?—I would most assuredly disapprove of any retreats managed for private profit or for private individuals. I have a strong objection to that.

8174. (*By Col. M'Hardy.*) Have you a general acquaintance with the views of the people in Dundee. Do you think that the county is quite prepared for

Lord Provost Low.

15 Dec. 1894.

adopting some change in the system of dealing with the small offender?—I am quite sure of it.

8175. Do you think they would be quite prepared to support some measure devised for their detention?—I have no doubt about it.

8176. In regard to the reformatories of which you speak, you said you proposed to set up two or three for Scotland?—I would have two to begin with—I mean one for males and one for females, separate and in different districts.

8177. Do you think it desirable that such reformatories should be so far as they could be financially, as small as possible—that it is desirable, in fact, to have as few people congregated together as you could conveniently have, in order that they might be dealt with individually?—Yes. I would have them pretty much as lunatic asylums are.

8178. But you would think it necessary that the establishment should be so small, I suppose, that the manager or superintendent in supervising it should be in personal touch with every person there?—Oh, I would have it just as I have already said more than once—pretty much on the same lines as regards size and other control as public lunatic asylums. We have asylums containing a few hundreds of persons, and there, of course, we have a medical man at the head of it, and a staff looking after the patients. I would work it pretty much on these lines.

8179. It has been explained to us that for effecting reformation amongst the persons of whom we are thinking, that it is extremely desirable to deal with them individually. Would you think that an unimportant matter, rather in the gross, as it were?—I don't see how it could be done individually, other than by the managers and those with them taking an interest, as I believe they would do in each individual case. For instance, no question has been put to me in regard to this point, but I think it would be highly desirable that there should be such an arrangement as would enable the authorities of such a retreat to trace as far as possible the history of the patients after they leave the retreat.

8180. We will think of patients while still in the retreat. I suppose it would go without saying that if you had 50 people in any institution they could be more personally looked after than if there were 300?—It depends on the number you have looking after them. I should say 300 could easily be looked after.

8181. But you could only have one governor, I suppose, or head?—One head.

8182. So that, at any rate, each of the 50 could get a fiftieth of his attention, and 300 only one-three hundredth of it?—But I don't think one man would be insufficient.

8183. Then, you would not think that local interest in these institutions would be a matter of very great importance?—No. I would have the board drawn from the various districts of the county, so that each district would be represented on the board with a view just to keep in touch with the institution, but more than that I would not think would be necessary.

8184. You mean the actual administrators of this institution would be a large body?—I think the administrators would be the head of the institution; but what I mean is that a committee formed of members of the public board from the various parts of the country would have the right of visiting the institution as a right, during their terms of office, and generally acquainting themselves from time to time with the satisfactory working of the institution.

8185. There are a great many institutions, such as Magdalene Asylums, and so forth, where the local people take an immense interest in a great many cases, and they come to know the different names of the inmates and take an interest in them. You would not propose anything of that sort. It would be more drawn on the lines of the prisons, I suppose?—Yes. I think the other plan, while admirable in some respects, would not be practicable on the lines on which I am going.

8186. Referring to what you said to the chairman about work other than washing and gardening, is there no other work that can be devised to occupy women more or less, giving them exercise. You don't see how any kind of textile work could be done inside of a small cost?—I confess I see great difficulties. There would be difficulties.

Lord Provost Low.

15 Dec. 1894.

8187. Can you suggest what would be the easiest method of overcoming the difficulty?—The only possible system of introducing any kind of textiles, in my opinion, would be hand-looms. If they could learn to do it during the 12 months they are in the reformatory it would injure no outside industry. I am sure of that.

8188. Would you think that important?—I should think it is important not to run counter to any industry outside. It is well to keep the public always with local bodies in matters like that, and therefore hand-loom weaving would give rise to no difficulty; but what I say is, I am just afraid that it takes such a long time to learn this, that little good could be done with it during 12 months.

8189. And that is the only thing you can think of?—I would say I can at this moment think of nothing else.

8190. In talking about the drunks who do not come before the police—those who don't come to the police court at all—some of them are rich and some poor. The rich, I suppose, you would suggest that they should pay for their own maintenance in the retreat?—Certainly.

8191. What would you do with the poor?—They would have to go in as free patients, just as in asylums.

8192. Then, would you charge that to the State?—Oh, yes.

8193. To the Imperial Exchequer?—Oh, certainly, just the same as in the others. There is no other way of getting over it that I can see. You could not charge it to the Parochial Board under the present law, and there is no other method I can see of defraying the expenses.

8194. Well, I have put down a question here as to what you would do with those persons who were in retreat or asylums for a year. Is a year your maximum or minimum, to begin with?—Minimum. Well, as at present advised, it would be both maximum and minimum.

8195. Would you do anything in the way of procuring a guardianship for those persons when discharged?—It would be an excellent thing if it could be done.

8196. A very desirable thing if you could do it?—Yes.

8197. (*By the Chairman.*) In the case of a man, for instance, who is an habitual drunkard and came home frequently and beat his wife and was cruel to his family, but never fell into the hands of the police, if his wife brought him up on a charge of habitual drunkenness, would you have him supported—and he was not, of course, unable to earn any wages—by the State out of the Imperial Exchequer?—No matter in what way, if he was found to be one who should be sent to this institution, either in open court or by certificate, I would send him there, and if his friends were poor and unable to pay, then he would be supported just as other unsupported ones are, and it would be the greatest relief that his family could get, and the best thing done for himself and society.

8198. (*By Dr. Sutherland.*) Supposing the sentence passed on those people was not actually fixed, who would determine, or on whom would you place the responsibility of determining, whether it would be an advisable step to detain this man or woman for 12 months or longer in the reformatory?—You mean after discharge?

8199. No; after they have been in for 12 months, and it is considered necessary that they should be detained still longer, on whom would you place the responsibility?—I would not give anybody the power to retain any one longer than 12 months. In the first place, I should make a trial of that period and see the result of it. Then it comes to be a question whether, if these people relapse again, you would not give the

Lord Provost Low.

15 Dec. 1894.

magistrate discretion to incarcerate them for a longer period than 12 months.

8200–1. Do you look upon them as diseased?—I do.

8202. And you are strongly of the belief that medical men should have a considerable say in the destination of those people?—That is, of people who don't come before the Police Court. The medical men would have nothing to say of those who go before the Police Court.

8203. Well, but if you look upon them as diseased, would you not think it advisable to have medical opinion about them?—No; because while no doubt it is a disease, yet it is a disease brought on simply by too much drinking—a disease of the blood I think it comes to be, which, in order to cure, the people must be kept a certain considerable time from getting any more of this poison.

Lord Provost Low.

15 Dec. 1894.

8204. And treated?—Well, the only treatment I conceive is to be kept away from it and given food suitable for it, and, as I have said, give them work to do; above everything, keep their minds and bodies employed, and keep them away from drink, and I think a cure would in all likelihood take place.

8205. Do you know anything about the 'Tyson cure' tried in Dundee?—I don't know much about it, except taking an interest in it—reading about it; but, so far as I understand, the results have not been very satisfactory. [The witness then withdrew.]

Lieut. A. L. Scott.

A. L. SCOTT (late) Lieutenant, R.N., Captain Superintendent of the "Mars," called in and examined.

Lieut. A. L. Scott

8206. (*By the Chairman.*) You are Captain of the Mars Training Ship?—I am.

8207. How long have you occupied that position?—For 2 years; but my father was captain of her for 23 years before, so I more or less know of and have been connected with the institution for all that time.

8208. Would you just please explain to the committee the cases of boys that are sent to your ship?—The majority of them are sent under section 14 of the Industrial Schools' Act—that is when they are found wandering, without having any home, or place of abode, or proper guardianship.

8209. We have not had a statement on the whole thing, so I think you might read the section?—'(14) 'Any person may bring before two justices or a 'magistrate any child apparently under the age of 14 'years, that comes within any of the following descrip- 'tions, namely:—

'That is found begging or receiving alms '(whether actually or under the pretext of selling 'or offering for sale any thing), or being in any 'Street or Public Place for the purpose of so 'begging or receiving alms.

'That is found wandering and not having any 'home or settled place of abode, or proper 'guardianship, or visible means of subsistence.

'That is found destitute, either being an orphan 'or having a surviving parent who is undergoing 'penal servitude or imprisonment.

'That frequents the company of reputed 'thieves.

'The justices or magistrates before whom a 'child is brought as coming within one of those 'descriptions, if satisfied on inquiry of that fact, 'and that it is expedient to deal with him under 'this Act, may order him to be sent to a certified 'Industrial School.'

8210. What are the other clauses of the Act setting forth the description of children to be admitted?—'(15) Where a child apparently under the age of 12 'years is charged before two justices or a magistrate 'with an offence punishable by imprisonment or a less 'punishment, but has not been in England convicted of 'felony, or in Scotland of theft, and the child ought, 'in the opinion of the justices or magistrate (regard 'being had to his age and to the circumstances of the 'case), to be dealt with under this Act, the justices or 'magistrate may order him to be sent to a certified 'Industrial School.'

'(16) Where the parent or step-parent or guardian of a child apparently under the age of 14 years repre- 'sents to two justices or a magistrate that he is unable 'to control the child, and that he desires that the child 'be sent to an Industrial School under this Act, the 'justices or magistrate, if satisfied on inquiry that it is 'expedient to deal with the child under this Act, may 'order him to be sent to a certified Industrial School.'

(We do not take boys under section 16 except under exceptional circumstances.)

'(39) The parent, step-parent, or other person for 'the time being legally liable to maintain a child 'detained in a certified Industrial School shall, if of 'sufficient ability, contribute to his maintenance and 'training therein a sum not exceeding 5s. per week.

'*Note.*—Boys from any part of the country, or of 'any religious denomination, between 12 and 14 'years of age, if physically fit, coming under the above 'clauses of the Act, are eligible for admission to the 'Mars.'

8211. Section 15 provides that 'where a child 'apparently under the age of 12 years is charged 'before two justices or a magistrate with an offence 'punishable by imprisonment, or a less punishment, 'but has not been convicted in Scotland of theft.' Do you not take those who have been convicted? Is conviction for theft a bar to boys being sent to you?—A boy previously convicted of theft cannot be sent to us. On first conviction the charge is withdrawn, and then they are sent.

8212. You told us that you don't take those boys who are under the control of their parents?—There is one very good reason for that. The Government Grant now given is only 2s. a week, and we find that is not enough. The reason is, we imagine, to prevent people getting rid of their children.

8213. But I suppose they are sent to other Industrial Schools?—They can be, but the managers don't care to accept them for that reason.

8214. But they are also sent to other training ships. I had a case brought under my notice of a father having had his boy sent on the plea that he was beyond his control. Is that an exceptional case?—No. For instance, on board the Mars we have four of those special cases.

8215. Well, we come to the next thing. 'The 'parent, step-parent, or other person for the time being 'legally liable to maintain a child detained in a certified 'Industrial School, shall, if of sufficient ability, contri- 'bute to his maintenance and training therein a sum not 'exceeding 5s. per week'—do you manage to get the 5s.?—We don't get it at all. It is collected by the Government to recoup them for the grant.

8216. The Government give 6s. a week for all boys sent under sections 14 and 15?—And 2s. a week for all sent under section 16.

8217. They don't make any difference in the age of the boys, as in reformatories, as to the grant?—No, not in Training Ships.

8218. Do they in the case of the Industrial Schools?—Yes, but I am not quite certain what it is.

8219. We come now to your work. What is the total number of boys?—We are licensed for 400, and we have 395 just now.

8220. And you pass through your hands in the course of the year?—We admitted 118 last year, and discharged 125.

8221. How many boys have altogether passed through the institution?—There were 2564 up to the 31st of last December. That is not counting the boys at present on board, so it would be about another 120 on to that.

8222. Say 2700 roughly?—Yes, roughly.

8223. In the course of 25 years?—Yes, and that is not counting the 400 boys now on board.

Lieut. A. L. Scott. 15 Dec. 1894.

8224. Can you tell us the result in all these cases?—No. We trace them for three years after discharge.

8225. Let us have the result of your last three years' boys?—364 boys left the ship during 1890, 1891, and 1892; 12 have since died; 26 cannot be traced; 15 are reported upon unfavourably; while 311 are reported as doing well.

8226. There has been some change recently in the law as to the admission—the regulations for admission—what was that?—We are allowed now to take them at 11. Previously it was 12.

8227. Is that an advantage?—It is.

8228. In what way?—We get a better hold of them, and there are many boys—big boys—of 11 knocking about the streets, who, if they remained there till 12, would lose a year.

8229. How long are they committed?—Till 16.

8230. Do you keep them till that time?—Yes. We generally keep them only four years. In the case of a boy committed at 11, if he was doing well he would be allowed to go at 15. Otherwise he would be kept.

8231. You don't let out on licence?—Very seldom. We have tried it, but it did not answer as a general rule.

8232. Would it not give you a hold of them if they got it?—Yes, if we could bring them back. But we never have brought them back. We have only done it in two or three cases.

8233. What do you do with your boys?—We try to get them all to go to sea—all who are physically fit and big enough, but of course a great many won't go, and parents object to their going. We sent 44 to sea last year.

8234. Out of 125?—Yes. And three into the navy. And we send a good many into the army bands. We have a lot of musical training. Besides that three to the navy and three to the army bands, 70 went to shore employment, which is practically back to their friends; and three were discharged on account of disease, and two died.

8235. Is not that rather a waste of raw material—that out of 125 trained for the sea for four years you should only be able to give ——?—It would be far better if we could get more to go to sea, but there is difficulty in finding ships.

8236. Even in the Navy?—It is almost impossible to get them in there at all.

8237. Why?—They have a prejudice in the first place against Industrial School boys. In fact it exists almost everywhere. People will not take the trouble to distinguish between Reformatory and Industrial Schools. They don't realise that our boys have done nothing wrong.

8238. But the fact that a number of your boys have erred is against them, though prosecution is not proceeded with?—Yes; well, of course that might be said, but we maintain that all our boys are free from criminal taint.

8239. They are all under 12, the boys brought for theft?—Yes, they are.

8240. Well, a number of those small boys are sent to reformatories, are they not—or only after second conviction?—I would not like to speak on that.

8241. Now tell us what you do with the boys—what you train them at?—Well, when they go on board, the first month we put them with the tailors, learning to mend their own clothes. After that they go to the drill instructor for three months. He sets them up, and marches them about. I must tell you the half of them are always at school, in the educational part, and the other half at the nautical training. After that they are drafted into ——.

8242. You spoke about the different watches?—Yes, one watch is 'school watch,' and the other 'on 'deck watch.' After they have come out of the junior class—from the gymnastic instructor—they are put into the nautical class, many of them who show themselves fit for the sea, and many of them are put into the tailors—we make our own clothes on board—and shoemakers, and a lot into the band, if they have a taste for music.

8243. Do you lean much to pipers?—No; we have not a pipe band. We have about 100 boys always under musical training. Our first-class band consists of 46.

8244. Well, then, you have got a brig, I see?—Yes, we work her in the summer months. She takes 60 boys and 6 officers, practically extra, and we manage during the summer to let them nearly all, or practically all, have a turn in her.

8245. What do you call 'a turn'?—The bigger boys will have about a month or six weeks, and some more.

8246. Do they do everything there?—Oh yes.

8247. Steering?—Yes, and making long trips.

8248. And the smaller ones don't get so long?—Possibly about a week. It is a first-rate thing for their health.

8249. And that ought to make exceptionally good sailors by the time they are done?—So it does. We turn out some splendid fellows.

8250. Do you think there could be any possibility of some working arrangement by which they could be more or less absorbed into the Navy?—Well, generally they are not physically fit for the Navy. It requires a stiff medical examination, and they are very particular about their teeth and every single thing. In fact a boy has to be practically perfect.

8251. Well, about teeth, you would have better opportunities of looking after their teeth?—Oh yes.

8252. Well, your band, is that a good——Do you find that a good thing of getting boys off?—Yes, some of them go into the army. We have sent five into the army this year.

8253. You speak of the Highlanders, I notice?—Yes.

8254. Do they take them from you?—Oh yes, they are very glad to get them.

8255. Now, then again, do you find the army so much more open-minded?—Yes; from them never comes any objection to them. It is only the Navy.

8256. Do you get them all into the army?—Oh no.

8257. What do you do?—They don't always stop in the band. If, during the last six months in the ship they want to go to sea, we take them and give them nautical training.

8258. There is great difficulty in getting bands for men of war?—I don't know that there is. I think they train for themselves now.

8259. Do you know what ships are without bands?—I could not say.

8260. You don't know the curriculum of bandsmen in the army?—No.

8261. Now about your other shore occupations. You say most of these are simply going back to friends?—Oh no, I don't say they fall back into old habits, but the life of their parents. We try to get situations on shore, and to prevent them going back to friends, but if the friends are determined to have them at the end of 16 years, there is no way of preventing that.

8262. Now as to the finances of the concern. Take the educational status of the children. You devote a considerable amount of time to their education?—Just half.

8263. Do you find that the half-time system is satisfactory, and that they make as much progress?—I think so. We only take them up to the fifth standard. At our last examination we had a pass of 99 per cent.

8264. In what standard?—In all the standards, with very few failures.

8265. Who is it who inspects you?—Col. Inglis, who is an officer of the department of the Home Office.

8266. Is his inspection equivalent to and on precisely the same lines, as near as possible, and according to the same instructions, as are followed by the inspectors in the Education Department?—Exactly the same. He is assisted by the sub-inspector, Mr. Robertson.

8267. You get a grant in respect of education, do you?—Our headmaster gets a grant.

8268. Of how much?—£20 from the Education Department.

Lieut. A. L. Scott. 15 Dec. 1894.

8269. You think that the results of this half-time educational system are eminently satisfactory?—Quite so.

8270. Now we come to the Educational Statistics. What are they?—They are as follows:—

STATE OF EDUCATION ON ADMISSION AND DISCHARGE.

Admissions.

Read and write very fairly	(Standard 4),	10
,, fairly	(Standard 3),	22
,, a little	(Standard 2),	40
,, very little	(Standard 1),	31
Neither read nor write,	('Infants'),	15
	Total admitted,	118

Discharges.

Read and write very well	(Standard 6),	27
,, well	(Standard 5),	45
,, very fairly	(Standard 4),	30
,, fairly	(Standard 3),	15
,, a little	(Standard 2),	7
,, very little,		1*
	Total discharged,	125

* Discharged on account of physical unfitness, after having been only six weeks in the ship.

ANNUAL INSPECTION.

Government Examination, 8th June 1893, percentage of passes, = 98·0.
Average percentage of passes for the past 10 years, = 98·6.
At the above examination no boy failed in more than one subject.

Failures in Reading,	2
,, Writing,	1
,, Arithmetic,	6

BALANCE OF BOYS' CASH ACCOUNT.

In hand, 1st January 1893,	£27	19	2
Received during the year 1893,	99	13	1½*
	£127	12	3½
Disbursed during the year 1893,	93	12	7
In Head-schoolmaster's hands, 31st December, 1893,	£33	19	8½

8271. It shows that among the discharges there were only 8 boys discharged under the third standard, and one of those discharged only having been six weeks in the ship when discharged on account of physical unfitness; and only 23 discharged under the fourth standard, whereas upwards of 80 all come in under the fourth standard, and 15 come in unable to read or write? That is practically the effect of it?—Yes.

8272. Turning now to the financial part of the matter. What is the cost of your ship?—It cost £7500 last year.

8273. And what did you receive from Government?—Out of that we received £6118 from Government grants.

8274. And the balance?—Well, the balance of £1400 odds was made up by £54 allowance received from Admiralty towards payment of instructor.

8275. And they only avail themselves of the services of the boys to the extent of three per annum?—Something like that.

8276. Well?—£38 towards cost of maintenance of 'voluntary' boys. We take these cases at £15 a year.

8277. At whose instance?—Oh, the parents make application to the committee, and we generally have two or three on board.

8278. Why do the parents——Are they unruly?—Well, they are generally all boys in somewhat better positions, and do not come exactly under the clauses of the Act. No magistrate could be got to send them; but they are boys who won't attend school, and are beyond the control of their parents practically.

8279. Are not their friends afraid of contamination?—Well, I don't know.

8280. You have not got very much, you say, for them—only £38. That will be representing only two or three boys?—At present we have two or three, then we have income from investments £387.

8281. And you get a considerable number of grants from local authorities?—We get grants from counties and burghs of £312.

8282. Let us have the subscriptions and donations?—£484.

8283. Can you give us the counties and burghs contributing?—Yes; the Edinburgh Town Council £60.

8284. They have increased their grant?—Yes.

8285. Well?—Forfar County Council, £50. They formerly gave £100. Dundee, £20.

8286. Are these the only ones?—Oh no.

8287. I don't think more are mentioned here (page 7)?—I said Dundee gives £20.

8288. Yes; and how much the whole lot?—£312, 13s.

8289. That is, counties and burghs?—Yes.

8290. In respect of what do they give you that. I ask that because it is a very proper thing they should give you; but, I see you complain that Glasgow sends you a lot of boys, and then gives nothing?—Does not give anything.

8291. You don't, therefore, get these subscriptions from Edinburgh and Forfarshire, and so on, in respect of their right to send boys to you?—Well, partly we do. We don't take Glasgow boys if we can get other boys. If we were full, and they wanted to send from Edinburgh, we take them in preference to boys from Glasgow, which does not subscribe.

8292. You take the subscribing counties then first?—Yes.

8293. Is there any rule that regulates the sending of boys to your ship rather than to shore industries?—No, there is no rule; but we have tried to make the authorities see that the bigger boys fit for sea should be sent to the Mars in preference to shore schools.

8294. Take another point. What is your experience about the development of the boys on board the Mars? Is it superior to that obtained on shore?—Very much.

8295. Could your doctor give us any average increase of weight?—I am not sure. I think he could.

8296. You don't offer an opinion?—The Mars is a wonderful place for building up a boys' constitution.

8297. It is a capital thing, you say?—Yes.

8298. Is the moral effect good?—I think so.

8299. Is their sense of right and wrong increased with the boy's general health and development?—I think so. Certainly.

8300. Then do you happen to know at all how the percentage of 'relapsed' compares with that of Industrial Schools ashore? Can you show a cleaner sheet than they?—I don't think——I have not gone into comparison. I should not like to say.

8301. You acknowledge that 15 relapsed out of, I think, 300 boys?—Yes.

8302. About 5 per cent.?—Yes.

8303. Besides a large number that you lost sight of?—Yes.

8304. What machinery have you for tracing them?—We have an agency in Glasgow, Edinburgh, and Dundee, and twice a year we look up every boy and get his address and what he is doing; and, of course, we are obliged to make a Government return once a year on the subject. And they are very strict in checking us. For instance the name of any boy in prison who has been in the Mars goes to the Home Office, and they can put a check on it.

8305. And what do they do? If you had a disproportionately large number, do they threaten to suspend the certificate?—Oh, dear no.

* This amount includes about £70 sent by boys' relatives and friends for their fares home during the summer holidays.

Lieut. A. L. Scott. 15 Dec. 1894.

8306. But you say they are very strict with you?—I mean if we failed to report boys in prison.

8307. And if they found too many boys from the Mars they would request to have explanation?—Yes, I suppose so.

8308. Have you had any mutinies, or any rows?—No, not of late years. In the early days of the ship we had.

8309. Since when were you free of that?—Well, the last serious thing was in 1883, when two or three of them broke into the cabin when my father was away and set fire to the ship. It was put out. That was the last serious thing.

8310. Why do these boys appear to have a tremendous mania for fire-raising?—It is only one or two of them. I think it is some sort of disease.

8311. But it is not confined to boys of that class?—No.

8312. You mention a case here. We had a case mentioned in Edinburgh, and I think there was a case at Aberdeen, and I think there was one on board a training ship in the Clyde?—Yes.

8313. I think if temptations are placed in their way to fire any place, any boy will do it. Now, about your maintaining discipline?—Well, in the first place we have a large and very competent staff, which I think is a great thing: they are always with the boys and understand them. They award very little punishment indeed.

8314. And when it comes to punishment?—Well, we generally punish them by giving them extra work to do—a bit of deck to scrub during play-hour.

8315. And more serious?—We use the tawse.

8316. On the hands?—Yes.

8317. Do you find that that is sufficient?—Quite.

8318. Do any of these boys who come——Are they boys who have been birched?—No.

8319. You know magistrates have power of birching instead of sending to prison?—I have never heard of any boys coming to us who have been birched.

8319A. (*Professor Dove Wilson.*) Boys are never birched except for conviction of theft, so you are practically quite right.

8320. (*By the Chairman.*) And you don't use corporal punishment beyond the tawse?—Oh no, and very little of that. In fact, the more you have the more you want, if people are continually licking boys.

8321. In connection with the industries on board, there is one maritime industry that I don't see mentioned in the report—the industry of fishing. Would it not be rather an appropriate one?—Well, I hardly know. Of course they do a lot of fishing in summer from the brig.

8322. But nothing in the way of a fisherman's life?—Oh no. I don't see how we could teach that as we are situated—up the river.

8323. But from the brig?—Oh yes, at one time we used to have a trawl, but that is rather an expensive thing, and the fishermen don't like it.

8324. You have nothing to do with reformatory boys?—Nothing whatever. Nor do we send any of them there. Some ships and some schools, when they cannot deal with the boys themselves, get them sent there; but that has not been done with us for the last 10 or 12 years.

8325. What is the rule about that?—We saw yesterday in the reformatory in Aberdeen two or three girls who had escaped from Industrial Schools. Have you had any escapes from the Mars?—Not since 18 months.

8326. And before that?—The only time that the boys abscond—they never do so from the ship, but we give them leave to go home once a year. Those who have anything in the way of a decent home go for four days. Sometimes some of them fail to return.

8327. Four days in a year. That is much more than the shore reformatory children get. Is it the same as the Industrial School children get?—I don't know what the arrangements are in the shore schools, but the Government grant ceases after four days.

8328. Then take a Glasgow boy. Who pays his way there and back?—His people do.

Lieut. A. L. Scott. 15 Dec. 1894.

8329. And if his people don't choose to send money for his return railway-ticket would you give him leave?—Oh no.

8330. Can he take four days in the lump?—Oh yes, once a year.

8331. What is the favourite season?—We give them leave directly after the Government Inspection in June.

8332. The season that most would like would be about the New Year?—Yes.

8333. And you would not give them leave then?—Oh no; not at all. It is not good to have them about the streets at that time.

8334. How many training ships are there in Scotland?—Two—the Mars, and the Empress in the Clyde.

8335. This is the only training ship you have had any experience of?—Yes.

8336. There has been suggested training ships in the west Highland district among the hillsmen?—Industrial training ships?

8337. Well, training ships I presume——— (*Dr. Sutherland.*) As feeders to the navy.

8338. (*By the Chairman.*) Are these training ships not certified Industrial Schools?—Oh yes. There is the naval training ship at Queensferry, the Caledonia. She takes boys for the navy. That is entirely different.

8339. Do all her boys pass into the navy?—They are in the navy when they go to her. She is not a very great success in the way of collecting boys. She has been established for three or four years, and I don't think they have many Scottish boys on board.

8340. All your boys are Scottish?—Yes.

8341. (*By Miss Stevenson.*) You said you never take children under the 16th section of the Act because of the Government grant?—I said we seldom take them.

8342. As a matter of fact you used to get a great many Edinburgh School Board cases, who were sent under both sections?—Yes.

8343. Those boys had never been before the Police Court at all, but were sent from the Burgh Court simply as incorrigible and not under proper guardianship?—Yes; I expect the School Board made up the difference.

8344. No; the Government simply accepted the combination of the two sections. That has been altered two years ago, and consequently you have had very few of our School Board cases?—Yes, that is so.

8345. You spoke of the physical condition of the boys being superior. As a matter of fact you require them to be of certain physical development before you take them?—Oh yes.

8346. You have a standard of height?—Yes.

8347. Before you take them in at all?—Yes.

8348. So, consequently, they are naturally superior to shore boys?—Oh yes.

8349. And you find that parents who would object very much to boys going to the ordinary Industrial Schools do not object to them going to the Mars?—I think the Mars is rather favoured among the parents, and it is not looked upon in the same way as a kind of penal punishment.

8350. That is the idea?—Yes, I think that is the idea.

8351. In regard to your supervision over the boys, it is a recent amendment of the Industrial Schools' Act, which gives you supervision up till the age of 18?—That is given out this year.

8352. I was asking in regard to your supervision over those boys. You have that under the recent amendment of the Industrial Schools' Act?—Yes, up till 18; but it has just come into force. At least I am not sure whether it is passed into law, but it only affects those who come now. Those who came before it cannot touch them.

8353. Will you tell the committee what power that gives you?—Well, I cannot tell the committee yet, because I am not certain the thing has been passed into law. I have no official instruction on the matter.

Lieut. A. L. Scott.

15 Dec. 1894.

8354. Then your ship is really doing preventive work?—Oh yes.

8355. And the boys who come to you, although they have been before the Police Court, possibly for petty offences, you take them in really as if they had a perfectly clean record?—That is so.

8356. (*By Dr. Sutherland.*) As a naval officer you are quite aware there is a dearth of sailors in the navy?—Yes.

8357. Is there no possibility of getting a number of those boys in the Mars drafted into the navy if some relaxation of the rigid rules of the naval service were made in their favour?—Well, a great many don't care about going to the navy. Up here there is a prejudice against it. The parents object to the boys going to sea, and there is a pretty strong objection against the navy.

8358. But, seeing there is such a dearth of sailors in the navy, don't you think these rigid regulations might be relaxed in favour of the Mars boys?—I don't think that they would relax in this matter. They are very particular about boys going to the navy.

8359. You say there is also a dearth of sailors in the Mercantile Marine owing to the influx of foreign sailors?—Yes.

8360. What powers of detention have you over boys sent by parents or guardians without coming before a court?—Well, we have practically none.

8361. Suppose a boy wished to go?—We would have to let him go.

8362. During your period of office, and with your intimate knowledge of the Mars for many years, how many gipsy boys have you known to be detained on the ship?—We have only had the experience of one boy; but I have no particulars of the case.

8363. Was he a success?—No; not a great success.

8364. Do you recollect a case, in the time of your father, of a boy who was sent to Portsmouth, and who, no sooner than he got his foot on shore after a year's cruise, ran away?—No.

Lieut. A. L. Scott.

15 Dec. 1894.

8365. (*By Dr. Farquharson.*) At what physical point are your boys found unable to pass the naval examination?—Not big enough, as a rule.

8366. Chest measurement?—Well, they come a little bit under in both chest and height measurement.

8367. Bearing on their health?—Oh yes, generally.

8368. (*By the Chairman.*) Supposing a boy leaves at 16 and goes into the merchant service, what status does he go under?—Many go as ordinary seamen; of course some of them are not so big, and go as boys.

8369. Would such a boy soon be shipped as an A.B.?—Oh yes.

8370. In what time?—I cannot tell. I must tell you the greater number of our boys go in Norwegian vessels than in British vessels.

8371. How do they get on in them?—They get on very well indeed. We have been making inquiry as to that, very few of our boys go away from Scottish ports. They don't care about taking them. We send them to Cardiff, where we have a shipping agent, and they are generally shipped into Norwegian or German vessels, and the result of our inquiry at Cardiff was, that the officers and men, in these Scandinavian vessels are a very superior class—better vessels, and the boys get better food, and are better treated, and they all speak English.

8372. What—the Norwegians?—Yes.

8373. Do they give commands in English?—Yes.

8374. About the Germans?—I don't know about the Germans speaking English.

8375. You don't give them any instructions in the ordinary nautical colloquialism?—No, we have never done that.

Rev. Father Holder.

The Rev. Father HOLDER, called in and examined.

Rev. Father Holder.

8376. (*By the Chairman.*) Have you been long in Dundee?—For 24 years, with the exception of 10 months I was in Perth.

8377. And I suppose you are very well acquainted with a number of the Dundee population?—Pretty well.

8378. Have you had much work among the poor?—I may say my work has nearly, the larger part—considerably the larger part—been amongst the poor people in this community.

8379. You have an opportunity, which very few men have, of knowing the feelings—the moving feelings—of persons who have been punished by short imprisonment?—I think I have.

8380. Do you find the terror of short imprisonment soon wears off?—I don't think it has any, and, I dare-say, that it is safe to say that that has been amply confirmed by the experience I had during the 10 months I was in charge at Perth. I found that short sentences, especially for drunkenness and those many crimes that come from drunken habits, have very little effect.

8381. Of course, it is perfectly evident that if a man is convicted repeatedly for assault, for disorderly conduct, and for breach of the peace, such crimes are committed when he is drunk?—Yes.

8382. Subject, of course, to certain exceptions?—Quite so.

8383. But it is asserted on the one hand and rather questioned on the other, as to whether there is much connection between petty thefts and drunkenness. What is your experience?—I don't think that there is.

8384. You don't think that people who are repeatedly ——?—I think that petty thefts occur—are committed by persons under the influence of liquor, but I have generally found that the offences had been committed—well, through thoughtlessness, through joking chiefly, at the time; and my experience has been that persons under the influence of drink guilty of petty thefts are astonished when they hear what they had done.

8385. I suppose those persons were often convicted all the same?—Yes.

8386. Now, with regard to the effect of long and short sentences. You have been in Perth, and therefore you have seen all sorts of sentences up to a couple of years. You have seen a good deal of the habitual offender class, and I have no doubt you have come across facts?—Yes.

8387. Do you find long sentences are more deterrent, or more dreaded by those people than the short sentences? Or do they become accustomed also to the long sentences?—A good many ex-convicts become almost resigned to long sentences, and I consider that these long sentences with a certain class have no deterrent effect, or very little.

8388. I suppose you are often applied to to help the people to get work?—We want very much an organisation—a larger organisation for them than what we know, as the Prison Aid Society, to help convicts when they finish their sentences.

8389. Not merely convicts?—Well, prisoners.

8390. I suppose you find very few people sufficiently unprejudiced who would be willing to receive them?—Very few.

8391. What reformatory institutions are you connected with?—In this diocese, I am sorry to say, we have none.

8392. But when I speak of reformatories I don't mean in the technical sense of the word?—Oh, agencies for reformation?

8393. Yes?—Well, we have none except our own church influences.

8394. Have you any sisterhoods?—Yes, but they don't undertake that kind of work. They undertake teaching in our schools and visiting the sick. They propose now—in fact, they have formed the nucleus of what is called a 'House of Mercy' for the gathering up of girls who might stray from the path of duty, and of training them as servants. This is in its first stage, because the sisters had not such a response until quite recently that would permit of this.

Rev. Father Holder.

15 Dec. 1894.

8395. Of course they have had no experience of that yet?—No; it has not been in operation sufficiently long.

8396. You were talking about the Prison Aid Society, are you connected with it?—No; we have no branch of it ourselves.

8397. Do you work in connection with it? Of course, it is not a denominational concern at all?—I have always taken an interest in the work, and the meetings, and so forth. I have sometimes been present at the annual meeting here.

8398. What are your temperance organisations here?—We have what are called chiefly the 'League of the 'Cross.'

8399. That try to get as many people to take the pledge, and keep it, as possible?—Yes; and what I don't consider here, nor anywhere else, nor in any other temperance association, a very potent factor in the way of reclaiming drunkards at all. As far as I know, temperance societies are gatherings of men and women who do not require to join temperance societies at all, because these societies are made up of people who could be trusted to take their glass of beer or wine, and they band themselves together. They pledge themselves to abstain from what, I daresay, they call intoxicants, in order to be a good example to others. They spend large sums of money. I know in Glasgow of one temperance society spending in weekly or monthly donations such a sum as bought for themselves a large hall, which they manage themselves;—and the director—the clergyman— in charge of it said it was one of the most flourishing in the west of Scotland. But a society composed nearly altogether of men—very good fellows — who don't require to take any pledge themselves, and who made these weekly or monthly sacrifices in order that they might reclaim perhaps ten, or a dozen, or twenty say, drunkards, and those when reclaimed wanting habitual watching over.

8400. Then you don't think that in Dundee the work of your temperance societies goes far to reclaim drunkards?—No.

8401. What is your idea about the reclamation of the drunkard, and remember we are not confined to drunkenness. We are dealing with all sorts of habitual offenders?—I consider that habitual drunkards should be treated pretty well on the same level as we treat young people who are beginning to tread the path of evil, and confine them in reformatories or temperance retreats or something of that kind.

8402. You would do that with those who come into the hands of the police, and would you extend it to those who don't?—Yes, after being properly certified of course.

8403. Well, there are different questions in connection with that. What would you think would be the best basis of definition of habitual drunkards? The number of convictions?—I believe that in police circles a man who has been convicted twice of an offence within a year is considered an habitual offender. Well, I don't think I would go quite so far as that. I would narrow down the distinction. I would not describe as a habitual offender one found guilty twice in a year of the same offence, but, if a man, I think, was found and taken up for drunkenness four times in a year, and especially if this went over a few years, I should certainly hold him to be a habitual drunkard.

8404. Then about the finances—the maintenance of such reformatories. Would you have them supported entirely?—I should think that the maintenance of such institutions should fall to a large extent upon the local authorities, but also pretty largely subsidised by Government.

8405. Among the female habitual offenders that you come across, what do they chiefly work at?—Nearly all millworkers; but, unfortunately, those of them who do go in for drink spend a very large amount of their hard-earned wages on Saturday afternoons in drink.

8406. And, I suppose, a number are leading unchaste lives?—Not, I think, of workers.

8407. No?—There is a distinction.

8408. Between the female who has been convicted four times in a year of offences more or less connected with drunkenness?—It is hardly possible.

8409. And the probability is that she is spoken of as a loose character?—Not of the millworker. In fact, the words used very often here are 'she is not working, 'Father,' which means that she has gone to the street.

8410. Well, I asked you about the occupations of the habitual female offenders because we want some light on how to employ them?—I don't think that largely, at all events, those who are working are immoral.

8411. I thought that even if they had been convicted for prostitution they must have started life with some industrial training in the majority of cases, and the practical question that we want light on is whether that industrial training which they might have received previous to their convictions for drunkenness or petty offences could be utilised in case of detention for a period. Do you think it could? Are there a sufficient number of them working at one class of work so as to enable their work to be organised?—In Dundee nearly all our workers are female workers. The vast majority are working in factories and mills.

8412. At the same class of work?—At the same class of work, or very nearly so—so much so that I cannot very well distinguish it. Their hours are the same, and they are mixed together in their work in the same way.

8413. And, I suppose, the different grades of the work they have to go through are much the same?—Yes; the low and the high mill and factory.

8414. You must meet a large number of cases of domestic misery mostly caused by habitual drunkenness, which never come into the hands of the police?—Very many.

8415. What is your idea of that?—The majority of the cases of habitual drunkards I come across don't get into the hands of the police at all, and some of the most miserable cases.

8416. If you had your reformatory ——?—If I had a reformatory I would try to get such cases, first, well authenticated, well certified, and I would deal with them just in the same way—as the offence is the same in itself, and the havoc wrought in the family is the same — as the public ones who come before the police.

8417. At whose initiative?—The initiative in the first place—the representation—of their own friends.

8418. Take the case of a married man who is an habitual drunkard, whose earnings are trifling, whose wife can barely support herself, but whose husband adds something to the domestic income, the wife would be the proper person to take the initiative here?—Yes.

8419. Would she do so, according to your experience?—I don't think so.

8420. Would you care to take the initiative yourself?—It would be a hard thing, in a sense, to do; but there are cases in which I would not hesitate to do it.

8421. You then would think it proper that a member of the public should give information?—Yes.

8422. So as to set the proper authorities in motion, in the same way as you saw a man taking your boots?—Yes.

8423. And we propose that the funds which should support him should support a man sent to this house of reform?—Yes.

8424. And, I presume, the wife would fall into the same position as if the husband were dead, or sent to a lunatic asylum?—Yes.

8425. That is to say the same authorities liable in the one case would be liable in the other?—Yes.

8426. (*By Professor Dove Wilson.*) Do you come across workmen at times who try hard to keep sober, but, notwithstanding, every now and again break out and get very drunk?—Yes.

8427. For days at a time?—Yes.

Rev. Father Holder.

15 Dec. 1894.

8428. What do you think would be the effect of sentencing such a workman to imprisonment for that?—I don't think it would have a good effect. You mean a skilled workman?

8429. Yes. A workman who tries his best to keep sober, and often breaks it. Would it do him any good to send him to prison?—I don't think so. If it was a case where a man broke it now and again I think imprisonment instead of having a good effect would have the reverse.

8430. Might not such a case occur as often as four times a year?—Yes, it might.

8431. Do you think there is any case in which a sentence of imprisonment would do any good in the case of a man simply drinking?—In carrying on drinking, for a lengthened period, do you mean?

8432. Yes—whether you could cure him or do any good by sentencing now and then to imprisonment?—Well, I think that the imprisonment would have the effect of taking his appetite away from this drink. It would have a reforming effect upon him.

8433. Some witnesses have suggested that a short imprisonment simply sends him out thirsting for more drink?—A short sentence?

8434. Yes. What is your experience about that?—If it was a short sentence of a few days or such a period as would not break his appetite away from drink I should think it would have that effect.

8435. (*By Dr. Farquharson.*) I think you said that after prolonged periods of prison detention they get hardened to prison life?—Yes.

8436. Is it because they make them too comfortable in prison?—It is because they have entirely lost all self-respect to begin with. They find it hard to get any kind of employment, and they believe that their prison life is preferable to living here altogether homeless.

8437. And without any kind of means of support, in fact, they look upon prison as a home?—Yes, as a home. I knew of one woman in the Perth Penitentiary who had been 33 years in prison 'doing,' as they say, different sentences. After very great difficulty I got her brother, who is a pensioner, to take her and give her another trial. She was back again in less than two months. I had sent her out, as I thought, entirely reformed.

8438. (*By Dr. Sutherland.*) Do you find drunkenness more common among women than among men?—Yes.

8439. In what proportion?—Well, of course, here, where my experience chiefly lies, the proportion of women is much larger than of men; say that all things being equal, I would see more drunken women on Saturday night in the streets than I would men.

8440. Do you think habitually drunken husbands are of any assistance to their wives and families, or do you find that the wives maintain themselves and children as best they can, in spite of such husbands?—They do that in this town very largely at any rate. Most of the women do support the household chiefly. Last night they were giving in proclamations of marriages for the New Year, and there were two women who came without men at all, and gave in 'cries' and paid for them.

8441. (*By Col. M'Hardy.*) About the Discharged Prisoners' Aid Society, you said that in some way its action should be improved. Would you suggest in what way?—Well, at present the Prisoners' Aid Society is composed of a small number, proportionally at all events, of philanthropically-inclined persons. I don't understand that these Prison Aid Societies are subsidised in any way by Government, but are only kept up or are enabled to do what little work they do achieve by private subscriptions. Here in Dundee the Prison Aid Society commands a small income in comparison to the number of discharged prisoners who are thrown into the community.

8442. Do you mean discharged prisoners or convicts?—Well, here, both come under the same head. The Prison Aid Society takes in convicts as well as those who have been prisoners for short periods.

8443. Yes; but the Prison Aid Society, if it is certified by the Secretary for Scotland, has its funds supplemented by the state. You are aware of that, I suppose?—I was not.

Rev. Father Holder.

15 Dec. 1894.

8444. But in what way—is it the smallness of the society or the want of funds that requires to be improved?—I understand it is the smallness of the funds that cripples the service of the society in setting those discharged prisoners upon their feet.

8445. Have cases been brought to your notice?—Yes, cases where convicts, for instance, have, on leaving prison, applied to the Prison Aid Society, and have been furnished only with a supply of tickets for food at coffee houses, without getting any kind of safe lodging for them; and the consequence has been that they very soon fall into former companionships, and, as a result, into the hands of the police.

8446. You would have the society find them lodgings after they are discharged from prison?—If possible.

8447. You are aware that scarcely a convict leaves prison without, at least, a couple of pounds, unless very bad?—I am aware of that.

8448. And that women have generally £4 at their disposal?—Yes.

8449. But you would still augment these means?—I should have free control of it.

8450. That is the present system, that the Discharged Prisoners' Aid Society takes charge of this money, and I don't see, having regard to facts, what you would desire to have. Would you give larger sums of money for their support in life, or what?—I scarcely know what to suggest, but I know the difficulty that convicts do find is in getting the proper lodgings here.

8451. The idea of putting up a home or house for returned convicts could never be thought of?—It would not work at all.

8452. The number would not warrant it?—No.

8453. (*By the Chairman.*) You have seen a lot of convicts I suppose, when dismissed?—Yes.

8454. Both here and in Perth. Do you find that they go at once to drink if they can manage it, or do they appear to be cured of drinking habits?—Very often I have found that they fall into drinking shortly afterwards.

8455. Is the first they do generally to get a glass, and possibly several?—Very often that happens. I recollect, when I was in Perth, of a girl who belonged to Glasgow, who had a long sentence—of I think about nine years. When she went out she told me that, after the long confinement, she felt, almost before she walked across the Inch, that the very scent of the fresh air and fresh grass nearly intoxicated her. She got into the hands of old companions at the station, and when at Stirling she got into the hands of the police.

8456. We have heard that liquor is forced on prisoners?—Yes, very often, as they are leaving prison.

8457. In Edinburgh we saw Canon Donlevy, who gave us a very interesting account of his work; and he mentioned one case, which was described to us by the Parochial Authorities as a terribly bad and typical, of a woman living between prison and workhouse. He met her in prison, and he told us he had sent her to the country, and she kept straight for six months, and he appeared to be in the habit of taking great pains with those people in the way of their reclamation. Have you had much of that sort of work?—I have had a good deal.

8458. In Perth?—No, here, when they come home from Perth. I find it is very hard to keep them straight.

8459. Have you any machinery for getting them sent to the country?—No.

8460. Your church has no organisation?—Not for that.

8461. For instance, Canon Donlevy might apply to you?—Well, he has never done so.

8462. But anything that was done would be by personal friendship and effort?—Yes.

8463. (*By Col. M'Hardy.*) But there is a considerable amount of correspondence that takes place between Roman Catholic clergymen attached to prisons in regard to prisoners?—Oh yes. I had a good deal when I was in Perth, but since leaving I have had very little except through the visiting clergyman in Perth writing to get suitable lodgings for girls coming there after leaving Perth. [Witness then withdrew.]

The Rev. DAVID MACRAE, accompanied by MR. JAMES THOMSON, Solicitor, called in and examined.

Rev. David Macrae and Mr. James Thomson.
15 Dec. 1894.

8464. (*By the Chairman.*) We have had distributed to us this paper (see Appendix) containing an account of what purports to be the experience of the committee, of which you and Mr. Thomson were members, when investigating the 'Tyson drink cure'?—Yes.

8465. You have signed this?—Yes.

8466. Is it correct? Are the statements contained in this paper correct?—Yes, they are correct. All the members of the committee were not always present, and certain cases were better known to individual members of the committee than to others; but the committee were able to issue that and put their names to it. I was not present at the final meeting, but the one clause to which I attach vital importance is the one towards the end of this report, referring to the time test. I held from the first that this was not, and could not be a cure for drunkenness, which becomes a moral as well as a physical disease, but we watched its influence on the drink crave so long as we had the patients under our treatment.

8467. Tell us briefly about the nature of the circumstances in which the committee was originated and started?—Mr. Thomson will perhaps correct me if I forget any point, but the templars in Dundee suggested this experiment, having seen reports of it. A local committee was appointed. Mr. Stephens, the Tyson agent in London, came down to conduct the experiment, and those members whose names are given in the circular here made a point of being present as fully as possible, morning and evening, to see the medicine administered.

8468. How was it administered?—Mr. Stephens had a bottle for each patient mixed up, bearing the patient's name. A dose was given out of the bottle, then the bottle was given to the patient to take away with him, with particular instructions to hourly take another dose, he having the graduated measure along with him to see that he took the right quantity.

8469. It was drunken?—Yes.

8470. Its composition, I suppose, was a secret?—It is. But we all tasted it.

8471. You selected your men in the first place?—Yes. Some very bad cases.

8472. I have looked over the cases, and I don't see any reference to convictions for drunkenness, or any criminal record?—(*Mr. Thomson.*) We did not have that in view. So far as I am aware, none of those had ever been convicted.

8473. Because a good, typical, chronic habitual is pretty certain to have gone through the mill of the Police Court?—(*Mr. Thomson.*) We have not that in view in the selection of the cases.

8474. How did you get your cases?—(*Mr. Thomson.*) By philanthropic agencies in the town.

8475. And the cases were all sufficiently bad to ———?—(*Mr. Thomson.*) We found after we started that one or two of the cases were not so bad as we would have liked.

8476. But these are the worst?—(*Mr. Thomson.*) Yes.

8477. No. 5—male, aged 30, has been drinking for 22 years?—(*Mr. Thomson.*) He was moving about among liquor sellers, and they gave it to him when about eight years of age.

8478. I have no doubt that Mr. Macrae and the other members of the committee were thoroughly able to satisfy themselves as to the cases being good?—(*Mr. Macrae.*) Some much more aggravated than others. —(*Mr. Thomson.*) We were told they were very bad cases.

8479. You spoke about the importance of the test. Roughly speaking, the result was this, that, after the commencement of the treatment, the drink crave, according to the statement of the patients, disappeared in some cases at once, and in some cases within a few days; that sleep was restored, that the functions of nutrition were resumed, the appetite got natural, and sometimes almost more than natural, and that, in the course of a short time, the people appeared to be in the main completely restored; and that a nausea to tobacco appears to be engendered in certain cases, as well as to drink. Now, Mr. Macrae, as to the time-test? Would you please read the paragraph?—(*Mr. Macrae.*) 'That 'judged by the results of this public test, as applied to 'all the cases taken in hand, comprehending individuals 'from all parts of Dundee and Broughty Ferry, the 'committee feel constrained to admit that the scepticism 'with which they approached this test has entirely 'disappeared, and that the statements made in print 'by Dr. Tyson are fully justified up to the close of the 'treatment, and they will endeavour to ascertain 'whether the benefits already received by the patients 'will prove permanent, which is a most vital point.' You, therefore, understand that our testimony here is entirely to the effect of the treatment during its continuance.

8480. Exactly. Before you go further, the experiment was begun on 5th January, and the date of your report was 2nd February?—Yes. (*Mr. Thomson.*) The test lasted for 3 weeks.

8481. And then you had a week to consider?—Yes.

8482. Have you followed up the cases?—We have, to a certain extent. That is to say, we had two meetings—social meetings with the patients—that we might see them and ask them to give their experience; and it was proposed at the last that we should have another such meeting after a year had elapsed; but so many of the cases have gone back to drinking, that it remains questionable whether it will be necessary, although it would be interesting, to find out from themselves what explanation they can give. For instance, at one of those meetings, one of the patients when asked to report said he had come frankly to say that he had gone back to drink. I asked 'did the crave return?' He said 'No, but I wanted to get back to my old associates in 'the public-house; and so he had.'

8483. I think you had 17?—(*Mr. Thomson.*) We had 19 really, but 20 started at the same time as the others.

8484. And, I suppose, the other two———?—We had 19 altogether, but two or three ceased taking the medicine after five or six days, really not wanting to be cured.

8485. What was the result? You had 19 altogether. How many fell out?—Out of those 19 cases we find that 15 had lapsed, and 4 continued firm up to 11th October. We had a committee meeting then.

8486. That is from the beginning of January to the 11th October?—Yes; and of those 15 at that meeting the different members who knew the parties reported that in no case had the lapses been due to a return to the craving.

8487. You had 19 to start with. How many dropped out?—One of them dropped out, but told it afterwards.

8488. You said three, I think?—One or two dropped out. (*Mr. Macrae.*) Two were struck out, I think, because it was found they were trifling with it.

8489. And that reduces them to 17 *bonâ fide* experiments?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) There were one or two others we tried, not as test cases, in order that they might get the benefit of the medicine. We have had 19 altogether in hand on whom we can report; of those 15 had lapsed by 11th October.

8490. What do you call lapsed?—(*Mr. Thomson.*) Gone back to drink.

8491. Do you mean one or two drunks or habituals?—They all stated, I believe, that in no case had they gone back because of the return of the crave, but because they wished to join old friends.

8492. Yes; but a man in order to join his old associates did not require to drink a bottle of whisky a day. It must be rather expensive. Here is the case of a teacher—'male, aged 52; been drinking for 20 'years—whisky, as much as he could get. Sometimes 'for six months on end would drink one or two bottles 'of whisky a day; had periodical bouts and once 'delirium tremens.' That must be a very costly thing? (*Mr. Thomson.*) That man has stood firm, I believe. (*Mr. Macrae.*) He was not one of those who spoke

about 'sociality.' He seemed more to be a "solitary."—(*Mr. Thomson.*) We have had no further report submitted to us about him.

8493. I was talking about the cost. That would be 3s. or 3s. 6d. a day?—(*Mr. Thomson.*) I don't know where he got the money.

8494. (*By Dr. Sutherland.*) It is his own statement?—(*Mr. Macrae.*) We had to depend for many of those statements on the accuracy of a man's own words.

8495. (*By the Chairman.*) You have not heard anything of the 4 since the 11th October?—(*Mr. Thomson.*) —No.

8496. Were the 15 manifestly improved?—(*Mr. Thomson.*) Distinctly. One of them had a very bloated appearance.

8497. Yes; but at the 11th October. The ones that had lapsed at the time, were they like the 'dog returning to his vomit, and the sow that was washed to her wallowing in the mire;' or in a less disagreeable scale?—(*Mr. Macrae.*) As far as I knew the cases personally, it simply means going back to old ways, which did not mean constant drinking in all cases, but periodic bursts of it.

8498. In the case of a periodic burst it is difficult to say there was any cure until the periodic burst becomes due again?—(*Mr. Macrae.*) I will mention a case not in here, that I took a special interest in, and that perhaps tests better than anything here what the value of this so-called cure is. It is the case of one who has gone professedly three times through this treatment—a man of very sensitive organisation, of great ability—and he was taken at a time when he was not drinking heavily, and therefore it was not so manifest; but after he lapsed I got a hold of him and wired to London for a fresh supply of the medicine, and while his wife said that when once he began there was no stopping for some time, we no sooner began this with him than immediately he was 'picked up,' and the tendency to drink more seemed for the time to be destroyed. So that it was some three months after before he had another return to the craving.

8499. For three times professedly he has gone there, because we have to trust to this man taking hourly medicine; and therefore a Tyson agent might say, 'You cannot say this is unsatisfactory, because,' he could say, 'you did not see the medicine administered hour by hour?'—(*Mr. Macrae.*) We could only see it administered twice a day. They declared they took it, and the result, for the time being, led us to believe they were going on faithfully with it. In the case of this man, I could not be sure that he went through the 21 days' treatment regularly 12 hours a day.

8500. When you tried it yourselves, how far did you go with it?—We merely took a dose to taste it.

8501. But you did not have—any member—sufficient self-sacrifice to see its effect?—Its effect in all cases was good, as far as we saw.

8502. You did not try it on any of the friends of the committee with the view of discovering its therapeutical effects?—(*Mr. Thomson.*) Not more than one dose. It was stated in connection with a test case in Melbourne that more than one dose of the *undiluted* medicine would poison.

8503. Is this the same as what is called the 'gold' cure?—(*Mr. Macrae.*) No.

8504. There is one cure in which the medicine is administered by injection?—That is still another one, and I may mention that this same case that I referred to had already gone through this metabolic treatment in Glasgow.

8505. With what result?—He said it had cured him, but we found it had not, so far as indicated by his after conduct. But the distinction in our mind that had to be kept in view was this—the difference between its influence on the crave and curing drunkenness. I have always maintained that no physical treatment will cure drunkenness, which is the result of mental association and habits, and when it becomes a disease you may cure the drink crave, but, the man can recreate the craving just as a man who has no appetite produces it at first by the same process.

8506. Had you any women among this lot?—(*Mr. Thomson.*) We had. We had 5 out of this 19.

8507. Well, this woman—No. 4—has been in an inebriate home in Scotland?—I believe so.

8508. Where?—I forget where.

8509. Has she lapsed?—She has lapsed.

8510. How many women were in the lot?—Five.

8511. What was their results. Mention what the four who have kept steady were?—There was one woman out of these four.

8512. And you had five?—Yes.

8513. You have mentioned these other cures. Have you had any experience of them?—(*Mr. Macrae.*) The only case of metabolic treatment is the one I have referred to. The Keeley cure, so-called, I have known a few cases of, but two or three I know of were entirely unsatisfactory. One man declared that the money had been mis-spent, because it had not done him any good.

8514. Did Dr. Tyson & Co.'s agent say—did you ask him as to whether this medicine should be administered in any other way than by the mouth? Does he propose, in dealing with habitual drunkards, to have them march up and give them their dose under supervision?—He would prefer that. If he could get access, for instance, to a home where the medicine could be administered regularly, he believes he could empty all these places in the country through it.

8515. But has he tried that himself?—He has got no opportunity, he says. (*Mr. Thomson.*) They refused (one or two homes) to allow him.

8516. You allowed your 17 to carry on the cure at home?—(*Mr. Thomson.*) Because we could not get people to look after them. (*Mr. Macrae.*) They were engaged at different parts of the town. (*Mr. Thomson.*) Every one of them was working.

8517. It did not prevent their working?—(*Mr. Thomson.*) No; because they took the medicine in a small bottle with them, and took it every hour.

8518. I think you have told us that the nature of the cure is a secret?—(*Mr. Thomson.*) Yes.

8519. What about the cost?—(*Mr. Macrae.*) It is pretty costly. It was charged £10. That is for 21 days' treatment. Then Dr. Tyson himself, too, went to Glasgow, and between him and Mr. Stephens there have been legal quarrels; but Dr. Tyson came across from America to Glasgow.

8520. Where does he hail from? Somewhere in Philadelphia, is it not?—And began treating persons there, and they got a few test cases. He wrote me to go and see them. I went afterwards, and saw some of the patients, and also inquired at Mr. Oates of the Young Men's Christian Association, as to their experience—how the patients were standing there, as compared with the Dundee ones. Tyson charged just £5, and then his Belfast agent sent a circular round offering to supply for £2, so it struck me that very possibly the medicine itself might be a thing of not much commercial value, though not necessarily of less practical value.

8521. But you don't imagine that Tyson would let his agent in Belfast know the composition of his medicine?—(*Mr. Thomson.*) His London agent knows the composition. He told me so.

8522. And he has a law-suit. About what?—(*Mr. Macrae.*) He bought the monopoly for what he called 'England,' and, whether it was owing to the fact that he thought England included Scotland and Ireland, I don't know, but when he found that the agent in Belfast was at work he took action against him and the judges decreed in his favour so far as that specific action was concerned. Then he told me he was to take action if necessary against Tyson.

8523. To keep up the monopoly?—Yes. (*Mr. Thomson.*) He is willing to sell at reduced terms to working people, but that he could make his own terms.

(*Mr. Macrae.*) Yes, and repay himself for the large outlay which he had made, or agreed to make.

8524. You say at the commencement of this circular that this has been tried at Birmingham and Belfast. Do you know anything about the results or alleged results of these trials?—(*Mr. Thomson.*) We don't

Rev. David Macrae and Mr. James Thomson.

15 Dec. 1894.

know the Birmingham results. (*Mr. Macrae.*) We only got reports referring to the time during which the treatment lasted.

8525. Were the reports the same as yours?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) Quite as favourable as ours.

8526. Was it the Birmingham cases in which Mr. Stead was concerned?—(*Mr. Macrae.*) Of that I am not certain.—(*Mr. Thomson.*) It was a different cure, I think.

8527. Have you looked into the literature and claims of those other cases—the gold and the metabolic?—(*Mr. Macrae.*) Yes, but only the advertising sheets, and so forth.

8528. As to the results, what is your idea of the value of the results from an anti-drunken point of view?—(*Mr. Macrae.*) I think that this treatment undoubtedly destroyed in most cases the craving for the time being.

8529. But how long—supposing a person to be in a home and not exposed to the temptations of society—would that effect last?—We are not in a position to say; but as a cure for drunkenness I don't think it to be deserving of the name. What goes to create drunkenness is still at work in society, and the man cured of the crave goes out and cannot even go to a Town Council banquet, or any place where there is drink, but the old temptations are there, and though the craving may be for the time destroyed, the old associations which I think go deeper than even the physical crave reassert themselves and draw him back into the old drunken habits.

8530. Did the four who had not lapsed go into the experiment with a violent desire to be cured?—(*Mr. Thomson.*) Every one of the 19 test cases said so; but we have reason to disbelieve that statement.

8531. Did you say that some after being cured wished to get back?—Yes.

8532. What you said, Mr. Macrae, would apply to cases treated by prolonged seclusion when they get out unless they become total abstainers?—Precisely.

8533. And lead to breaking their pledges, unless they were determined not to do so?—Yes, unless there is determination—a certain amount of moral power, and will left, and an honest desire to escape. I don't think that anything will cure so long as the conditions of society remain as they are—I mean with temptations to drinking.

8534. Was there anything further done in this cure here?—Of course, this was public in Dundee, and with the signatures appended to this document one would think it would have given rise to a very considerable demand for this Tyson cure and a development of the experience connected with it. Do you know of any cases in which it has been tried since?—(*Mr. Macrae.*) Yes, quite a number, but not the details. I know, in a number of cases, the agent was written to and the medicine got. I mean we know that a number were led by this report to try the cure, but the knowledge of this came in a sense semi-privately.

8535. Do you know of any cases of men who were notoriously intemperate before the results of your investigation were made known, whom you know or whose friends you know, to have written for and put themselves into communication for the cure, and who have since become temperate or are abstaining from intoxicating liquors?—(*Mr. Macrae.*) Yes, there are two or three, but they are all within a few months—one within seven months and the other within eleven months now. I could, I think, put my finger on three cases—one in Glasgow and two in the neighbourhood of Dundee.

8536. Well, I suppose from your experience, it is something to get a drunkard held right for even three months?—Oh, yes.

8536A. (*Professor Dove Wilson.*) Except that it would cost £40 a year.

8537. (*By the Chairman.*) Well, but you say that Tyson's agent is willing to supply the thing cheaper?—(*Mr Thomson.*) Yes.

8538. Which you did pay?—No. It was entirely free.

8539. Have you been applied to by working men?—I have had at least 50 or 60 applications from all parts of the country.

8540. And you know the terms. Is it brought within the range of working men's finances?—Well, if a temperance society recommends a *bonâ fide* case where the party is not able to pay £5 or £6, they will supply it for £2 or £3.

8541. Are you an abstainer yourself?—I have practically been a total abstainer all my life.

8542. Are you acquainted with temperance organisations?—Yes. I am a member of the Free Church General Assembly's Committee and of the Dundee Presbytery Committee on temperance.

8543. Are you a good templar?—I am a blue ribbon member.

8544. Do you happen to come across cases of drunken wives?—In my professional experience as a lawyer I have had several most interesting cases—of husbands being at their wit's end what to do with their drunken wives. I recall the case of one who cleared out the house, and pawned her children's clothes. The husband is a respectable man, constantly employed. I had to advise him. He said he would not mind if she was taken to prison. I advised him to put down something attractive belonging to her child in order that if she disposed of it she might be put in prison.

8545. Has she been put there?—I have not heard since.

8546. You didn't advise the Tyson cure for her?—No.

8547. Why?—Well, I didn't think of it at the time.

8548. Would not that be a far better thing than imprisoning her?—Well, he wished to give her a lesson. But she would not have taken the medicine; she did not want to be cured.

8549. As a temperance worker I am certain Mr. Macrae has come across numbers of working-class families where you have got the wife, and specially doing exactly what you have described—pawns everything, and drinks, and is an habitual drunkard. Have you a temperance organisation availing itself of this offer of cheap medicine for any of those cases, and if so, with what results?—(*Mr. Thomson.*) The difficulty, of course, is that these people will not take the medicine. They are not willing to be cured, and it cannot be supplied against their will.

8550. Had you any medical men on your committee?—No; none would agree to serve on the committee.

8551. There was no suggestion made as to administration by injection?—No.

8552. Which could be done without consulting the patients?—Mr. Stephens said the medicine could not be given without the knowledge of the patients.

8553. He did not recommend it to be given in food?—No.

8554. (*By Dr. Farquharson.*) Had any members of the committee any personal knowledge of the habits of these men experimented on?—(*Mr. Macrae.*) Some of them had.

8555. Sufficient to make you think they were good subjects for this?—Decidedly.

8556. How long after the termination of the cure did these 15 relapse?—(*Mr. Thomson.*) Well, at different periods. (*Mr. Macrae.*) Every time we made inquiry we found that another or another couple had dropped off.

8557. That they lapsed pretty quickly after the termination of the so-called cure?—(*Mr. Thomson.*) I suppose six weeks.

8558. Would you think that effect of the remedy was a sort of mental—a sort of mesmeric?—(*Mr. Thomson.*) No; certainly not. (*Mr. Macrae.*) Excepting that the mere fact that they were daily under the eyes of the committee, and were taking this medicine, would no doubt have a mental influence.

8559. (*By the Chairman.*) Did you try it on a moderate drinker?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) And he has become a total abstainer. (*Dr. Sutherland.*) He was all right before.

8560. (*By the Chairman.*) I am speaking of what

Rev. David Macrae and Mr. James Thomson.

15 Dec. 1894.

is technically called the 'moderate drinker.' Did you try it on any man of that sort? You say here that one patient 'who had been forty years addicted 'to drink, and took seven glasses of whisky per day 'during his bouts, after treatment said "he did not like 'the smell of it."' Did it occur to you to ask some respectable person, who did not happen to be an abstainer, but who took a glass of toddy, to see whether his toddy would taste like vinegar, or whether he would come to dislike it?—(*Mr. Macrae.*) We did not make that experiment; and would have very probably found difficulty in getting one to take this for 21 days—I mean a moderate man drinking a little daily and liking it, that it would be very difficult to get that man to make the experiment.

8561. (*By Dr. Farquharson.*) Were there any moderate drinkers on the committee, or were they all teetotallers?—(*Mr. Thomson.*) I think they were all teetotallers. (*Mr. Macrae.*) There were others invited, but they did not act.

8562. Did you see the doses administered yourselves?—(*Mr. Macrae.*) Every morning and evening.

8563. Was there any effect produced?—Not at the moment. (*Mr. Thomson.*) It was rather pleasant to take, they said.

8564. You say the medicine has not been analysed?—(*Mr. Macrae*) It has been analysed. The analysis show what has been discovered in it, but there may be ingredients in it that they don't know how to test for.

8565. Do you know the result of the analysis? Was it communicated?—No, it was not. (*Mr. Thomson.*) There was an Australian analysis—that strychnine was in it.

8566. Did you taste it?—Yes. It was more like quinine.

8567. It was bitter?—Yes, it was a little.

8568. There was foundation for the statement that more than one dose would be fatal?—(*Mr. Macrae.*) Not fatal, but having a poisonous effect. (*Mr. Thomson.*) The dose, I suppose, would be diluted. (*Mr. Macrae.*) If I remember the Australian report properly, it was that there was poison in it (that is strychnine), and that in the case of a person suffering from heart affection it might prove fatal.

8569. Had you any medical men on your committee?—We invited medical men, but they would not accept, on the ground that this was a secret thing.

8570. Mr. Tyson's agent did not object to medical men?—(*Mr. Thomson.*) He wished them. A medical man attended once or twice, just to see the patients.

8571. (*By Dr. Sutherland.*) Is Tyson a qualified medical man in this country?—(*Mr. Thomson.*) We had only Mr. Stephen's word that he was a qualified medical man.

8572. In this country?—I don't know; he is an American medical man.

8573. And is administering through agents a solution containing a deadly poison?—He denies that, of course.

8574. Supposing that, in treating a drunken person with heart disease, or any other organic lesion, death takes place, who certifies the cause of death in such a case?—(*Mr. Macrae.*) We never had that question before us, because nobody died. (*Mr. Thomson.*) And he was particularly careful not to take any one suffering from that.

8575. Do you look on this disease as physical or mental?—(*Mr. Thomson.*) Both. (*Mr. Macrae.*) A physical disease, but, allied to it, and anterior to it, and posterior to it, also a mental disease—an habitual inclination of will in a particular direction and inclination towards society, towards festivity, which, in the meantime, means being brought within temptation to drink.

8576. You would not call that mental disease?—When it overcomes a man's reason—when it appears that he is doing an unreasonable thing.

Rev. David Macrae and Mr. James Thomson.

15 Dec. 1894.

8577. In a public hospital or asylum in this country—in the case of a person suffering from insomnia, hypnotic, or any other medicine may be administered with or without the knowledge of the patient—generally without; and why in the case of drunkenness—which long continued leads to well-marked physical or mental changes, or both—should it be necessary that the patient should know exactly that he is taking this remedy or that to bring about an expected result?—For one thing a man would not be taking food every hour daily. You must have some excuse for getting him to swallow an ounce of this tonic, or whatever it is—and you could scarcely manage it without letting him know he was under treatment.

8578. Does the element of faith enter into the efficacy of the cure?—(*Mr. Thomson.*) The element of will. (*Mr. Macrae.*) And the element of faith, to some extent also.

8579. Can you explain why your committee did not go to the police office or the prison and select some of the most notorious cases of persons who have been convicted hundreds of times, and make experiments upon them?—(*Mr. Macrae.*) I was not one who made the inquiry about that, but I understand that we could not get them. They would not subject themselves to this treatment.

8580. Would you kindly supply me with the names of the four who have stood firm, so that I might make independent inquiry on my own account?—(*Mr. Thomson.*) Certainly—but that is up to the 11th October.

8581. In taking this evidence from each individual, as to their history and habits, was it verified by an independent party?—(*Mr. Thomson.*) Not, perhaps, in every detail.

8582. Are you aware that habitual drunkards are notoriously untruthful?—(*Mr. Macrae.*) Yes.

8583. Do you think that such statements as a labouring man with 3s. a day, drinking daily a bottle of whisky for years, should be accepted without verification?—(*Mr. Macrae.*) In many cases the committee got patients that they knew long to have been habitual drunkards.

8584. Is the dose increased either in frequency or in quantity in proportion to the degree of inebriety which has existed?—(*Mr. Thomson.*) In strength it is increased.

8585. Was there an effort made in Dundee to float a Limited Liability Company after this report came out?—No.

8586. That has been done elsewhere?—Tyson's agent in London has done it.

8587. Are you hopeful of the results?—I have no faith in it, as I have said, as a cure of drunkenness, but I believe it to be a valuable medicine for cases where the one thing that keeps a man from being sober is the drink crave—I mean, if a man has the desire to keep free from drunkenness and has moral power enough left. That is, power enough except for the drink crave. Then its destruction would be his permanent cure, and one or two of our cases were cases that we thought would prove to be of this kind. A man and wife after the crave ceased, moved away from low surroundings, but both have lapsed since. The conclusion I came to was this, that it would be sufficient where a man is only kept to the thraldom of drunkenness by the physical crave—that if the drink crave is destroyed, and he has the willingness and also the moral power to keep from tasting drink altogether, in that case I think, it wouldbe permanent.

8588. (*By the Chairman.*) Did you get any of those men or women when they were in this 'non-craving' condition to take the pledge?—(*Mr. Macrae.*) Yes. (*Mr. Thomson.*) Some have taken the pledge. [Witnesses then withdrew.]

Chief-Constable Bremner.

MR. JAMES F. BREMNER, Chief-Constable of Fife and Kinross, called in and examined.

Chief-Constable Bremner.

8589. (*By the Chairman.*) You are Chief-Constable of——?—Of Fife and Kinross.

8590. How long have you occupied that position?—31 years in Fife; 3 in Kinross.

Chief-Constable Bremner.

15 Dec. 1894.

8591. Have you got any bye-laws on the subject of vagrancy?—No; never framed by the County Councils.

8592. Or with regard to drunkenness?—No.

8593. Drunkenness, of course, is treated as an offence against the licensing Acts?—It is treated in the county under the Public Houses (Scotland) Amendment Act when cases come up—very seldom. In Burghs under the Burghs Police Act.

8594. You have experience of both the systems of short and long imprisonment. Which do you consider is most efficacious?—That is a question of opinion.

8595. That is a question on which I should like your opinion?—Well, I should say that the power now conferred by the Burghs Police Act is a valuable one.

8596. Have you seen any better results?—No.

8597. Does the system of pledges for petty offences prevail in your counties?—Before trial?

8598. Yes; we find in a great many towns that a man found drunk and incapable or concerned in disorderly conduct, or in a petty assault, with 5s. or 10s. in his pocket, he is, after he gets sober, let out, leaving this pledge for his reappearance?—Yes; that prevails to some extent in Fifeshire.

8599. Well, in some places he gives the name of John Smith, disappears, and there is an end of it, leaving his pledge?—Yes.

8600. In other places if he does not appear his pledge is forfeited and he is cited?—Sometimes.

8601. Which system prevails with you?—Persons up for drunkenness are usually dealt with in either of the two ways—either dismissed with a reprimand and ordered to go and sin no more, or else their case is proceeded with in Court in the usual way.

8602. Yes; but before they come before the Court at all?—I don't allow such a thing to be done. I set my face against that. No man taken into custody in Fifeshire under my charge, or by my officers, is liberated without being taken before a magistrate.

8603. On what account do you adopt that system, which, as you know, is not the system operating in a great number of places? Do you think it is correct and just?—Yes, if not, I would not have it in operation. The accused has an opportunity of appearing before the magistrate at the earliest possible time, and making any complaint, while the police are freed from anything like temptation from money that may be left.

8604. Do you think where there is this system of pledges carried on there is a temptation to the police to 'run in' people?—Oh, run them in, I hope not; but it is better not to put a temptation in their way.

8605. Therefore I presume you think, from the words you use, there might be a temptation?—I do, and these are the two reasons I have given.

8606. As regards the prisoner himself, it has been suggested that acceptance of the pledge was a way of letting off trifling offenders whom it might drag down and ruin to bring before the magistrate—that consequently it was more merciful to accept the pledge?—I don't agree with that.

8607. Do you think the police should not judge of an offence?—I do.

8608. Is that system pursued in all the burghs throughout Fifeshire?—It is. I have charge of all the burghs in Fife except two—Kirkcaldy with a population of 27,000, and Dunfermline with a population of 23,000. All the other burghs—there are 17 Royal burghs—are policed by the county under my charge.

8609. Do Kirkcaldy and Dunfermline pursue the same arrangement?—I don't know.

8610. Why have you not urged the adoption of by-laws for vagrancy?—It is not for me to apply to the County Council. I have other work to do.

8611. We were told that Edinburgh had drafted by-laws, and adopted them because of a decision in the Court of Session that a certain by-law was *ultra vires?*—Yes.

8612. Had that decision anything to do with you?—I don't think so. On the question of drafting and afterwards enforcing such by-laws as you point to, I may say the matter has been before the County Council for a considerable time, but, owing to the very large pressure of work in other departments, they have not yet been able to overtake this work.

8613. Do you think that the usual by-law as to vagrancy is taken from the Burghs Police Act?—Yes, I do.

8614. Do you want this power?—Well, I told the gentlemen who were on the committee of the County Council that, if they thought fit, and had authority given to them to adopt the same by-laws as practically works in burghs, I would fill the jails in a week if I were to carry them out strictly—I mean for begging.

8615. You have got a very large number of vagrants?—We have.

8616. Almost the highest number of any county?—Well, we have a very large number. I can give you the figures. Observe that Fifeshire is really the highway between Edinburgh and the north. A large stream of vagrants constantly pass through from south to north and *vice versa.*

8617. What sort are your vagrants? Any of the tinkers?—Only three families of tinkers who come and visit us periodically.

8618. I suppose for all practical purposes it is not worth counting them?—No.

8619. How do your other vagrants divide themselves? You have got the professional tramp, I suppose, who does not want to work?—That is so.

8620. And you have got working men on the tramp?—We have.

8621. How do you deal with them? What proportion of the one to the other have you?—The police, in the system we adopt in Fife, challenge persons who have, at all events, the external appearance of tramps, and question them about their business and where they are going; but, in regard to whether they are really *bona fide* in search of work or otherwise we must take it as they tell us. We have no means of ascertaining whether they are really telling a true story or not. A number, I believe, do; but it is impossible to distinguish between those who say they are labourers or masons, or other tradesmen, and those who are just professional tramps.

8622. Do you find that many of them who profess to be in search of work are offered work and refuse it?—Oh yes, a good many do. A good many could get work, but won't take it.

8622A. What are the stages—Cupar, I believe, is a fine place?—Coming from Edinburgh they halt at Kirkcaldy. They afterwards walk on to Cupar, and then cross county by Newport, and pick their way over to Dundee.

8623. How are they put up at Kirkcaldy?—In lodging-houses.

8624. No shelter?—No. In Cupar they go to the Inspector of Poor, and they are generally refused relief.

8625. Yes; but we were told by Inspectors of the Poor that it was a very difficult thing when a man came and said he was suffering from lumbago, or some other trouble, and wanted a night's shelter—that it was rather a risky thing to refuse relief?—Well, cases occur every now and then, that I may state come under my personal notice and that of my deputies, in which poor creatures who are out, we will say in all weathers, are refused relief by the inspector, and in such cases we take it upon us to put them into a lodging-house and pay for their bed. It is more as a matter of sympathy than anything else.

8626. Out of what funds?—Oh well, we just charge it against the county.

8627. You don't give them shelter in the cells?—Oh no. They are simply for confining persons charged with crimes.

8628. Yes, but in Glasgow we had evidence that 5000 people were sheltered in the cells?—We give no such shelter.

8629. The Inspector at Cupar does not give assistance so lavishly as to attract vagrants?—On the contrary, the course he has pursued I think, is to deter vagrants rather from coming to Cupar.

8630. Have you any shelters throughout the county?

Chief-Constable Bremner.

15 Dec. 1894.

—None. We have lodging-houses, but, for these, of course they must pay for shelter.

8631. Then how does the tramp support himself By begging? Does he steal?—He really, to my knowledge, moves in a very mysterious way. I am often at a loss to know.

8632. Do you get many complaints regarding him? —Wonderfully few in regard to offences against property, or of assault, considering the numbers that pass through.

8633. As to begging. I suppose he begs?—Oh yes.

8634. Do you get many complaints?—We get complaints occasionally; but I think the disposition of the public, so far as I know them in the landward part of of the county, is rather to relieve the needy-looking tramp than to complain against him. At the same time we have every year, not many, I should say, but several instances of masterful begging, which, when it comes to our knowledge, is at once dealt with by the police—the persons are apprehended and brought before the Court.

8635. How many cases had you of begging in Fifeshire last year?—Twenty in burghs convicted of simple begging, but none in the county of masterful begging. I could not at present give statistics, but I could send them.

8636. That is an offence at common law?—Yes. It is punishable by the measure of the sheriffs' powers in the Summary Court. Sixty days is the maximum, which is very seldom gone to.

8637. You don't have any complaints as to tramps begging?—We have, occasionally.

8638. We were told that in Roxburghshire, under the Trespass Act, they could not sleep in a field, or in a ditch, without the consent of the owner of the place. Do you use that Act?—We do, considerably. We have this year a very large number, compared with previous years, of convictions of tramps who made it a practice to sleep at brick kilns, particularly at one place near Cowdenbeath, where the nuisance was so intolerable that the coalmaster complained, and we had to, night after night, apprehend and take to Dunfermline for trial the tramps found sleeping there. There were over 50 convicted this year for that, and that has had the effect of clearing the place.

8639. What did they get?—Short sentences of imprisonment—under 10 days.

8640. Did you put up any notice?—There have been notices put up, and have been at most of these pits before this plan of dealing with them was adopted.

8641. You would deal with them on your own initiative?—Oh no, only on complaint by the owner of the property.

8642. Although you are not, I suppose, bound to wait for his consent?—Yes. At several of the coal-pits in Fifeshire—at the pit-heads where the boilers are—the masters if they do object, it is very slightly, to the tramps sleeping there if they don't cause any disturbance, because they do some work for the privilege they get.

8643. Do they?—Yes.

8644. It is a sort of cheap lodging-house?—It is.

8645. If the tramps do the work how do they do for food?—I don't know.

8646. They will have to carry their breakfast?—In regard to food, my experience of tramps is that they manage to get whisky when they apparently cannot get food.

8647. Have you any suggestions about them and the extension of the Burgh Police Act clauses to the counties?—No. I should like to see the powers conferred by the Burgh Police Act in regard to dealing with tramps who beg applied to the county; but at the same time it would require to be exercised, I think, with great discretion by the chief of the police, whoever he was, otherwise injustice, I would say, might be done to the honest man really travelling in search of work.

8648. You have no system in Fife such as is in Ayrshire—We have not.

8649. About the drunkenness of tramps. Have you many complaints as to their being drunk, or any breaches of the peace?—Oh yes, a great many breaches of the peace and disorderly conduct go on.

Chief-Constable Bremner.

15 Dec. 1894.

8650. In these cases, of course, you have power to deal with them?—Oh yes.

8651. (*By Col. M'Hardy.*) There is a considerable rise, I see, in your Fife population of persons apprehended for breach of the peace and crimes of disorder generally as between 1885 and 1893? By this return it is 885 for 1885 and 1456 for 1893?—What is the charge?

8652. These are for breach of the peace, drunk and incapable, vagrancy and petty offences. That seems a rather great increase. Can you give any explanation? —I really cannot. Of course what may be called the 'vagaries' of crime are somewhat mysterious to me. We had an increase last month as compared with the same month last year; while in the previous month we had a considerable decrease. I cannot account for these fluctuations, but it may be the increased presence of that class at public works, which undoubtedly affects this.

8653. Was the number of constabulary sensibly increased between those years?—Yes.

8654. By how many?—By four I think.

8655. The number of tramps in Fife daily seems to be something like 500; roughly speaking that seems to be the average number?—Speaking from the half-yearly census I will give you the actual number detected—that from the Sunday after the longest day and the shortest day of last year. The total number in the summer half-year was 533, including children. That was the actual number of vagrants in the county. In December the number was 369.

8656. Well, that is 450 as a matter of fact?—The average?

8657. Yes. These men, you say—are any of them actually remaining in the county afterwards?—No. These are all men who wander beyond the county as a rule.

8658. Do they take about five days to march through the county? Would it be longer than that? I understand you to say that all these men, women and children, are on the march through the county?—Yes; but if they get temporary work they may remain for a time.

8659. What would you take as the average length of time of their march through the county?—I should think five days at the outside.

8660. But if you give a week you get this population shifting 50 times in a year?—But pardon me, I say that perhaps a half of these might find temporary work and remain longer in the county.

8661. But that would represent between twenty and thirty thousand persons passing through the county in a year?—I don't doubt that there is something like the minor figure passing through the county in the year.

8662. A great many of these men, apparently, as we have been told, are actually in search of work—poor workmen who have really to go in search of it?—That is so.

8663. Unable to pay their railway fare?—That is so.

8664. You do assist these men to a certain extent. When they have no money you find them quarters?—Oh, no. I say that sometimes in inclement weather a tramp has applied to the Inspector of Poor—I speak principally of the burgh of Cupar—and he is refused relief, and he comes to us in a pitiful state and appeals to our sympathy. I occasionally pay for his bed and give him shelter in a lodging-house.

8665. But that action of yours is quite on a small scale, and not general throughout the county?—Certainly it is, and it is somewhat irregular.

8666. What would you recommend as to the treatment in the way the country should deal with these men? Should they be provided with some sort of cover during the night?—Do you mean such tramps as you have been speaking about?

8667. Yes—men in search of work, in so far as the police can see and believe, and who is to provide the funds? I wish to ask you if it should be provided?—

Chief-Constable Bremner.

15 Dec. 1894.

I am very doubtful if many of these men would probably put themselves under the restrictions that would likely be attached to such a shelter.

8668. Without going out of the city we are in, there is such a shelter here?—Yes, I know.

8669. Well, possibly something less elaborate than that. You suggest there should be no facility for getting shelter in passing through the county?—Where would you put the shelter? It would be of no avail except in the immediate locality. These tramps are to be found everywhere. You would require half-a-dozen of shelters.

8670. Then you propose deliberately to leave these 22,000 men, women, and children, without shelter?—Oh, they find shelter for themselves.

8671. In what way?—Well, in some mysterious way, they get help and sympathy. They meet with brother tramps, who have begged successfully, and out of their receipts they are supported in some way. I know that a number meet with a regular shelter.

8672. Do you suggest that begging by tramps should be winked at?—No, I don't.

8673. Do you think it should be stopped?—Well, then, you appeal to the sympathies of the law-abiding lieges.

8674. No, no; to the Chief Constable?—Well, you rather put me in a dilemma there, for, though I am a police officer, I have not lost altogether a sort of sympathetic feeling for them, and I have told you how I have acted in cases of distress.

8675. But if these men are to be supported by the population of the county, one way or another, which, I understand, you think is at least a charitable view of the question, that support in an irregular way would probably cost more than if some proper method were adopted. Would it not be better to organise and accept the situation that they have to be housed and helped than to leave them to beg and find what shelter they can?—You would find it would necessarily be that a system of that kind would be very expensive to work, and the number of applicants would largely increase on your hands. I am inclined to say you would be imposed upon to some extent.

8676. But if the entrants had all to pass the constable of the place, would not that be a sufficient check for abuse?—It might, but that points to a very large number of separate shelters in the county.

8677. Yes.—And that would be very expensive.

8678. But not more expensive than the present system?—Well, it would fall on one body.

8679. But the support of tramps, as it stands just now, is a very heavy charge on the county?—I don't quite follow you.

8680. Well, these people who exist in your county every day and night have to be supported. You say they don't support themselves by actual work, and the only other way is by begging?—Yes, to a large extent it is.

8681. Well, that would come to be at a cost of something like £4000, or £5000 a year?—Well, I really could not form any opinion as to that.

8682. Do you ever see anything of the children of the tramps?—We do.

8683. Have you ever thought about what could be done for them. Would you suggest anything for them?—Well, if you are to deal with the children, they would require in the first place to be entirely separated from the evil influences under which they are being brought up, but that means taking them away from their parents.

8684. What can you suggest, with your long experience, in order to get the children educated?—It is very difficult. I could not answer that question.

8685. You don't see any system you could suggest?—I do not, because, unless you take the children and put them into a properly equipped school for a sufficient period, a few days' tuition is practically worthless.

8686. (*By Dr. Sutherland.*) Do I understand you to say that you disbelieve in relief stations with a day's march between?—Well, the question comes in, do you point to relieving stations for able-bodied men?

8687. Yes?—Well, that seems to be a question more for the poor law authorities than for the police.

8688. Would not a system of passports, presented by persons passing from one relief station to another, ultimately lead to the discovery whether they were anxious to work or not, and would it not in some way enable you to check the great and constant stream of vagrancy?—That is charity by another form than merely coming out of begging. We would require to have a considerable number of extra returns for such a thing, and additions to the staff of the working police; and I am not very sure that that would be a duty for the police.

8689. You are not familiar with the German system?—I have read about it. I am not able to answer that question.

8690. With regard to the children, would you be in favour of taking possession of the children and removing them from their environments, and placing them in industrial schools?—For the children's sake, in many cases, it would be well if they were removed from the influence of parents and tramping life, but to take away children from their parents would be almost an offence against our common humanity.

8691. But if these parents are training their children to follow such useless lives, is it not the duty of the State to take them away and to fit them by education for better things?—I concur there.

8692. (*By Col. M'Hardy.*) These apparent increases I referred to, are these in part attributable to the adoption of the Police Acts in the interval in the neighbouring burghs?—I think not. It may to a certain extent.

8693. Do you find breach of the peace and drunkenness, and petty offences more common in proportion among the vagrant population than among the begging population?—I think I may say yes.

8694. Could you tell us the number of vagrants of the tramping class apprehended for those offences during the last year—the number convicted, tramps, persons described in the complaint as of no particular occupation, and no settled place of abode?—There have been 48.

8695. But, I suppose, your apprehensions would be larger?—As a rule they are convicted when apprehended. We seldom apprehend that a conviction does not follow.

8696. (*By Professor Dove Wilson.*) Do you prosecute in any of the Burgh Courts?—I prosecute in the Justice of Peace Court all over the county.

8697. Do you personally prosecute in any of the Burgh Courts?—No.

8698. Do any of your inspectors prosecute there?—No.

8699. Do you use the system of accepting pledges in your county, taken by the police?—No. It may be taken, but it is handed over to the magistrates.

8700. The police don't accept pledges at all?—In a burgh like Burntisland a policemen may take a sum of money from a man detained, but it is handed over to the burgh authorities without the constable retaining it.

8701. It is a pledge of his appearance. Do your constables not keep bail-books?—Yes; it passes directly into the hands of the burgh authorities. The police certainly take these, and hand them over to the burgh authorities.*

8702. They take them and record them in a small bail-book, giving a receipt to the prisoner. That is done in the burghs. Anywhere in the counties? You never do that in the county?—No.

8703. What do you do in the county with drunk and incapable persons?—In the county a drunk and incapable person is locked up for the night, taken before a Justice of the Peace next morning, and usually reprimanded and dismissed.

8704. If a bail is taken in one of the burghs, and

* Chief Constable Bremner explains that in the landward part of the county the police take no bail. In burghs policed by the county the police do take bail, *but only after it has been fixed by the magistrate.* They retain it (the police) until the court which is usually next, or following, day, when it is handed over to the prisoner. The police of *themselves* take no bail—it is only when ordered and fixed by the magistrate who comes to see the prisoner.

Chief-Constable Bremner.

15 Dec. 1894.

is forfeited for non-appearance, what follows then?—Usually nothing; the Burgh Prosecutor takes no proceedings.

8705. Can you tell me anything about the practice in the Burgh Courts in the case of previous convictions for statutory offences? Do they take them into account in passing punishment?—As a rule I believe (I speak guardedly in regard to burghs) that when convictions are known they are libelled against the parties brought up.

8706. That is at common law?—No; in statutory offences as well. A man may be convicted twice or three times in the same year, and the punishment is increased.

8707. But that is under a separate section?—Yes.

8708. Supposing they are brought up under a previous section, and the question is simply as to punishment, do they take previous convictions into account?—If there is any they do.

Chief-Constable Bremner.

15 Dec. 1894.

8709. How are they known?—By the Prosecutor libelling them in his complaint.

8710. In the Justice of Peace Court do you libel all previous convictions there?—There the cases I deal with are confined to common law cases of a lesser gravity than those that would be tried in the Sheriff Court—cruelty to animals, public-house and road cases. In public-house cases where there has been a previous conviction for breach of certificate, that is libelled.

8711. That is statutory?—Yes. [Witness then withdrew.]

[Adjourned.]

NINETEENTH DAY.

Glasgow, Monday, 17th December 1894.

Present:—

Sir Charles Cameron, Bart., M.P. (*Chairman*).
Col. A. B. M'Hardy, R.E.
Dr. Farquharson, M.P.
Dr. J. F. Sutherland.

Chief-Constable Hamilton.

17 Dec. 1894.

Mr. WILLIAM HAMILTON, Chief-Constable of Govan, called in and examined.

Chief-Constable Hamilton.

17 Dec. 1894.

8712. (*By the Chairman.*) You are Chief Constable of Govan?—Yes.

8713. How long have you been in that position?—Eleven years in November last.

8714. What was your police experience before that?—I was nine years in Glasgow, and previously I served four years in the office of the Procurator-Fiscal for Ayrshire at Ayr, where I daily came into contact with the County and Burgh Police.

8715. The chief problem which we are anxious to get your assistance in solving is in regard to the difference of statistics between Govan and other places—you have a table of statistics before you?—I have been told about it.

8716. It shows that last year the ratio of apprehensions for breaches of peace, petty offences, assaults, drunk and incapables, and drunk and disorderlies was 60 per 1000 in Glasgow, while in Govan it was only 28 per 1000. Now, does not Govan form, so far as any stranger would be able to see, a portion of Glasgow?—It does.

8717. Is the population of the same character?—No; not quite.

8718. What is the difference of the population, and what is the explanation of the very much smaller number of arrests which are more necessary in Govan than in Glasgow?—Our population is composed to a very great extent of respectable working men, that is to say, men who are at all times in employment when they can get it. We have no loafers, no people hanging about who do nothing but commit offences.

8719. But, talking simply of breaches of the peace, petty assaults, and drunk and incapables, and drunk and disorderlies—they are the more respectable and constantly employed population you have?—I think so.

8720. Is there any other reason as to public-houses or anything else to account for the very great disparity and the fewness of arrests in Govan?—It is a delicate matter for me to give an opinion upon, as to the difference between Glasgow and Govan, although I am quite willing to give as full information as I can.

8721. We want to have any hints that will throw light on this matter. In the first place, tell us how you treat your drunk and incapables in Govan, under what Act do you deal with them?—In 1893 we dealt with so many under the Public-Houses Act.

8722. And now?—Well, under the Public-Houses Act, we dealt with 117 drunk and incapables in 1893, and under the Police Act, which came into operation during that year, we also dealt with 166.

8723. You are working under the Police Act altogether now?—Yes.

8724. Under the Public-Houses Act the punishment was 5s. or 24 hours?—Yes.

8725. And under this new Act, the Burghs Police Act, you have powers to fine 40s. or 30 days' imprisonment, and in cases of repeated convictions for drunkenness you have power to inflict 14 days extra without the option of a fine?—Yes.

8726. Are these powers much availed of—have the increases in sentences been commensurate with the extension of powers?—No, I do not think we have had more than three or four cases altogether of fining above the old fine of 5s. or 24 hours.

8727. How many drunk and incapables had you according to the last statistics you have?—283 in 1893.

8728. And what had you the year before?—352 in 1892.

8729. Have you any idea what you have this year?—No.

8730. You have not made up statistics even for six months?—No.

8731. Can you let us know that, because we should like you to fill it up in your evidence, as we wish to compare a year under the old system of 5s. or 24 hours, and a year under the new Police Act which gives you vastly greater powers. We want to see how far the greater powers of punishment have appeared to exercise a deterrent effect?—As I have said already, there are only two or three cases where the power of greater punishment was exercised.

8732. But, I suppose, the extra power is well enough known in your burgh?—Yes; but we have not many who are convicted of drunk and incapable who come before the Court a second time or three times during the year.

Chief-Constable. Hamilton.

17 Dec. 1894.

8733. To follow up the drunk and incapable matter, I suppose the definition is the same in Govan as in Glasgow?—I believe so.

8734. That is, a man who is drunk and incapable and not in charge of some friends?—That is so.

8735. When you bring them to the Police Office do you follow the Glasgow system of letting them out on pledge?—Yes.

8736. What pledges?—From 5s.

8737. Can the majority do so?—Yes, I believe so.

8738. If they cannot, do you send out to friends to let them know?—Yes.

8739. We were told that in Govan, which is a comparatively small place, the police know the houses of the different people, and that where they found a man drunk and incapable or asleep near his house they assisted him home to it, whereas, in Glasgow, they simply ran him in?—That is not correct. Our men have got instructions if they find a person drunk to rouse him up. If the person is then able to give his or her name and address, and able to walk, the constable will direct him home. This he will also do if he knows the person, and in either case if friends turn up they let them take charge of him.

8740. Do you find that disposes of a large number?—A good many.

8741. But the man that is simply sleeping hardly comes under the definition of drunk and incapable, that is, if he is able to walk?—It depends upon the opinion of the constables.

8742. What is your opinion on that point? The constables act according to the instructions from the Chief Constable of course?—Yes; my opinion is as I have indicated.

8743. That is, if a man is able to walk and is not disorderly he is rather to be directed and got home than run in? Was that the practice pursued in Glasgow when you were here?—Nearly all the time I was in Glasgow I was in charge of the Detective Department.

8744. But, as a man of ordinary intelligence, and living in or near Glasgow, and formerly being a police officer in Glasgow, do you say you don't know what went on in Glasgow and what goes on in other parts in connection with police business? Is there any difference to explain?—I cannot say there is any difference.

8745. We are to assume that the same thing occurs in Glasgow, and that the police act practically upon the same instructions?—I believe they do.

8746. About your pledges?—If a man leaves his 5s., do you allow him to give any name he likes, and to walk off in the assurance that you will never hear anything more about him, or do you do as we are told they do in Edinburgh and in other places, regard the pledge as surety for appearance at the Police Court, and if the person does not appear the pledge is forfeited, and he is proceeded against by citation?—We simply forfeit the pledge, and no further proceedings are taken, unless it is some serious case.

8747. Does that hold good as to all classes of petty offences and breaches of the peace?—Yes.

8748. With regard to these cases of drunkenness and breaches of the peace, is your practice the same as in Glasgow?—I believe it is so.

8749. We are told that a large number of drunk and incapable cases are converted into disorderly cases or breaches of the peace cases, because the drunk man has sufficient animation left in him to struggle and possibly kick the constables. Is that your experience?—A man who is drunk and incapable is not in a position to kick constables.

8750. As a matter of fact, you don't have many of these cases converted from incapable into the other?—No; none.

8751. About the statistics of the police, what is the number of your force?—80.

8751A. Then your police in Govan are in the number of one to every 792 inhabitants?—That is so.

8752. Whereas the police in Glasgow are in the proportion of one to every 514 inhabitants—has the lesser ratio of police to inhabitants in your case anything to do with the smaller number of apprehensions?—I do not think so.

Chief-Constable. Hamilton.

17 Dec. 1894.

8753. You think you have sufficient police for all purposes?—Yes.

8754. And that if your police ratio were brought up to Glasgow it would not affect your arrests?—I do not think it would in the slightest. In Glasgow there is the Marine Division of Police which watches the harbour with a very small population. In reckoning proportions this would require to be considered as well as the very strong police force necessary in the centre portion of the city for many causes,—entertainments and demonstrations, and the great influx of people from all parts of the country.

8755. We were told that one cause of the very high proportion in Glasgow was that Glasgow was a sort of attractive centre to which a number of people came from all parts, and that the more gay members of the community of Govan came up to Glasgow for their spree instead of taking it out there?—That tells the other way as well.

8756. That is, you have people coming down from Glasgow to Govan, therefore the one counter-balances the other you think?—For 1893 we had 17 per cent. of the total from Glasgow.

8757. I suppose there is always a larger proportion who would come to Glasgow?—I don't know the number that go to Glasgow, but our proportion is 17 per cent.

8758. You mean, do you, 17 per cent. of all crimes?—All crimes and offences dealt with during the year 1893.

8759. Can you give us details?—No.

8760. I would like you to separate the crimes from the offences?—If you take drunks there are 36 per cent. arrested in Govan who come from Glasgow and district.

8761. Can you say the total number of criminals from Glasgow and district arrested in Govan. We want to eliminate the serious criminals, such as burglars and others of that stamp, who would be tried for indictable offences belonging to Glasgow and district. How many of the 17 per cent. have been genuine criminals, housebreaking and burglary in Govan, or how much does the 17 per cent. amount to?—The total number of persons dealt with in 1893 was 2660.

8762. And of these there come from Glasgow and district?—463.

8763. And what is the total number of drunks dealt with?—283.

8764. And the number from Glasgow and district?—102.

8765. And these people, I suppose, get drunk in Govan?—Yes.

8766. Can you go any further with your analysis?—No.

8767. If they get drunk in Govan, this shows that there must be ample facilities for getting drunk there?—We have a fair number of public-houses in proportion to the population, but it is much smaller than Glasgow and other towns.

8768. Have you any theory for so many Glasgow and district men getting drunk in your district?—I believe a number of them come down to Govan to see their friends on the Saturday night, and perhaps some live in Glasgow although employed in the shipbuilding yards of Govan.

8769. But, if they go down to see their friends and get drunk, would not their friends very often get drunk with them?—They might.

8770. And, on the other hand, a number of your Govan people would be up in Glasgow seeing their friends?—Oh yes, a number of our Govan people get drunk in Glasgow. The Glasgow police telephone very often on the Sunday and other days to see the friends of prisoners about them.

8771. And is the proportion anything like the same in the two places?—I don't know.

8772. Does not the telephone guide you in showing that?—Oh no. There are perhaps two or three on a

Chief-Constable Hamilton.

17 Dec. 1894.

Sunday; but they are not always for drunks. They may be breaches of the peace and assaults perhaps.

8773. Do you think the Govan population is a more law-abiding population and more composed of respectable electors than that of Perth for instance?—No, I would not say that.

8774. Your number of apprehensions is smaller than that of Perth, taking the percentage of apprehensions to population?—Yes.

8775. Your percentage in Govan is 2·8, and in Perth it is 3·1?—The number of apprehensions may vary according to how the police force is handled.

8776. That is exactly what I have asked you, but you have not seen fit to answer it. Do you think that Govan has a much rowdier population than, say, Leith?—Leith has a much more mixed population than Govan.

8777. And there should be, according to your theory of the character of the population, rather a higher percentage of arrests than with you?—It depends entirely on the management of the police force.

8778. You have in Leith barely two-thirds of that in Govan, and in Perth—a country town,—a considerably larger number of arrests; and in Ayr you have nearly half as many as in Govan?—Ayr within the last few years has been very much run on by processions from Leith and other places.

8779. Well now, the Leith people are very rowdy, and yet there are only 20 per cent.?—I meant the people who went to Ayr, but I think I had better withdraw the name of Leith specially.

8780. You have told us it depends on how the force is handled, and that is what we want to know—the difference of the treatment, and how we get these apparently extraordinary figures?—In Ayr there are perhaps 10,000 or 12,000 people coming on the Saturday afternoon from all parts of the country, and there are the races also, and these people commit a great many offences. In Govan we have no crowds of that kind, except the football crowd, which is a very orderly one generally speaking.

8781. You don't think the prevalence of football matches increases the amount of drunkenness?—Those who attend football matches may to some extent drink, but I don't think the football matches increase drunkenness to an extent worthy of notice. A few perhaps get drunk.

8782. Let us take Leith and Govan on the one hand, and Glasgow and Govan on the other. There you have Leith which you say has a population composed of more heterogenous elements with large numbers of no fixed employment, and of a less purely respectable working class than Govan; how is it that your arrests are as 28 to 20 greater in Govan than in Leith?—I cannot explain it.

8783. And you cannot explain why in Govan they are 32 per 1000 lighter than in Glasgow?—No, I cannot explain that, but I can say that for many years our percentage has been gradually on the decrease.

8784. When did you go to Govan?—In 1883.

8785. And, before you went to Govan, what was the percentage?—The percentage was 73 per 1000.

8786. It was pretty much about Glasgow's percentage?—Yes, if you take 1883.

8787. You mean for the total?—Yes.

8788. Can you give us the details for the different years?—Yes.

8789. What was it in 1873?—105 per 1000.

8790. And in 1883?—73·39.

8791. And since then?—In 1884 it was 57; in 1885, 41; in 1886, 34; in 1887, 31; in 1888, 38; in 1889, 41; in 1890, 51; in 1891, 44; in 1892, 45; in 1893, 42.

8792. That is for all crime?—Yes.

8793. There is rather a remarkable thing here that you have got only 28 per 1000 for petty offences. You must have 14 per 1000 for grave offences to bring you up to 42, or how do you make up the added 14 per 1000?—If you take offences against property, and those were petty offences, there were 304 in 1893. If you take malicious mischief there were 111 of that class.

8794. What is the population of Govan?—In 1893 it was 63,197.

Chief-Constable Hamilton.

8795. Glasgow has a population of 672,000, and Govan, according to the statistics I have in my hand, has a population of 65,000?—There is a mistake there, as regards Govan.

17 Dec. 1894.

8796. Glasgow has more than ten times the population of Govan, and in Govan the number of cases of malicious mischief were only 6½ times less than in Glasgow, which would argue that your population must be much more malicious and mischievous than that of Glasgow?—I believe in all small towns you will find those petty offences better looked after than in the large towns. There are a great many offences that we are almost driven to look after, whereas in a place with a large population, such as Glasgow, they would not be able to deal with them.

8797. For instance?—Destroying coal-cellars, knocking over fences in back courts, smashing down railings, breaking windows, and so forth. In Govan and in many of the smaller towns we have, I may say, more facilities for the breaking of windows than there are in Glasgow. With us such offences aremuch more easily noticed, and are also much induced, as we have more macadamised roads than larger towns, and this leads to these malicious offences.

8798. You do not think the Govanite is more mischievous than the Glasgow boy, but that the paved streets do not give the Glasgow boys the same opportunity as Govan does?—Yes.

8799. And you say the police are driven to look after these offences in a manner that they do not look after them in large towns?—Perhaps driven is not a very good word.

8800. At all events, the police do look after them more efficiently?—Yes. I believe they do so more than is done in a large town.

8801–2. That partly disposes of your original theory about the differences in the amount of original sin between Glasgow and Govan, as accounting for the extraordinary discrepancy in arrests? It shows that your people take the opportunity of throwing stones when it is there?—It is only 111 out of the total.

8803. Yes; but it is much bigger than in Glasgow? My point is this. The offences of malicious mischief are very much larger in proportion to the population in Govan than in Glasgow, which shows that your population has very much the same human nature in it as in Glasgow, but yet your number of arrests are most creditably small, and what I want to know is—we are trying to get at the motives that actuate petty offences—your candid view for the difference between the number of arrests in the two places?—I have given you the numbers for the different years from 1873.

8804. Yes, you have given us the numbers, but you have not given us your explanation?—The explanation is simply a different system of police administration.

8805. Well, let us have the different system as illustrated by Govan? When you went to Govan in 1883 it was 73 per 1000—what time in that year did you go?—November.

8806. In the last year of your predecessor's handling of the police the number per 1000 arrested was 84·79 and in the first year of your handling of the police the number arrested was 57·37, and that number has, on the whole, very considerably decreased, and has never, on any single occasion, reached the percentage of your first year?—You may say the last year of my predecessor was 1882, and the first year of my administration was 1884.

8807. And in the first year of your administration the number of arrests per thousand had fallen from 84·79, or, say, 85 per 1000, to 57·3 per 1000; and under your system the number of arrests has steadily gone down and has never ever approached the figure of 57·3 which you brought it down to in your first year? How is that, and what changes did you inaugurate?—The opinion I formed when I went to Govan was that the police took up far too many persons and interfered in many cases which they ought to have left alone. On Saturday night I patrolled the streets

Chief-Constable Hamilton. 17 Dec. 1894.

to see how the police were doing their duty, and I came to the conclusion that they interfered too much in many trivial cases where a simple caution seemed to me to be all that was wanted. Say, at the Cross of Govan, the police would interfere between two men who had been walking alone in quite a friendly way and perhaps, in the heat of an argument quarrelled and struck one another, and would arrest them, instead of, as I thought they should have done, separating them and telling them to go away home, without following them or irritating them in any way. I gave strict instructions in such cases as these, and I found that such men went home all right; whereas, on the other hand, if they were arrested for a trivial offence, the public formed the opinion that the police were far too officious, and they harboured ill feelings against them, and assaulted them whenever the opportunity arose. The result was that very often you not only had the original cases but perhaps ten or a dozen cases, owing to the irritation caused and the people attempting to interfere with the police when they were taking the prisoners off.

8808. Is there any other decided change that you have made?—At that time the police were very unpopular, and the people being nearly all of one class, seemed to have formed the opinion that the police were there to be made targets of to a very great extent. As I have pointed out, we have a working class community, and if you interfere unnecessarily with a few of that community, that interference affects hundreds, because they are working together—say, in Fairfield yard, where there are thousands of men employed—and they tell one another, and spread about the feeling that the police are unduly severe in carrying out their duty.

8809. Did you give any instructions about altering the system of dealing with drunks and incapables. What was done before?—I had only formed an opinion in a general way that far too many persons were arrested. I had never been in Govan but once prior to my appointment.

8810. Let me go back to your system of not arresting for petty assaults. A Glasgow magistrate told us that he had the idea that in Glasgow the police were over-officious, and he personally patrolled the streets in the same manner as you did, and he came away with quite a different opinion. He said he found, in such cases as you refer to, the police separated the quarrellers and advised them to go home. I suppose you have patrolled the streets of Glasgow and know them. Do you think the system is the same here as in Govan?—To a great extent. I, of course, do not wish to express any opinion regarding the Glasgow system.

8811. You do not think they are over-officious?—In a community like Glasgow, more particularly in the Central District, you require to let people feel that the law has to be enforced.

8812. Your men have in the first place to decide what law has to be enforced, and they take that law, do they not, from the directions of the Chief Constable?—If you were to attend the Glasgow Central Police Court and our Court in Govan you would see the great difference in the class of people in the Glasgow Court from our people. The class of people you find at the Central Court are generally those who require to be dealt with pretty severely.

8813. And you think that, under any other system, that the pre-eminence of Glasgow on this table would remain?—I would not like to express an opinion.

8814. We would like you to express an opinion. You have an opinion?—I would rather not express it.

8815. (*By Dr. Farquharson.*) Do you think the prosperity of the working class has much influence on their drinking habits?—Yes, it has a certain influence.

8816. We were told by a witness in Edinburgh that the more prosperous the working classes were the more they drank. Is that your experience?—Well, yes; they have more money to drink with.

8817. Then Govan is a place where the working classes are prosperous?—Trade comes and goes. Lately trade has been good.

8818. Why, don't they drink more then?—In 1893 trade was not so good as it had been before that.

Chief-Constable Hamilton. 17 Dec. 1894.

8819. Is there any means of finding out whether there is more or less liquor consumed in Govan than in Glasgow in proportion to its population?—I do not know of any means.

8820. (*By Dr. Sutherland.*) I find from a table I have in my hand that you had a child under eight years in custody for malicious mischief last year. Do you know if that child went to prison?—The table does not show, but I expect the charge would be withdrawn.

8821. I find you have had 134 children under 12 years who have been up for petty offences, and of these 19 have been fined or imprisoned. Did any of them go to prison?—None.

8822. What was done with them?—They paid the fine.

8823. I find that 27 children under 12 years have been birched?—Yes.

8824. Seventy in all?—Yes.

8825. You believe in the birch rod as a wholesome corrective?—Yes, I think it is very good, especially where boys have been banded together for mischievous purposes.

8826. You approve of it being done in the police office in preference to the prison where it used to be done?—Yes.

8827. Did you find any objection raised in the town against birching?—No.

8828. Do you believe in sending children of ten years to prison at all?—No.

8829. Is the probation of First Offenders' Act much taken advantage of by the Govan magistrates?—Yes, in a great many cases.

8830. I presume each case is carefully considered as to whether or not the First Offenders' Act should be applied?—Yes.

8831. In regard to the total number of apprehensions for those petty offences about which we are inquiring, somewhere about 1841 is the total,—do you find that the mild powers which you possess and exercise is a sufficient deterrent?—Yes, I think it is.

8832. Can you tell us the number of people who have only come before you once in the course of the year, and have never come back. Take the drunks, who are only about a sixth of the other classes?—In 1893 we had seven who came before the Court twice, 11 three times, and one four times.

8833. So that the powers you at present possess are adequate to deter?—Yes, I think so.

8834. Of those who leave pledges, do you find that being in a police office is a sufficient deterrent without bringing them to trial?—Yes, of the class of people.

8835. You have no desire to bring up for public trial and exposure any person who is a casual offender when you are satisfied that the fact of his being in the police office for some hours is a sufficient deterrent?—No.

8836. In regard to the previous convictions of prisoners for petty offences, are these convictions made known to the magistrate before the charge is proved?—He must first of all intimate his decision. I find in Govan you have only ten individuals who have been apprehended five times and over, and always for the special offence we are dealing with?—Yes.

8837. A much smaller proportion than exists in Glasgow?—I do not know.

8838. Would it be possible to run up a bigger score of men and women as habitual offenders, if the police exercised any other methods than they are doing at present? I mean to say that if any other methods were adopted of handling the people who were drunk and incapable?—It might.

8839. In regard to the birching of children, I find that Govan is at the head of the whole of Scotland. I suppose that those lads who are guilty of malicious mischief are mostly punished by means of the birch rod?—Yes.

8840. And there is no outcry against it?—No.

8841. Was there any outcry against the system when the whipping was done in prison?—No. I cannot say there was.

Chief-Constable. Hamilton.

17 Dec. 1894.

8842. (*By Col. M'Hardy.*) When you bring up a man for trial for a petty offence, and he says that he is not guilty, do you proceed to trial right off?—Before proceeding to try him, he is asked if he has any witnesses, and if he says no, he is asked if he wants his case continued. If he asks for a continuation, the case is put off for a day or two.

8843. What is the practical result? Have many people had their cases continued?—Very few.

8844. Can you give the approximate number for a year?—It is a very small proportion.

8845. Would there be 20 cases in the year?—Oh yes; perhaps more. But in many of the cases where a continuation is asked, it is really asked more for the purpose of getting the money to pay the fine than for anything else.

8846. But would not they raise the money if they were not continued?—They might, but they would be sent off to prison within two or three hours after being convicted; whereas, when they get the continuation, they have more time to get up the money. And, besides, they are often liberated without bail if they are known, and they can get the money more easily then.

8847. Your constables in the cases in which they have to give evidence have to be present when the Court sits?—Yes.

8848. The next morning?—Yes.

8849. Then there are a great many of these constables who are never called upon at all?—Yes.

8850. But they are all there?—Yes.

8851. So that you are ready in every instance to go on?—Yes, that is the custom.

8852. Is that the custom in Glasgow also?—Yes.

8853. It is not the custom, though, in Edinburgh?—Mr Henderson goes in for the English system, I think, a bit. He was in England himself.

8854. What is the English system?—They are different from us. They do not try cases right off.

8855. How do you deal with prostitutes?—In the way of punishment?

8856. Under what conditions do you arrest them?—Prostitutes arrested in the fore part of the night are brought before the Court the following morning, and are dealt with as the other prisoners are.

8857. Have you plain clothes constables, going in pairs, detecting cases of importuning?—We have not had them for many years.

8858. Is Govan a likely place for prostitutes to be in?—No, we have very few prostitutes. There were only 31 dealt with throughout last year.

8859. In comparison with Glasgow, there is nearly ten times less than the number should be. It should be 300. Glasgow has 2600. There are about ten times as many in Glasgow relative to the population than you have?—There, again, the people go to centres.

8860. Is the principle of arrests of prostitutes—otherwise than that they are not watched by special constables—the same in Glasgow and in Govan?—It is practically the same. They sometimes send out plain clothes men in Glasgow.

8861. We have heard that they do so always?—Not always, I think.

8862. Do you caution these women?—No. Not the class that we have got. There are only 31 dealt with altogether, as I have said, and they were well-known prostitutes; and even though we know they have been convicted in Glasgow, they are simply admonished when they appear the first time. I may say that 30 of them were from Glasgow and only one was a resident in Govan. They come down to our Plantation district, where they find seamen in the vicinity of the harbour. This district is near to Glasgow.

8863. (*By the Chairman.*) I see that before your time nothing appears to have been done practically with prostitutes. In 1865 they are blank in our return; in 1875 there were only 2 arrests made; in 1895 they mounted up to 29. Now, what is the explanation of that?—I really cannot explain it, as I had never been in Govan before I went to take charge of the police.

8864. Did you not give new orders?—Yes, because I observed that on Paisley Road and Govan Road, just over the boundary from Glasgow, we had generally a few prostitutes, and I gave orders to have these prostitutes dealt with. I said, in reply to Col. M'Hardy, I did not send out plain clothes men. But at that time I did so, and brought in these women.

8865. Have you got the number of arrests of prostitutes made in 1882?—No.

8866. I suppose we may take it they were almost nil before that time?—I believe that will be correct.

8867. In 1875 there were 2, and in 1865 there were none, and there was a jump up when you took the police in hand?—Plantation district grew very quick, and it may be as the district gradually got populated by seafaring men the prostitutes began to go down.

8868. What is the charge for prostitution?—Loitering and importuning men for prostitution? They are not taken up unless they are seen to importune three or four men.

8869. And what is the evidence required?—That they are known to be prostitutes, and have frequented that district for so long.

8870. The evidence of two policemen is required?—Yes. Two policemen when they have seen those women stopping several men, and when they have been frequenting that place.

8871. Do your policemen go in pairs?—When they do that work they go in pairs.

8872. They are out specially when they do so?—Yes. On Tuesday, Wednesday, and Thursday we invariably attend to the prostitutes, but there is nothing done on the Monday or the Saturday night with them.

8873. That is to say, you have got your single men on the Monday and Saturday nights, and this sort of work may go on under their eyes and they can do nothing?—If it was very glaring they would ask the men on the neighbouring beats to join them. In point of fact there is very little of it on Saturday night.

8874. I should have thought that there would have been more done in that way when the men were drunk and money plentiful?—No.

8875. You never have the evidence of the person inportuned?—No. In just a few cases it has occurred, but in point of fact we never get the person importuned.

8876. You have in the offenders' clause, as breaches of the peace and petty assaults, an increase—in 1885 it was 1007, and in 1893 1558, and the increase is steady. These are your own statistics supplied to the Secretary of the Commission.—I do not quite follow.

8877. For breach of the peace and petty assaults the number arrested in 1865 was only 442; in 1875 it was 1383; in 1885 it was 1007; and in 1893 it was 1558.—Between 1885 and 1893 there was some change in the system of making up the returns.

8878. But that won't explain it here, because none of the other classes of drunkenness vary so much as to account for the change?—Well, I think there was some change.

8879. If you have increased so much over 50 per cent. in your breaches of peace and petty assaults, and if you have increased, not very much, but steadily, in your petty thefts with sentences under fourteen days, your population would now be so much superior, in point of character, to what it was before your advent; and the diminution you have told us of in the number of arrests must be enormously, if not totally, dependent upon the handling of the police?—I believe that is so.

8880. Well, that is a point that I wanted to come to. That is your candid opinion?—It is.

8881. I think you will see that it is a Chief Constable's business to know what the systems are everywhere around him if he wishes to improve his own system. There is a tremendous diversity of handling by Chief Constables. Do you think that any improvement could be made if the Inspector of Constabulary had some power to suggest or bring about something like uniformity of action among the Chief Constables of the country?—In a small town like Govan, with 63,000 inhabitants, a Chief Constable can have much

Chief-Constable. Hamilton. 17 Dec. 1894.

more influence, and a small force can have much more influence over a community than, I think, can be the case in a large community.

8882. As I understand it, Govan is not a small community, but simply a comparatively small slice of a very large community?—That is so.

8883. You are very much like Partick?—No. Partick is more residential than we are.

8884. Partick is a much less likely place for crime?—Yes.

8885. And for drunkenness?—I would say so.

8886. Because there is a large portion of Partick in which there are no public-houses?—Yes.

8887. There are huge districts of Partick and Hillhead without public-houses?—Hillhead is in Glasgow now.

8888. There are fewer public-houses, as a matter of fact, in the residential districts?—Yes. We are pretty much the same in the Ibrox portion of Govan.

8889. Well, in Partick, which is a large residential quarter where the richer inhabitants of Glasgow reside, there is 33 per 1000 of apprehensions over all, as against 40 in Govan?—Partick and Govan systems are pretty much alike.

8890. You are decreasing to the tune of 15 per cent. of apprehensions between 1881 and 1893, whereas your population is increasing 32 per cent: you have decreased 55 per cent. in your drunk and incapables, while the population has increased 32 per cent. That shows that that element can be changed very much by handling?—Yes. As regards Govan it is a purely working-class community. Two-thirds of our community are respectable working men employed in the various shipbuilding yards, and they have the police working harmoniously with them in their districts in many ways. The people, when that is the case, get the opinion that the police are simply part of themselves, and that tends very much to the reduction of offences.

8891. Are your men frequently interchanged with Glasgow? How are your wages compared with Glasgow?—We are a shade better.

8892. Do you take many men from Glasgow?—No, we prefer to have young men from the country, rather than to take them from Glasgow.

8893. Do you prefer to take men from the country rather than trained men from Glasgow?—Well, there is generally something wrong if a trained man wants to leave the Glasgow force, where there are so many more opportunites for promotion, and I therefore prefer the young man from the country.

8894. But does the pay not attract the men from Glasgow?—It is only a penny a week more.

8895. But a great many men do leave Glasgow force for English forces?—We have had none, although I have heard that said.

8896. You know the enormous difference in the proportion of apprehensions in England. In the Metropolitan district there is not one-third of the apprehensions?—Because the system is entirely different.

Chief-Constable. Hamilton. 17 Dec. 1894.

8897. What is the difference?—In a great many of the offences committed in England the complainer requires to go to the Police Court and apply to the magistrate for a summons, and that summons is issued by the police. Now, I believe people do not always put themselves to the trouble of going and making a complaint.

8898. We asked some of the Glasgow police magistrates for a explanation of the difference between Glasgow and Govan in arrests, and they said that Govan was under-policed?—That is not correct, although it is an old story.

8899. I find in the report of the Inspector of Constabulary for Scotland for 1893 that he places Govan among the police forces that require strengthening?—I have pointed out to H.M. Inspector Captain Monro that I think he is in error there, in so far as we have to pay our proportion for the police in the Marine Division of Glasgow who watch the Harbour Dock within the burgh of Govan, and, in estimating the police force in connection with the population, we must count these men in the Marine Division who watch in the Govan district, although they are under the Chief Constable of Glasgow.

8900. Do you think that this table giving the number of police in Govan is not correct, and that instead of your being, say, one to 800, and Glasgow one to 500, that there should be some of the Glasgow police credited to you, which would more equalise your number?—Yes, the Marine Division watching in Govan.

8901. How many men are there?—I should say twelve.

8902. Would that make much difference?—It would make a difference.

8903. It would not make much difference so far as Glasgow is concerned. It would leave Glasgow at about one to 550, but it would bring you up considerably. What is your police force?—We have 80, independent of marine police who watch a considerable area and thus reduce our acreage.

8904. Now about prostitution, how about fines?—The first time they are admonished, and the second time they get 14 days.

8905. You have had experience of Glasgow in the short-sentence treatment of drunkards and under the extended powers, and your magistrates have almost never put the extended powers into operation?—Only in three cases, I think, where they fined them 7s. 6d. instead of 5s.

8906. Have you anything to say about vagrants?—We have very little trouble with them. Vagrants go to a centre, and they pass through Govan to Glasgow

8907. You have some begging?—Yes, not much.

[The witness then withdrew.]

Chief-Constable. Angus.

MR. JOHN WYNESS ANGUS, Chief Constable of Greenock, called in and examined.

Chief-Constable. Angus.

8908. (*By the Chairman.*) You are Chief Constable of Greenock?—Yes.

8909. How long have you occupied that position?—Eight years. My previous police experience was chiefly in the county of Renfrew. I was Inspector for 13½ years for the lower ward of the county.

8910. What part of Renfrewshire is the lower ward?—The lower ward consists of the parishes of Inverkip, Greenock, Kilmalcolm, and Port-Glasgow. The police district takes in a good part of Erskine and Houston, in addition.

8911. Greenock has a Police Act of its own?—Yes.

8912. And the county?—Is worked under the General County Police Act.

8913. In Greenock I see there has been a steady falling off in breaches of the peace, disorderly conduct, petty assaults, and in drunk and incapables?—That is only for two years. 1891was the highest on record.

8914. I see in 1880 you had a total for these offences of 3000 apprehensions; and in 1891 you rose up to 3518; and in 1892, 3172; and in 1893, 2116?—Yes, and I think I am correct that 1891 was the highest on record.

8915. What do you attribute that to?—To brisk trade.

8916. You have been there for eight years; that would bring you back to when?—I began on 1st December 1886.

8917. You commenced practically in 1887?—Yes, practically.

8918. You did not introduce any great change of system?—No.

8919. Simply pursued the old system?—So far as concerned the apprehension of offenders I simply pursued the old system.

8920. What is the system in connection with drunk and incapables: your definition of drunk and incapable is, that a man must be not only drunk and incapable, but unaccompanied by any friend who could look after him?—Certainly.

Chief-Constable Angus.

17 Dec. 1894.

8921. What instructions did you give to your men with regard to drunk and incapable?—I am sorry I have not the instructions with me, but I shall send a copy to the Secretary. I may explain that I found it necessary to point out to the constables four or five years ago that a man might be incapable of taking care of himself who was not absolutely incapable of locomotion, and that in a town like Greenock, with so many harbours, and where so many cases of drowning were taking place, it was all the more necessary that men who did not know where they were, or what they were doing should not be allowed to wander about, but should be picked up.

8922. Did that much increase the number of your apprehensions?—Slightly. And I intend to state frankly to the Committee that I have frequently impresseed this upon the members of the police force—the night force I speak of. If they pick up such men it means that their sleep will be broken next day in order to attend the Court, and, therefore, they are not desirous of taking such men. And I have a suspicion that they pass over many cases, because we have cases of drowning very often.

8923. You do not think that they sweep up all the cases?—I am certain they do not.

8924. You often, I suppose, have occasion to take a stroll through the streets at night?—Yes.

8925. And your opinion is based upon what you see?—Precisely.

8926. I suppose what you say as to the men having their sleep disturbed by having to be present at the Police Court if they have arrested drunkards, holds good in every town?—So far as regards the night force.

8927. Therefore it is at personal inconvenience to themselves that constables arrest drunk men, except in Edinburgh?—Well, yes. In Edinburgh they have a different system. They have three shifts.

8928. They have got this difference that, if a man pleads not guilty he is remanded in order that the constable may attend next day?—Yes, but that is not the case with us.

8929. If that was much of a factor in the matter, don't you think that Edinburgh arrests under that system should be much more than the arrests in other places?—I would say so.

8930. Yet Edinburgh is not very high. Edinburgh has only 24 arrests per 1000, whereas Greenock has 23?—Yes, but there is a very large extent of Edinburgh with a residential population that do not fall into the hands of the police, I think.

8931. Greenock is a fairly drunken place?—It is. That is to say, it comprehends a very large number of the lower Irish class, a population who work about the shipbuilding yards. They are of a rougher class than the population in an inland town like Paisley, for instance. Then we have got seamen, another rough class.

8932. You have got a great falling off in the number of your apprehensions. Do you attribute that entirely to the bad trade of recent years?—Not entirely. It certainly has had a large effect upon it, but probably an equal effect has been had by the system which I have pursued for a number of years with shebeens. It still continues. I have got special men who are specially acquainted with the shebeens, and with the characters who frequent them, and the same men, I think with one exception, have been at work all the eight years, Sundays and after hours, visiting these houses, according as they think there is any drinking going on in them. We have had so many apprehensions of men drunk or drinking in these places, that now, practically, no one but a drunk man will go to them.

8933. Do you think then that shebeening is largely responsible for the drunkenness in Greenock?—To a great extent.

8934. Have you any idea of extent of the proportion it constitutes?—I think you might say almost every case after 11.30 p.m. Eleven o'clock is the shutting hour for the public-houses.

8935. If you think a man is not run in or arrested before 11.30?—He has been at some of these places getting drink.

Chief-Constable Angus.

17 Dec. 1894.

8936. What is the proportion of drunks you arrest after that hour?—I have not made it up specially, but I shall furnish you with it.

8937. Roughly speaking, can you give us it? Is it one-third?—About one-fourth. I should say rather under that, but it is not far off the mark.

8938. We are not talking specially of drunkenness, but of cases caused by drunkenness,—petty assaults, breaches of the peace, disorderly conduct, and drunkenness?—Yes.

8939. That is surely an inordinately high proportion; there must be a lot of shebeens in Greenock?—I do not go the length of saying that that is the exact number, but I know that I sign warrants for searching and examining these places to the average of about 152.

8940. In a year?—No, every week. The warrant only runs for a week under the Public-Houses Act.

8941. How many visits to shebeens will your men make in the course of a week?—They certainly visit every shebeen weekly, sometimes probably several times in a night. If they see that the people are in bed, and the house is quiet, they do not disturb them.

8942. It must be rather a lively sort of life that of a shebeener, liable to so many visits?—No doubt; but, of course, the moment the traffic ceases, and the people cease to go about the place, our men stop going.

8943. How many convictions had you for shebeening last year?—It has been going down every year, but I have not the exact figures with me. I had a good number three or four years ago.

8944. Do you find that your prosecutions for shebeening are generally successful, or are they difficult to obtain convictions in?—We have no great difficulty.

8945. Do the men who visit the shebeens say that bad liquor has to do with the supply of drunkards?—The liquor is something extraordinary. In fact it is not liquor, it is more like firewater. I should have plenty of samples in my possession.

8946. You might send one to the Secretary?—I shall do so.

8947. It was stated to us, in regard to these shebeens, that it was a popular delusion that there was so much adulteration of the whisky supplied here, and that there was no marked difference between new and old whisky?—I never tasted it, but the smell is quite sufficient.

8948. You get samples—what are they for?—They are what has been seized under a certain section of the Public-Houses Act.

8949. Can you send us one or two specimens?—Certainly. I shall look if I have them. I know I have beer, but we generally empty the whiskey every month or two months into the drains, and I am not sure that we may have it beside us just now.

8950. Have you many habitual drunkards? Many men who are convicted of the same offences several times in one year?—5 men and 23 women.

8951. You had 1 man and 10 women arrested 5 times during 1893 for offences connected with drunkenness?—Yes.

8952. You had 2 men and 6 women arrested 6 times; 2 men and 2 women 7 times; 3 women 8 times; 1 woman 10 times; and 1 woman 11 times?—Yes.

8953. I see the women are very much worse as habitual offenders than the men with you?—Yes.

8954. Now, we have been told that if we were to lock up 50, say, in one place; and in another, say, 100; and so many in another, possibly even a larger proportion, it would enormously diminish the number of offenders?—So far as we are concerned, the larger proportion of our offences are attributable to 335 individuals.

8955. But that would be a pretty big number to lock up for a place like Greenock?—No doubt, but of that proportion I think 129 or 130 are prostitutes, and that is one of the matters which, if anything is to be done at all, I should like to see something done to.

8956. The Glasgow authorities told us if they could

Chief-Constable Angus.

17 Dec. 1894.

get 500 locked up it would enormously decrease their pre-eminence among the cities of Scotland in regard to the proportion of arrests. 500 in Glasgow would be equivalent to considerably less than 100 in Greenock, in fact, to 50 in Greenock, in point of population?—Yes, that would be like it.

8957. But you think you would want to lock up more than 50?—Taking 7 convictions as the number to require a person to be an habitual offender, we have 335.

8958. Seven convictions in their life?—Oh no; I say within three or four years—within a very recent period.

8959. That is a very important point. You say 7 convictions within how many years?—I would say within four years.

8960. You would not guard that by any number within one year?—No, I do not think so. It just struck me when this was sent down to me that it would not accomplish the purpose in giving an exact view of the characters, because we find very often that for a year or 18 months some of the very worst characters—I cannot explain the reason—will draw up, and we will never see them. Then they may come back and we shall have them quite a number of times within a very short period.

8961. But it is a great thing to have them draw up for a year?—Certainly.

8962. You were talking about the number of prostitutes and their effect in swelling your list. Is Greenock more infested with prostitutes than other places?—Well, in proportion to the population, I believe, it is. I know that our number is about 129 just now.

8963. You seem to have come down greatly in the apprehensions of prostitutes. In 1875 you had 35 prostitutes arrested, in 1885 you had 63, and last year you had only 22?—Ah! but that would be only one view of it—that is for importuning. They figure more largely in these cases of breach of the peace by a long way. We have got the importuning on the streets almost put down, but in other offences—in drunkenness, petty assaults, and breaches of the peace they are a perpetual nuisance.

8964. In the first place, tell us how you would deal with them for offences of prostitution: what is the crime?—Importuning or loitering for the purpose of prostitution.

8965. Do you employ men in plain clothes?—Yes, whenever there is any complaint that they are beginning to come out again on the streets and stopping people or making remarks to the passengers.

8966. Do these men go in couples?—Yes; but singly, at a certain distance apart, so as to be within sight of each other.

8967. And the evidence that is given is of course that of those two men?—Yes.

8968. You never take the person importuned?—There is great difficulty in getting them to come. They won't even give their names.

8969. What is the punishment?—40s. or 30 days is the maximum.

8970. Do they generally pay?—The general punishment imposed is about 10s. 6d., and they generally pay and don't go to prison.

8971. What would 10s. 6d. mean in the way of imprisonment?—About seven days.

8972. They are not harshly treated?—Certainly not.

8973. Do you think your bailies treat them too lightly?—In the case of those offenders who come back after seven convictions within three or four years they are far too lightly dealt with.

8974. But we are talking about these offences of prostitution: a prostitute gets run in twice or three times, or possibly more for drunkenness or breach of the peace for one time she gets in for prostitution?—I should say oftener even than that.

8975. With regard to the other offences, you have got considerable powers, but you do not treat the crime of importuning very severely—they don't generally give them thirty days?—No; generally about 10s. 6d.

8976. What is given for breaches of the peace; that will run up much higher?—Oh yes; but it varies according to the magistrate who is sitting. Very frequently they get thirty days for breach of the peace.

Chief-Constable Angus.

17 Dec. 1894.

8977. I forgot to ask you what your powers were in the way of punishment for drunk and incapables under your Police Act?—For the first offence it is 40s.; but after they have against them six convictions for drunkenness the magistrate can imprison them without a fine for sixty days.

8978. You are aware that under the Burghs Police Act they have got a punishment for the first offence of 40s. or thirty days, and after three repeated convictions within a given period there can be an addition of fourteen days without the option of a fine. In the case, therefore, of the person who can pay a fine, you seem to have a severer punishment than in any other place we have come across; you have greater powers under your Act than others?—I think so.

8979. Are these often exercised?—Not very often.

8980. Can you give us an idea how many men were sent thirty days to prison for simple repetitions of drunkenness?—There has not been a single person during the last eight years.

8981. Before that?—There were some after the Act came into force—after 1877.

8982. Why were these severe sentences not given; did public opinion revolt against them?—I don't know; but there was a considerable agitation for larger powers at the time the Greenock Act was got in 1877. I am speaking from personal knowledge, because I was resident in the town at the time. They got these larger powers, and, for a year or two, I believe they exercised them; but a change of magistrates occurred, and they did not feel so strongly, and they dropped into the old rut and took a milder view of the matter.

8983. What is the usual punishment for drunk and incapable?—For a first offence 7s. 6d. or 5 days.

8984. And for the second or third or fourth offence?—We don't generally make any difference until they come up to over six convictions.

8985. And then?—They may give them sometimes 30s., sometimes £1, and on an occasion they send them to prison without a fine for thirty days.

8985A. But that, I think you say, has not been done for eight years?—No, not with regard to anyone not a prostitute.

8986. Then they send prostitutes occasionally to prison thirty days even for being repeatedly drunk?—Yes.

8987. When you speak of convictions, I suppose you speak of all convictions of this class, whether simple drunkenness or petty breach of the peace, or any other of the drinking class of offences—disorderly conduct, petty assault, and prostitution?—No; in dealing with these previous convictions, we confine them strictly to drunk and incapable.

8988. You don't even take in drunk and disorderly?—No.

8989. Then have you many drunk and incapable six times up?—Yes.

8990. Could you give us any examples of women so frequently convicted as drunk and incapable?—Yes. There is one, Rose A——, convicted eight times of being drunk and incapable; then there is Ann B——, six times; then Mary M——, five times. These were all in one year.

8991. Have these women any other convictions against them in the year, or do they run entirely on drunk and incapable.

8992. They do not run entirely on drunk and incapable. Rose A—— was alone drunk and incapable; Mary M—— has three breaches of the peace and three convictions for importuning against her.

8993. Well, that is exactly the thing. Don't you think that your system is rather defective in this, that a woman who has been five times convicted of drunk and incapable, if she is arrested when she is absolutely drunk and incapable, and records the sixth charge of that kind, she can be sent to prison for thirty days without the option of a fine; whereas, if she is arrested

Chief-Constable. Angus.

17 Dec. 1894.

a little earlier before she gets incapable and breaks a policeman's head or commits an assault, she does not come within the scope of your repeated conviction clause?—Not unless she has convictions for assault against her.

8994. But an assault won't count in with your drunk and incapable?—No.

8995. The assault is subject to a bigger punishment, I suppose, is what you would say?—Undoubtedly.

8996. About your systems in the counties: you have seen a different system from that which prevails in Greenock? In Greenock there are very heavy penalties and under a special Police Act. Take it in the case of drunkenness. You tell us that they run up to thirty days without the option of a fine. In certain cases in the counties, they cannot give more than 5s. or 24 hours?—They cannot give more than that.

8997. Now, you have had experience in both: do you find the best results in the burgh?—Decidedly yes.

8998. To such an extent?—The fact is that without these powers we could not maintain order as we do. The difficulty of dealing with drunks in the county—I speak with perfect knowledge of the subject, because I was for a long time in the county—is this—that every drunk and incapable they prosecute, the expense of the prosecution will run up to eight shillings or nine shillings, and if the man has to be taken from a distance to the Court it would be more. These are the fees under the Sheriff Summary Jurisdiction Acts and these exceed 5s., supposing the offender pays his fine, and, consequently, the authorities in the counties set their faces dead against prosecuting men for being drunk and incapable.

8999. What is Port-Glasgow under?—A Police Act.

9000. What burgh in the district have you formerly had that was under the County Government?—Gourock was the only one, but there we did not prosecute for being drunk and incapable, as we had no Police Court.

9001. You had no other burgh under the County Act?—No.

9002. What system do you pursue in Greenock with regard to pledges?—Prior to my taking office in Greenock there was an order given—I do not know the date—with regard to persons apprehended as drunk and incapable. No pledge of less amount was to be taken than 10s. That has been adhered to ever since, and is still adhered to for first offences. The magistrates of course never exceed—I should say rather with rare exceptions exceed—7s. 6d. as the punishment for the first offence, and frequently it is only 5s. The result of that system is this, that instead of having a large number of forfeitures as in other places, we have very few. The offenders appear at the Court for the purpose of getting back their 2s. 6d.

9003. What was the pledge before this order went out?—The pledge before that would be 7s. 6d.

9004. Are very many of your drunk and incapables found with 10s. on them?—Oh, yes, a good many.

9005. Out of ten men, how many would you find with 10s.?—I would expect to find at least four out of the ten.

9006. Would these be sailors?—Very frequently tradesmen or workmen, and sailors too. If seamen have newly arrived they are more flush of money of course.

9007. Do these workmen consider it worth while exposing themselves for the sake of getting back 2s. 6d.?—Well, it only loses them an hour's time, and a very large proportion of them—I am surprised at it, but it is a fact—a very large proportion of them turn up for the 2s. 6d.

9008. Do you take any trouble to get the correct names, or do you take "John Smith" or any other name they give you?—If a man is brought in and gives a name known to be false, of course it is at once corrected, but usually we have no mean's of knowing, unless the prisoner sends out to some person in order to raise his pledge. Then we get the correct name, and it is put down.

9009. Do you send out for many of the prisoners?—Yes, we send out a good many messengers.

Chief-Constable. Angus.

17 Dec. 1894.

9010. How many of your drunk and incapables remain with you all night for want of money to pledge them out?—About a half.

9011. What do you do with prostitutes: do you accept pledges from them?—Yes.

9012. But they are known?—Yes.

9013. You told us that prostitutes are occasionally sent without the option of a fine for thirty days' for being drunk?—Occasionally, but very seldom.

9014. Would you take a pledge from a notorious person who might be dealt with in that way?—Oh no; there are several we would not,—the like of Mary M—— for instance.

9015. That is left to your discretion?—Yes; I have absolute discretion up to the limit of £20, notwithstanding the magistrate's order.

9016. Under what power is that?—Under our own Police Act.

9017. You are not much troubled with vagrancy?—Very little.

9018. I see you have 37 arrests in 1893 against 89 in 1885?—Yes.

9019. Has vagrancy decreased?—We are generally most troubled with vagrancy when there is any talk gets up about the destitution in towns, and talk about the want of employment.

9020. How is that?—They get to know it in other parts of the country, and they come in, thinking to pass themselves off as unemployed, to share in what is being given.

9021. That is to say, when there are soup kitchens and such like got up for the relief of the destitution that they come?—Precisely.

9022. Have you any number of honest workmen on the tramp going to Greenock or passing through Greenock?—We have them; but these men don't go to the Model Lodging-House or the Refuge in Captain Street. It is the vagabonds that we find there.

9023. Is the lodging-house a private lodging-house?—Yes.

9024. And the Captain Street Institution is called the Buchanan Night Asylum, I think, is it not?—Yes. It was established by a person of that name, who left money to provide for destitute persons who might be on tramp. It holds about thirty, and they get supper and breakfast.

9025. Does that bring many people about Greenock?—I don't think so. It does not seem to have any great effect in bringing them.

9026. But you think the honest, decent working man in search of work does not go to these places?—No; they generally manage to find fourpence to go to other lodging-houses.

9027. But the fourpence will only cover their bed, not their supper?—That is quite true.

9028. And, if a man is hard up, say he has not got a shilling or more than a shilling in his possession?—Generally some one gives them. We have plenty of them applying at the police office, and we give assistance to them when we are satisfied that they are respectable.

9029. Do many come to you?—Plenty.

9030. And you give them some assistance?—If satisfied that it is a *bonâ fide* respectable person who is hard up we do; but if I am satisfied that it is one of the tramp class we send him to the Buchanan Night Asylum.

9031. And you give them up to what extent?—That is left to myself—perhaps 1s.

9032. That comes out of the police funds?—Sometimes I give it out of my own pocket and sometimes out of the fund.

9033. But it is a recognised charge?—Yes. We used to have a police poor-box in my predecessor's time; but it went down somehow, and, instead, I have given applicants something and charged it up to the Commissioners. The magistrates have never checked me for doing so.

9034. I don't know if you are aware that some five

Chief-Constable Angus.

17 Dec. 1894.

thousand find shelter in the police offices of Glasgow during the year?—We don't give them shelter in Greenock at all.

9035. How many of the decent working class would you assist in the course of the year?—I would say about an average of 100.

9036. With regard to these lower class tramps who go to the night refuges, will they take them in under the influence of drink?—No.

9037. Is there a strict rule to that effect?—There is a rule that every person who is to get in, unless he is sent up by myself, must be there by 9.15 at night. There is always a policeman in attendance there every night to assist the superintendent in maintaining order, in case any man wanted to take advantage, such as for instance a man under the influence of drink.

9038. Then does the 'influence' extend to the smell of whisky?—Not exactly to the smell, but if by his conduct he showed distinctly that he would be a nuisance.

9039. He is not allowed to remain?—No.

9040. You, of course, only send sober men there?—Of course.

9041. And they take them up to any hour on your recommendation?—Yes.

9042. In the county where you were inspector was there any provision for tramps?—The law is that any person found there at night, and who is certified by a medical practitioner to be unable to proceed further on his journey, the Inspector of Poor must provide for that person. In the parish of Kilmalcolm they had a system of allowing fourpence per night to tramps, instead of sending them to the doctor or being bothered with them, and found lodgings for them in the village. That is carried on yet; but they have stopped the money, I believe, because it brought so many.

9043. You speak of what you personally know?—It was in my time. I had to interfere and stop the constable, who was practically acting as Inspector of Poor, from distributing the money. We found that in a great many instances it led to breaches of the peace.

9044. Could the man get drunk on fourpence?—Well, they had generally something before, and it brought these people there. I saw Mr. Knox, the Inspector of Poor, about it, and he stopped the money, and gave them instead a ticket for their lodging.

9045. That is very good so far as their lodging is concerned, but they get no supper or breakfast?—There is no provision for food.

9046. In any other part is there any provision for that?—Not that I am aware of, except the Poor Law. Captain M'Hardy of Ayrshire deals with them, I believe.

9047. Do you recognise his passes?—Not we.

9048. I suppose you know what is going on in Renfrewshire?—Oh yes.

9049. You have a vagrancy clause in your own Act?—We have.

9050. Do you know what it is?—It is the Burgh Police and Improvement (Scotland) Act, 1862.

9050A. In the Greenock Police Act?—Yes, incorporated.

9051. Well, in the counties, the County Councils have power to make by-laws, and in some counties they have made a by-law similar in terms to the Burghs Police Act, and in other counties they have not?—Well, that has been held illegal.

9052. Well, we know the ins and outs of that. It has hardly been held to be illegal, and in some counties they are acting on such a by-law: do you know if they have passed such a by-law in Renfrewshire?—I have not heard of any such by-law being passed in Renfrewshire, but they have a special power in Renfrewshire. They had a special Act for vagrancy, and there is nothing that I know of has repealed that Act. Although it has fallen to a certain extent into disuse, it can be worked yet.

9053. What were the powers generally?—That we could send a vagrant to prison for sixty days for being a vagrant.

9054. That is to say, being there with no apparent means of livelihood, and no abode?—That is so.

Chief-Constable Angus.

17 Dec. 1894.

9055. That appears to be a stiffer piece of legislation than in any other county we have come across?—No other county has such powers as far as I know.

9056. Could you refer us to the Act?—It was called Colonel Muir's Act. It was passed in 1848 or 1849. I shall get a copy of it and send it to the Secretary.

9057. Have you had to deal with many vagrants in Renfrewshire?—Oh, yes. In the east end of the county, before I became an inspector, we were very much troubled by a class which they called the 'dossers' coming from Glasgow, and we dealt with them in Pollokshaws, and we always acted upon this special Act in Pollokshaws.

9058. That is pretty close to Glasgow?—Yes.

9059. You stopped them at once?—We apprehended them at once, knowing that they were persons of bad character, sleeping about the kilns and out-houses, and so forth.

9060. But you could deal with them under the Trespass Acts?—(*Col. M'Hardy.*) The Prevention of Crimes Acts. I am speaking of the time prior to the Prevention of Crimes Act, to a period between 1863 and 1869 when we worked with Col. Muir's Act.

9061. But if it were Col. Muir's Act it would be a public Act, not a private Act?—He was a member of Parliament. It was at his instance that the Act was obtained. He was the father of Col. Muir who was M.P., and who died some years ago.

9062. (*By Col. M'Hardy.*) In Greenock the Greenock Police Act is a special Act that was passed for Greenock: was it intended to allow proper development—to give extended powers of imprisonment for offences of disorder?—For offences of drunkenness.

9063. Well, what I mean is drunkenness and disorder?—Yes.

9064. What was the extreme limit of the powers conferred under that Act to the magistrates for these offences?—That is, cases of drunkenness?

9065. Was not disorder brought in?—No; if you come to breach of the peace, which is, of course, disorder, the magistrate can give anyone sixty days, that requires no Act.

9066. For crimes of disorder, including breaches of the peace and disorder, they had power to give up to sixty days?—Yes.

9067. There was no such power under any other Police Act in Scotland?—Oh yes.

9068. At that time?—Yes.

9069. Where else?—I think the general power was that in cases of breach of the peace the magistrate could give £5 with an alternative of 30 days, or 60 days without a fine, in virtue of a certain section of the Summary Jurisdiction Act.

9070. Then was there any great necessity for claiming these extraordinary powers in this particular Bill?—The special powers were confined simply to drunk and incapable offences.

9071. You have at any rate special power in regard to the drunk and incapable?—Yes.

9072. And the outcome in real practice has been that the magistrates have not taken advantage of their extreme powers, but as a rule have worked upon lines more or less similar to magistrates in other towns?—Precisely.

9073. Are you in sympathy with any associations for the reclamation of offenders—prostitutes for instance. Do you do anything to help them to be placed in homes?—We do, whenever we have an opportunity, but, unfortunately, we cannot get them to go.

9074. Through your own instrumentality you have not sent a great many cases to these places?—We send all we can get to go, but I think that seven or eight would be about the number I have got to go.

9075. Do the magistrates ever offer the alternative to a girl of that sort?—Not before sentence.

9076. After she is sentenced?—Yes.

9077. Do you receive any remuneration from the Prison Commissioners for conveying prisoners from the police office to the prison in the town?—Yes.

Chief-Constable Angus.

17 Dec. 1894.

9078. (*By the Chairman*). How much would you get?—It is one and twopence per prisoner.

9079. (*By Col. M'Hardy.*) Is it not consolidated?—Yes, we made an agreement with the Prison Commissioners. It is really not a source of revenue to us.

9080. But it is better than getting nothing?—Certainly.

9081. (*By the Chairman.*) What is the amount of your pledges?—I have not the figures, but I shall put them in.

9082. Do you entertain any views as to how these habitual offenders might be best dealt with?—I think that after a third conviction within, say three years, that there should be a specified period of imprisonment.

9083. And you would treat it by imprisonment?—Yes.

9084. You have not considered the idea of confinement in a reformatory institution?—What I would aim at, in the first place, would be to stop them before they get to be, what I would call, habitual offenders, by having seven or eight convictions against them.

9085. But how would you stop them?—Well, suppose a person had three convictions against him, it would be a great deterrent if that person knew that on coming up the fourth time he would get a certain specified period of imprisonment.

9086. What would you say for the fourth time?—I should say not less than 40 days.

9087. For drunkenness?—For drunkenness, breach of the peace, or any of these petty offences.

9088. Do you include drunk and incapable in these?—Yes.

9089. But your people have not acted on their powers?—I am quite aware of that.

9090. So that you don't want any legislation unless to render it impossible for them to give a smaller sentence, which would be rather a new line?—We have undoubted power to go up to one month for drunkenness, and for breaches of the peace and petty assaults 60 days.

9091. You mention that you have sent some of your prostitutes to institutions—there is, I understand, a place—a laundry—in Greenock under the auspices of the Prisoners' Aid Society?—Yes.

9092. Do you send many of them there?—I have never myself sent one there. I don't know that they would receive a prostitute there.

9093. They would not receive any one but a discharged prisoner?—Yes; those they receive are on the verge of prostitution, whom they think they might save. There is another place for fallen women out at Ingleston.

9094. You send a very considerable lot of boys to the 'Mars' Training Ship?—We do.

9095. What are the results?—I think very good.

9096. Do you send any to the 'Empress'?—We send to both ships.

9097. And you think that the results are good?—Yes, I think so.

9098. Do you send many to the reformatories?—We have a good few in Kibble and some at Stranraer, all, with one or two exceptions, good.

9099. Do you think the reformatories or the Industrial Schools are better?—With both the results are good, except in Dalbeth for Roman Catholic boys. There is such a large number of bad boys there that if a boy is not vicious when he goes he comes out fully developed.

9100. Do you birch many boys?—We did up till last year, but they have been falling away. Some of the magistrates are against it.

9101. What is your idea of it?—For the first and second offences my idea is that it does a great deal of good.

9102. For juveniles?—Boys under fourteen.

9103. Would you extend the age?—There is a question whether it does apply after fourteen, but I would not extend it after fourteen.

9104. Do you find that it has a salutary effect?—It has.

9105. And it is probably better than sending the boys to prison for a short time?—Very much better for the first or second offence.

Chief-Constable Angus.

17 Dec. 1894.

9106. You have no certified police cells, having a prison in the town?—No.

9107. (*By Dr. Sutherland.*) Do you find drunkenness more common among women than among men in Greenock?—Oh yes.

9108. You spoke of seven convictions over several years: don't you think that a rather hard and rigid definition of an habitual offender?—I don't think so.

9109. Do you mean to say that you would class as such respectable working men, citizens and sailors, who might get twice into the hands of the police in one year?—No.

9110. Then you can have no experience in Greenock of working men, sailors or others who are in no sense of the word idlers or wasters, who get into prison once or twice in a year, leaving a pledge or getting off with a fine?—The cases are very, very few.

9111. But you can conceive under such a definition that the family of a working man getting run in once or twice a year would be dealt with hardly?—I should certainly consider any one with seven convictions in four years should be dealt with as a habitual offender.

9112. That is to say, one and three-fourth lapses per annum would render him liable to be classed in the category of habitual offenders?—Yes.

9113. Why do the magistrates not act upon their present powers?—I cannot say for that.

9114. Does the Public Prosecutor give any idea to the magistrate as to the previous history of the prisoner before passing sentence?—He does.

9115. And, in spite of that knowledge, he refuses to act up to the full powers the law gives him?—He does not do it.

9116. In suggesting that you would give 40 days for drunkenness, or 60 days, have you considered what the sentences are now being passed by sheriffs and by sheriffs and juries for serious assaults, and for offences not of a petty character: do you know that the punishments for these things are less now than they have ever been?—I know that.

9117. Do you think public opinion would support you in giving 40 and 60 days to drunk and incapables, even for four convictions?—I do not look upon imprisonment as a matter of punishment to many of those people, unless it be in depriving them of their employment and liberty.

9118. Do you expect any more reformation from 40 days than from seven?—Certainly.

9119. Within the last few years have you found that the sentences in Greenock have increased as to time on the average?—I think they have decreased.

9120. How many people are apprehended for the first time in Greenock out of your 2116?—About one-half.

9121. Of those apprehended for the first time, how many come back in the course of the year in question?—Not above 500.

9122. Five hundred of 1000 come back to you for a second time?—I think I have the figures here.

9123. Is that not phenomenal—we have had towns where there was only five per cent.—could you give me the figures of these?—The apprehensions and citations are together.

9124. Well, you have 2116?—Of that 1800 would be cited or apprehended for the first time.

9125. How many people have been apprehended only once during the year?—I have not the figures separated here, but I shall fill them in.

9126. Assume that you find that 90 per cent. were apprehended during the year in Greenock and did not return again during that year, would that not indicate that the powers you at present possess to deal with these minor offences is adequate enough?—If there were 90 per cent. that did not come back again that year, certainly I think it would.

9127. (*By Dr. Farquharson.*)—You were telling us something about the adulteration of liquor in Greenock; do you think the quality of the liquor has a good deal

Chief-Constable Angus.

17 Dec. 1894.

to do—something, at all events—with the violence and disturbance coming from inebriety?—It certainly has to do with drunkenness, and I have no doubt with violence too, because that very bad class of whisky certainly affects them in a way that ordinary malt whisky doesn't do.

9128. A smaller quantity would have a greater effect upon them than a greater quantity of good whisky?—Yes, and a different effect; it affects the limbs.

9129. Is it anything that they put into the whisky, or is it new or raw whisky?—Well, new or raw whisky is very bad in that way.

9130. Do they put anything into it?—I think there must be spirits of wine or something like that in it.

9131. Could they afford to do that—is not spirits of wine expensive?—Certainly, it is expensive; but they can get other kinds of spirit, what they call 'finish.'

9132. Could the Adulteration Laws not be put into force against that class of liquor in Greenock?—We have undoubted power in regard to that in Greenock; but I have not seen it used in regard to ordinary spirit dealers, and it is no use trying it with the shebeeners, because they only keep it in the place for a night; they must always guard against having more than a gallon or we can seize it. *Chief-Constable Angus.* 17 Dec. 1984.

9133. There is no difficulty in putting the clause into effect?—No.

9134. Does it require any particular kind of evidence to apply the Adulteration Clauses?—If an inspector under the Food and Drugs Act goes into any spirit shop he is bound to be supplied with any class of liquor he likes to ask for the purpose of testing; and the question only is—is there any difficulty in the analyst determining what is in it? [The witness then withdrew.]

Mr. John Y. King.

MR. JOHN YOUNG KING, Solicitor, Glasgow, called in and examined. *Mr. John Y. King.*

9135. (*By the Chairman.*)—You are a solicitor in Glasgow?—I am.

9136. You have taken an interest in the Society for Improving the Condition of the People?—That is so.

9137. In connection with that, you acted as joint-convener of a sub-committee on petty criminals and vagrants?—That is so.

9138. And you made a report?—Yes.

9139. Would you very briefly tell us your proposals as to the treatment of juvenile delinquents?—I do not know that I can put it more briefly than in the three recommendations given in our report. They are as follows:—(1) That a measure proceeding on the lines of the Glasgow Juvenile Delinquency Prevention and Repression Act, 1878, should be made applicable to the whole of Scotland; and that the powers conferred by that Act, as well as by the General Reformatory and Industrial Schools' Acts, should be amplified in the matter of withdrawing children wholly or partially from the influence and control of unworthy parents, or other persons working as guardians. It is believed that the Day Industrial School system is most valuable, as securing for the children in many cases a strict discipline and healthy upbringing, without absolutely breaking the family tie.

9140. Before you go farther, would you explain to us accurately what is the Day Industrial School System?—Mr Morison, a member of this Committee, takes a very active part in the working of that system which, I understand, has to a large extent taken its rise from this Act of 1878. Full power is given by that Act to establish schools at which the children shall not be lodged at all, but simply taught during the day and sent home to their parents at night.

9141. Do you happen to know the powers under which they are committed, and how their attendance is insured, and what there is to prevent them breaking away from the restraint?—As I understand the provisions of this Act, it practically applies to children who are, under the existing law, amenable to the provisions of Industrial Schools Act; and the idea of those who have been working this was, that the power of interfering with the children of parents who had not been convicted of crime might be somewhat amplified, so as to enable those who are taking an interest in the working of these Acts to take charge of such children, provided they could satisfy a magistrate that they were being exposed to absolutely demoralising influences.

9142. Well, take a concrete case. It has been urged upon us by witnesses in various parts of the country where they are troubled with tinkers—a class of vagrants who dwell in tents and wander about the country,—that power should be given of separating their children from them. Is that what you want, and to put them into schools?—Well, we had not before us the matter of vagrancy, that rather applies to the country districts. We were speaking from the experience of gentlemen who have been working these Acts in Glasgow.

9143. It is quite clear that the extension of the Glasgow Act would not have any beneficial effect upon Glasgow, because it cannot matter to Glasgow whether Aberdeen or Dundee has an Act or not. You have an Act in Glasgow?—That is so. The making of the Act applicable to Scotland generally would have no effect on Glasgow except by way of stopping the influx into Glasgow.

9144. You don't know the exact powers of this Day Industrial Schools' Act?—I have not paid special attention to it.

9145. Then, give us your second recommendation?—The second recommendation is that no child under 12 years of age should in any case be imprisoned for a petty offence; and that where a child is sentenced by the magistrate to be sent to a reformatory or Industrial School, such child should not be previously sent to prison.

9146. You are aware, of course, that the child going to a reformatory need not now be send to prison?—Yes.

9147. Take the first part of your recommendation—that no child should be imprisoned for a petty offence—what is the idea?—The birch.

9148. Not reformatories?—That they should be sent to an Industrial School without going to prison.

9149. A certain number of children would be sent to reformatories or Industrial Schools—now it is rather a serious thing to send a child to a reformatory, and the effects upon a mischievous but otherwise excellent child might be very bad; and you—or did your whole Committee—approve of the birch?—Yes, the whole Committee. Eight or ten of the Committee took an active part in the working out of these details.

9150. But you are sure that the birch was what they approved of?—Yes.

9151. And after that?—They thought that the Industrial School would not be so prejudicial as the prison.

9152. Now, give us your third recommendation?—It is that the powers conferred on sheriffs and magistrates by the Lord Advocate's regulations, in regard to the birching of juvenile male offenders, should be more fully taken advantage of in dealing with boys who are not to be sent to reformatories or Industrial Schools. Might I say, for myself and apart from the recommendations of that Committee, that I think it would be a most important thing if it were possible in dealing with those children who have not lapsed, but who are living under conditions which tend to demoralise them in dense populations, to make some provision, either through the Board Schools or otherwise, for providing places for recreation, that is for those children living in small houses who cannot reasonally be kept cooped up in a single apartment, or even in a house of two apartments, after they are done with school work, with the result that they get on to the streets, loaf about the corners and the theatres, and so forth, and get into bad company and mischief. My opinion is, that if it were practicable to provide halls whore gymnastics and other exercises could be engaged

Mr. John Y. King.

17 Dec. 1894.

in under some kind of supervision, a great deal of good might be done.

9153. But you have got gymnastics already in the parks, have you not—in the green, I mean?—Yes, in one corner, but that is at the extreme end of Glasgow.

9154. You are for extending that system?—That is so.

9155. Now, what are your recommendations in regard to adults?—In our report we say:—'The present 'system of dealing with this class is, in the opinion of 'the sub-committee, productive of much harm, and the 'sub-committee recommend—1st, That a system of 'cumulative or progressive sentences should be adopted 'and rigidly enforced.' The Committee were unanimous in that.

9156. That is, with regard to drunk and incapable, riotous and disorderly, and habitual offenders generally, that cumulative and progressive sentences should be adopted and rigidly enforced?—Yes.

9157. But what sort of steps would you take? Let us take the case of a drunk and disorderly, or breach of the peace, which is generally combined with drunkenness, for your first offence; give me an illustration of what you would do?—Well, the Committee do not profess to give a precise definition, but what they were desirous to guard against was that an offender who has been frequently before the Court should not possibly be dismissed with an admonition.

9158. Now, you are a solicitor, and you are aware of Lord Kingsburgh's Act that did away with the system of bringing forward the number of previous convictions in evidence and held them back, no mention of them or facts bearing on previous convictions being allowed until after the man has been found guilty: you are also aware that in Glasgow that practice is acted on in the case of Police Court offences?—They are not referred to until after the conviction.

9159. I suppose you are further aware that the police magistrates have no means of identifying or knowing anything about the previous convictions for petty offences in other Courts?—That may be; that is to say, there are a number of Police Courts in Glasgow, and a man may have been very often convicted in one who is run into another.

9160. And may be a first offender there?—Yes; but surely it should be possible in a city like Glasgow to establish some system of identification and registration.

9161. But take another instance. In Glasgow there is a very large class of men—the class you refer to—who are let out on pledge. The man who has five shillings or ten shillings can almost always get out on pledge, and he does not require even to give his own name if it is not known already. Would that not interfere with the practicability of such a scheme as you speak of?—The question is whether such a system should be continued.

9162. Under that system, do you think it would be practicable?—Unless they were taking the name and carrying out a system of registration, and holding that the man who forfeited his pledge was practically pleading guilty, there would be a difficulty in carrying it out.

9163. You are an outsider and a lawyer, and I should like to have your opinion on another point. In Glasgow, if a man gets out on pledge and forfeits it, the forfeiture is held as purging the crime. In Edinburgh, if he leaves his pledge, it is regarded as a pledge for his appearance before the magistrate, and, if he does not appear, his pledge is forfeited and he is then cited. Which do you think is the right way?—I have no hesitation in saying that the Edinburgh plan accords with sound principle.

9164. That would enable that cumulative system to be carried out; but take another case. We found in Edinburgh Prison, for instance, a prisoner who was said to have been in fifteen or twenty times. Dr. Sutherland, who, as you know, is connected with the Glasgow Prison, recognised her as having been in probably a hundred times before in Glasgow Prison, and she had on her card previous convictions, say 26, or whatever it might have been?—I quite grant it might not be possible to ascertain all the facts about a prisoner.

Mr. John Y. King.

17 Dec. 1894.

9165. So that it would not be possible to rigidly enforce it as you recommend?—Well, there might be many who would get off, but as the system was worked out, it would become more effective.

9166. Now, read us your second recommendation in which you explain more accurately what you mean?—'That after six convictions have been obtained against 'the same person within twelve months, or after twenty 'convictions spread over any period, the offender should 'be declared a "habitual drunkard," and should be 'committed to an Inebriate Home, or otherwise boarded 'out, under suitable conditions as to health, diet, and 'industry.' Of course no committee could profess to be dogmatic as to the number of convictions which should produce that result.

9167. I see in the preceding paragraph you speak of the 'habitual offenders,' and here you restrict the term to 'habitual drunkards'—do you consider every man a drunkard in whose crime drunkenness forms a portion?—That is so.

9168. Then you go on to your third?—Yes, it is:—'That a vigorous effort should be made to enforce, and, 'if necessary, amend, the law as to supplying liquor to 'persons in a state of intoxication; and that the supply 'ing of liquor to persons who have, to the knowledge of 'the publican, been declared "habitual drunkards," 'should be made punishable as an offence under the 'licensing laws.'

9169. Now take the first part of that? Have you any reason to believe that a vigorous effort has not been made to enforce the law in the matter of supplying drink to drunk persons—had your committee any reason to believe that?—There was no special inquiry made by the Committee, and different members of the Committee had different views upon that point; but there was an impression that it should be possible to trace the infringement to its source by the enforcement more strictly of the present law.

9170. It is an offence against the licensing laws to supply liquor to a drunk man, but the police say there is a difficulty in enforcing that, and, so far as I am aware, temperance or philanthropic organisations have never attempted to detect crime or give information to the police?—That is the case, and, whether a society like ourselves should take any active participation in that, I don't know.

9171. That is what I was going to ask?—They have not done anything. These proposals were only a recommendation to the general committee of the association.

9172. Now, had you any ideas as to the amendment of the law required?—Well, different views were discussed, but it is very difficult, I confess, to say how the statute could be improved in that particular. In my impression it is rather a matter of enforcing the law.

9173. Parliament of course would not give amendments to the law where there are already powers that could be enforced. Any organisation or society would have the power to obtain evidence—the police won't prosecute for want of evidence, but temperance or philanthropic organisations might send people to public-houses to get up cases and have the matter tested?—Well, that is a matter which was submitted to the General Committee for consideration, and they have taken as yet no step in that direction.

9174. You mention as a method in which you propose to amend the state of matters, that the supplying of liquor to persons who have, to the knowledge of the publican, been declared habitual drunkards, should be made punishable as an offence under the licensing law—we have had that proposition brought before us frequently, and I would like to ask you how you would make it effective. In Glasgow of course there are a great number of drunkards and a great number of publicans: do you think it would work in a great city?—That difficulty lies on the face of it. Some of the Committee thought a heavy onus should be laid on the publican; that a list should be supplied to the publican of habitual drunkards, and that he should be

instructed not to supply them; but the majority of the Committee took another view, and said that the onus should be thrown upon the Prosecutor, and that, while many cases might pass unpunished, yet there were many cases in which the publican could be punished, as many of the cases were notorious, and a spirit of watchfulness would be fostered.

9175. Take another instance: if the drunkard was to be prevented from procuring his liquor directly, you would make this apply to grocers as well as publicans, and that would make your difficulty much greater?—Yes, it would.

9176. If a drunkard could afford to buy a pint or a quart, or whatever is the smallest quantity that can be sold by a licensed grocer, he would, of course, still be able to get drink?—Yes; but it is not that class of persons that were specially in view. The class we want to get at are those who go in and sit in the public-house.

9177. And, don't you think, that if a man might send in a friend to get drink for him that that would militate against your proposal?—The fact that it might be evaded should not prevent some attempt to deal with the difficulty.

9178. You have paid some attention to the matter of the habitual drunkard, and you have got some suggestions as to the amendment of the law. You say you should like to emphasise the recommendations of the Inebriates Act, 1879 and 1888: how would you have it amended?—I would make it possible for the relatives of an habitual drunkard to subject him to restraint, and to have him confined without his consent.

9179. As a solicitor, would you please let us have your ideas as to procedure?—I should proceed very much as in the application of the lunacy laws.

9180. Before the sheriff?—Yes.

9181. *In camera* or open Court?—I think it should be *in camera*.

9182. Unless the man proposed to be dealt with wished it otherwise?—That is so.

9183. At whose initiative would you allow this to be taken?—At the instance of members of the family. The class of cases I have constantly to deal with—and, I suppose, my experience is like that of other members of my profession—are those of people often in good position. I have had cases of sons and daughters saying that the father or the mother were conducting themselves in such a way that it was most important they should be restrained, one spouse complaining of the other and so forth, and neither the minister nor the doctor having been able to influence them, I have been appealed to to persuade the offender to go under restraint.

9184. Now, we shall take an opposite case. Suppose you have got a son or a daughter—especially a son—who has taken to drink, and the father has a very sharp way of dealing with the son. He says: 'You must either go 'to this retreat for so long, or you must clear out and 'starve,' and the son goes voluntarily under this influence?—I have never had in my experience the case of a man who went voluntarily to these retreats.

9185. Not even a son?—Not even a son. I have had two or three cases of married women going because they were afraid they should be separated from their husband and children.

9186. We have seen a number of women in the same position, who were not there of their own free will, but because they were told that they must stay there or starve, and I think you may take it that occasionally a number of sons do go under these conditions. But reverse the case; do you think sons could venture to take action, even in extreme cases, against fathers on whom they are dependent?—I have not the slightest doubt that in many cases they would.

9187. My point is, do you think you could get members of the family to take the initiative against a parent who is not a lunatic, and who can therefore change his will; who can change the whole of his monetary dispositions after the Act was taken, and their cards, so to speak, were exposed?—Well, take a case in my own mind just now. There was a large family, and the family would have acted unanimously in having such an act as I suggest enforced. The man—a gentleman of good business experience and an intelligent man when he was free from the influence of liquor—would not have done anything to pass over his family as a whole, and the whole family would have unquestionably combined and taken that step, and their belief was that they would have had the thanks of their father after he had been subjected to treatment.

9188. Well, take the case of a working man again: where a working man is the offender, do you think you would get many wives to go before the sheriff and get him locked up?—I think they very likely would, on the very same principle.

9189. Probably a son in a working man's family would be more independent than among the wealthier classes?—That is so; but among the working men it might possibly be chiefly those who became amenable to the police who would fall to be dealt with.

9190. That is quite true, but we have it in evidence that a very large number of habitual drunkards never come into the hands of the police?—There is not the slightest doubt that there would be difficulty in getting a wife to make application of that sort in regard to her husband among the working class; but, at the same time, we have the same difficulty in the wife giving her husband in charge for assault, and, though that is a graver step than the other (because the other has always this to get the husband to condone it that it was for his good), you find that the wife frequently gives her husband into custody for assault.

9191. But, don't you often find that she comes up afterwards and perjures herself in order to get him off?—They often do.

9192. You mention that you have persuaded a good many women to go into retreats; have they remained there?—One came under obligation to stay twelve months, but she was allowed out at the end of six months.

9193. And was she cured?—For a long time she was, but she fell away. She had not been subjected to medical treatment: it was simply the ordinary abstinence of a retreat.

9194. Can you give us another case of cure effected?—Not by the simple abstinence treatment, but this same lady has been cured by the 'metabolic' treatment.

9195. Can you explain the 'metabolic' treatment to us, and why it is called that?—Well, it is an American method of treatment, and I am not in any way associated with the gentleman who owns it, or he would have taken a different course than he has taken. The treatment, so far as I can judge from the outside, is very much the same as Keeley's 'gold cure,' although Mr. Coykendal, who owns it, claims that he has made a considerable advance on Keeley's system.

9196. How is the cure administered?—It is partly subcutaneous, and partly stomach treatment.

9197. There is a liquid used which is taken by the stomach, and partly by means of subcutaneous injection?—That is so.

9198. We were told, for instance, with regard to another cure—Tyson's—that it was a liquid of which a certain dose was taken every hour for twelve hours per day, and this treatment was continued for twenty-one days: is there any similar absorbing direction given with yours?—The patient requires to be treated subcutaneously, as well as by the stomach, four times at least in the day.

9198A. And there are different drugs given for the stomach, and for subcutaneous injection?—I understand so. The two go on concurrently, and the treatment is continued for at least 21 days, and four times a day, I think.

9199. Will you tell us how you came to know about it?—It was in this way. The son of a well-known Glasgow merchant was settled in America, and he gave this Mr. Coykendal, who came to this country in May or June 1892, a letter of introduction to myself. I found that he wanted to establish a company to carry on business in connection with his cure. I took no

Mr. John Y. King.

17 Dec. 1894.

part in that, but, as I was anxious to verify the extraordinary report that my friend had given me, I asked Mr. Coykendal him if he would have any objection to allow me to submit the treatment confidentially to a physician in Glasgow, and I said if this physician should speak well of it, and assure me that there were no risks attached to the administration of it, I should supply him with a patient or two. He agreed to that, and I got an assurance from this physician that the treatment was thoroughly scientific, and that it would do no harm, if reasonably administered although he was not satisfied that the system would secure the results claimed for it. Well, the results of the treatment were certainly very remarkable. There are cases which, to my knowledge, have held good for two and a half years, *i.e.*, since the treatment was administered in July 1892.

9200. What sort were the cases?—The first was that of an employee of a well-known man in Glasgow. The employee's father had been a confirmed drunkard and had died an inebriate. The son also had for many years been a confirmed drunkard, and, although the employer was most anxious to retain him in his service, he had been compelled to send him away. He had married a most respectable woman, but she also had broken down, and their house was simply a place of wretchedness. The poor fellow had tried very hard to break off the habit time after time, and was an abstainer for short periods, but always broke through. Well, his wife was treated first, and he himself immediately afterwards. The result was that the craving for drink was entirely removed, but, about six months after they were treated, their only child was run over by a vehicle, on the street and had been taken to the Infirmary and was about to be operated upon. The husband and wife were going there so as to be at hand when the boy was being operated upon. On the way to the infirmary the wife felt weak from excitement and apprehension and the husband wanted her to go into a public-house and take some brandy. She objected, and said she had no need of it, but he insisted. The result was, that within a day or two, both husband and wife were back in the old state. The employer had his eye upon the man, and, seeing that something had gone wrong, he went to the house and discovered the state of matters. He persuaded them to renew the treatment for about a week. They did so, and ever since there has been absolute abstinence. That must now be about two years ago. That is to say, it is two and a half years since the wife was treated, and there was only that short relapse.

9201. Now, give us another?—The most recent case is that of the lady I referred to, who went to a retreat and broke through after a considerable time. She was treated about twelve months ago, and the result has been perfectly satisfactory till now.

9202. In how many cases?—About half the cases I know about have been successful, and the other half unsuccessful.

9203. But how many cases do you know about?—Personally, I know about one dozen.

9204. You don't call the case successful unless the abstinence has lasted for more than a year?—That is so.

9205. That is a very considerably higher percentage of successes than that which is claimed by the Committee that gave evidence before us in Edinburgh as to their experience with the 'Tyson' cure; but, have you made any experiment in conjunction with any committee or anything of that sort?—I have not, for this reason, that I am almost certain I shall have authority to place the whole thing frankly and fairly in the hands of the medical profession. I have urged the proprietor to allow me to do that, and I believe I shall get authority. The gentlemen with whom I am associated paid a considerable sum to the proprietor for leave to use his method philanthropically.

9206. Your friend has the right to use it philanthropically?—Yes.

9207. Without much cost?—The medicines in each case cost about one guinea.

9208. Did you ever try a good, hardened police court habitual, who had half a dozen convictions against him?—Well, this gentleman — I suppose I may give his name—Mr. Johnston, J.P., of Rutherglen—said that no court could produce a worse character than the man of whom I have spoken. When Mr. Johnston was asked to take an interest in this treatment by the same gentleman who communicated with me from America—he also was personally known to him—he said, thinking to get quit of the matter, 'I will give you a case and a few guineas, and if 'you treat that case effectually you will manage any 'case.' From the description I got I do not think there could be a worse case. But, bear in mind, unless the patient really wishes to be cured—if it is merely a demoralised habitual who has got the swinish impulse to drink—nothing can possibly cure him of drinking.

9209. But the claim of the Tyson cure was that it created a perfect aversion to drink?—There is an aversion which lasts for a month or two by our cure.

9210. Are you sure that there is so; did you ever take any steps to try it upon a moderate drinker?—I did not do that, but I was assured by every one who underwent the treatment that there was a very strong aversion after the first week.

9211. What was the effect of the treatment on the people?—In every case it improved them in a short time. One or two went off sleep for a time; it rather over-stimulated them, but after the treatment they were better.

9212. Did they require to be off work?—It was found desirable that they should be away from work.

9213. The whole time?—Yes.

9214. Did they have to be in bed?—In some cases for the first week, although some of them, I know, went about the whole time.

9215. If a person did not want to be cured, and if you could get aversion to drink created, it would be a very desirable thing to have a month or two's respite from their drunkenness?—Yes.

9216. Do you think it would accomplish that, or have you ever tried?—Well, I would allow no one to be treated unless he was resolved to be an abstainer after treatment.

9217. Well, if he gives an assurance, and keeps the assurance?—Well, I mean I was not testing them in the way you suggest.

9218. Do you allow them liquor under treatment?—I believe they are allowed it, but they very soon cease taking it.

9219. Your friend is getting an unexhaustible supply of stuff?—Well, the philanthropic gentlemen to whom I refer, are not quite satisfied with the way in which the physician—who is the representative of the owner here in Scotland—is working it, and they have in the meantime withdrawn their supplies. I have, however, got a letter, which practically authorises the philanthropic treatment to be tested as I think proper, and my idea is, that if I could get a retreat established where this treatment was practised side by side with the ordinary method, we should probably find that patients would voluntarily undergo the treatment for the sake of getting sooner quit.

9220. You have never tried any of these good police court fellows?—There have been some of them tried, and whether any of these have held good or not I do not profess to say, but a good many of them have broken away.

9221. Is that among your dozen?—No; I cannot speak at first-hand of them.

9222. Your idea would be to test it side by side with the ordinary treatment in a retreat?—Yes.

9223. But, of course, you would not get an opportunity of doing that to any extent so long as the remedy is a secret?—Well, I have urged this Mr. Coikendale to give us authority, and he has indicated that he will give us a free hand. The first condition I am stipulating for is that I shall be at liberty to put it into the hands of the medical profession according to their own rules, and they won't allow a medicine to be used unless it be open to the profession as a whole.

Mr. John Y. King.

17 Dec. 1894.

9224. (*By Dr. Farquharson.*) You have told us on the authority of the Glasgow physician that this treatment was both scientific and safe?—That is so.

9225. Was this an independent physician who had no connection with the cure?—Absolutely independent.

9226. And a qualified man?—A man of high standing, but I am not allowed to give his name.

9227. Has he a qualification under the Medical Act?—Unquestionably, and not only qualification, but he is a leading physician in Glasgow.

9228. Was he familiar with the composition of the remedy?—He knew nothing about it till the man produced the formula and allowed him to examine it and put questions about details of treatment.

9229. Then the inventor communicated himself the composition?—Yes.

9230. But he has not allowed it to be generally known?—Oh no. It was submitted to the physician in confidence.

9231. The physician had that amount of knowledge that he could state from the composition of the remedy that the administration would be safe?—That is so.

9232. Have you tasted it yourself?—No, I have never seen the medicine at all.

9233. You say it is similar to the Keeley gold cure?—I am satisfied that it does proceed on the same lines, although it is claimed that it is an improvement on that cure.

9234. Have you heard that Keeley's cure has been analysed?—I am not aware of that.

9235. And that it contains nothing but pure water?—I am not aware of that. I know there was a controversy in some of the medical journals two or three years ago, but if what you say be correct, then this must be very different from the Keeley cure.

9236. That at all events would carry out the opinion of the physician that the administration would be safe?—Well, I should say, although I have not seen the formula, that the cost of the medicines is considerable. There is some difficulty in getting some of the ingredients,—and there is no doubt whatever there is expense in getting them from what has come under my own observation. (Question repeated.—If it were pure water the administration would be safe.) It is natural enough for you to make that observation, but it would be highly offensive to the physician, for whom I pledge myself.

9237. I am making no suggestion against the physician, I am simply asking if the metabolic is the same as Keeley's?—You may not intend offence but your suggestion reflects on the honesty or intelligence of the physician. When I say that the treatment is not the same as you describe I do not profess to know the working of Keeley's cure, but, from what I had seen in some of the medical journals, it seemed to me that the general course of the treatment was not unlike that of Keeley's.

9238. I think you said it should be a fundamental part of the treatment that the patient should have a strong desire to be cured, and enter into the treatment with a certain amount of faith?—Well, the faith element I cannot speak of, but I will give you an illustration of what I mean. I have had two or three cases in which the patient was to some extent concussed. I confess that I myself used what influence I could in one case. A partner had violated his contract of co-partnership, and his partner was to give him another chance if he would go through that treatment. After he went through the treatment he said he had no inclination to drink whatever, but he would keep to his old resorts and his old companions. He went to a billiard-room where his companions were in the habit of drinking whisky and water, and when I found that sort of thing going on, I was satisfied he would not hold out because his old habits were entirely the same. He very soon began to drink again.

9239. You would not give an opinion, I suppose, whether his feelings was mesmeric?—I am satisfied there is no mesmerism about it. The man who is administering the cure is the least magnetic kind of man that one could meet.

9240. Magnetic influence might be in the remedy—the feeling of faith in the remedy itself might supply some power, though not the administrator of it?—Well, that is a thing I really could not speak of, but there was nothing which should have led the patient in these cases which failed to have less faith in the treatment than those that were successful. I attribute the failure simply to this—that the patients were rather pressed into it, and were really not wishing to be delivered from the craving.

9241. Is the element of faith not more largely developed in some treatments than others?—That may be; but, I tell you frankly, I could not have said *a priori* which of these people were most likely to be influenced.

9242. Then, would your plan be to take sets of inebriates in an institution, put half on the one side under the ordinary treatment, and the other half on the other side with unlimited liquor and the cure alongside?—I did not say 'unlimited liquor.' I say, suppose you had the offenders committed to a retreat for twelve months, and they were told in the event of the physician or any number of physicians being satisfied with them after this treatment, they would be dismissed sooner, you would very likely find a number of them willing to say that they would undergo this treatment. In that case I would allow them to go away (if the physician was satisfied) before the twelve months.

9243. Would you keep liquor for them?—To those who had undergone the treatment I would give free access to the liquor before they left.

9244. But, would you not have double treatment on the same man; you would have the same man with the ordinary treatment and the other treatment with liquor?—If you call the mere compulsory withholding of liquor 'treatment,' I suppose that is practically the treatment now followed in the ordinary retreat.

9245. I may explain that the medical men have no faith in the drug treatment; all that they believe in is that a man should be shut off from drink?—I know that is the general opinion; but I know that there are a good many other medical men who take the other view.

9246. It would not be fair to shut up a man and give him your treatment alongside unlimited liquor for testing purposes?—If it were necessary to have a test case in that form, I have, I think, authority for trying it.

9247. It would satisfy medical opinion better?—Well, the difficulty would be that that would give only one or two cases. I have had a much better test myself in that at least half of these treated, who were really very bad drunkards, have been able to overcome entirely the habit, and two cases have proved good for two and a half years.

9248. Did the physician help you to investigate the cases afterwards?—Well, the cases of which I speak just now he did not investigate. He did not know about them. But he himself recommended one patient who, I understand, was successfully treated.

9249. (*By Dr. Sutherland.*) Is there any poisonous substance in the solution?—I believe there is strychnia.

9250. We were told that that was the principal ingredient of the Tyson cure?—Yes.

9251. Then you would expect cumulative effects of any such medicine?—Well, I know what you mean by cumulative effects, but I do not see the point of your question. Remember the treatment is only for three weeks. I have known people who took *nux vomica* for dyspepsia for a much longer time than the period of treatment here, and there was no bad effect from it.

9252. But the usual effect of *nux vomica* prolonged is that the person becomes subject to muscular twitchings?—I suppose so.

9253. Do you increase the dose in proportion to the degree of inebriety that you meet with?—I can't speak as to that.

9254. Do you think that your association would give me three or four bottles of the solution, so that I might experiment with them upon the most habitual

Mr. John F. King.

17 Dec. 1894.

drunkards in Glasgow, with this *proviso* that they will not know that this thing is a special medicine, but that it is just the usual tonic I give them when they are down in health?—I shall do what I can. These gentlemen will do anything reasonable if Mr. Coykendal allows it.

9255. Suppose I, as an ordinary medical practitioner, were to give a bottle of my own with the same drugs, do you think it would be quite successful?—If you used the ordinary moral influence, I should say it would be the same.

9256. That is exactly going in the line of Dr. Farquharson, if you speak about moral influence?—I believe I used more influence myself than the physician in speaking to the patients I introduced. Where the disease is partly physical and partly moral, medical remedies should be combined with moral influence; but this is not what is commonly understood by a faith cure.

9257. Another question I would like to ask you: the Secretary of the Tyson cure in Dundee gave us a list of all who were under treatment. There were nineteen. Fifteen relapsed, and four, he thought, remained after nine months? How does that compare with yours?—That has been very much less successful than this.

9258. He agreed to give me the names of the four, still holding out that I might make independent inquiry?—I shall be very glad to give you the names. I can refer you to Mr. James Johnstone, J.P., Rutherglen, for the two first cases which I mentioned.

9259. My reason for asking that, is that a doctor in the East End is giving me four or five patients of his who have been under this 'metabolic' treatment.—I should say this, perhaps, that Dr. Currie—who, by the way, is not qualified according to this country—claims a higher percentage than I have spoken of, but I have mentioned these cases that I know myself about. You asked me what the ingredients were. I think it was quite frankly stated that strychnia was one element; but that there are a good many other important ingredients besides that.

9260. Of course you are aware that the Keeley solution has been analysed, and it has been found that there is no 'gold' in it, and that has been practically disastrous to Keeley?—Well, I have not been following the controversy.

Mr. John F. King.

17 Dec. 1894.

9261. Dr Farquharson has indicated to you that, when an inebriate was secluded from society for a long period, this was done by medical men to enable the tissues of the body and the internal viscera, &c., to get rid of the alcoholic poison, and to recover their normal condition?—That is so.

9262. Well, when the alcohol has been eliminated a person is able to go about, and in a great many cases able to withstand the temptation or craving. Now, when you seclude your individual and treat him by means of this 'metabolic' treatment, what other or additional effect would these secret solutions have upon the man other than those indicated?—I do not profess to speak of that. Indeed I have gone very much further to-day than I intended to go in regard to this treatment. I do not profess to speak in the very least degree of the ingredients of the medicine or its specific effects. All that I had in my mind to say was that, as an outsider, I have seen a number of very remarkable cures.

9263. (*By Col. M'Hardy.*) In the report of the Association for the Improvement of the Condition of the People in regard to petty criminals, I notice the name of bailies in the Committee who passed these resolutions—I do not know if there are more magistrates than these two on the Committee. I was going to ask what these gentlemen had themselves since 1892—when they passed these resolutions—done in the way of working out the suggestions so far as they had the power. For instance, in regard to a child of twelve years, and in regard to whipping, I should like to know the exact records of these gentlemen or others of magisterial power?—(*Dr. Sutherland.*) Neither of them have been magistrates for some time.

9264. Are there none of them magistrates at all?—No; and they have not done anything so far as I know. [The witness then withdrew.]

Sheriff Birnie.

MR. JOHN BLACK BIRNIE, Sheriff-Substitute of Lanarkshire, called in and examined.

Sheriff Birnie.

9265. (*By the Chairman.*) You are a Sheriff-Substitute of Lanarkshire?—Yes. I have been so for 19 years. I am now in Glasgow, but I have been in the county for a long time.

9266. We were very anxious to get a skilled statement of the powers of detention—in fact of the whole working of the Reformatory and Industrial Schools' Act. Can you give us that?—Yes. The Industrial Schools are worked under the Acts of 1866 and 1880. The Reformatory Schools are under the Reformatory Act of 1866, and the recent Act of 1893. Now take the first Act of 1866. By section 14 of the Act of 1866 'any 'person may bring before two justices, or a magistrate, 'any child apparently under the age of 14 years, that 'comes within any of the following descriptions, 'namely, that it is found begging, or receiving alms, 'or being in any street or public place for the pur-'pose of begging or receiving alms,' and other clauses.

9267. That is exactly the same, is it not, as applies to the Training Ships?—Yes.

9268. There is one clause as to children under the control of parents?—Yes, Clause 16.

9269. Give us the rubric?—'As to refractory chil-'dren under 14 years of age in charge of parents.' Before leaving that, I should like to say that we always send under the 14th and not under the 16th section. I made inquiry this morning at the Procurator-Fiscal's office, and I find they only know of one case that has been sent under 16. The reason is that the grant is 5s. under 14 and 2s. under 16, and we cannot get them to take them under 16. I may say that, proportionately to the number of young criminals that go through the Glasgow Sheriff Courts, the fiscals tell me, there is a very small proportion that is sent there. The greater number of boys and girls we are sending,—principally boys—to the Industrial Schools, are under the Education Acts.

9270. Before we pass from this. There is some provision—at all events, there are some children received in the 'Mars,' whose parents send them and pay for them themselves. What is the power for the detention of these boys? Where is it conferred?—Unless under section 16, I do not know any other.

9271. There is no power given in this Act for parents to send children direct, and pay £15 a year for them?—I do not understand so.

9272. If they are detained there without legal powers, of course it is technically false imprisonment?—It might be.

9273. But you don't know any power?—I am not aware.

9273A. Well, go on.—I come then to the Act of 1880, with regard to the Industrial Schools.

9274. Is that the Act which you referred to as the Education Act, and under which you deal with the greater number of children?—We are now enabled to deal with them under the Act of 1893. We have, however, been dealing with them really under the 14th section of the Act of 1866 up till now. The Act of 1880 adds a power to the Act of 1866 as to Industrial Schools. It adds this power, that 'any child lodging, 'living, or residing with common or reputed prosti-'tutes, or in a house resided in or frequented by 'prostitutes for the purpose of prostitution, may be 'sent to an Industrial School.' We use that a good deal for children who are brought up for not going to school. Then, in coming to the Reformatory Acts, 1866 is again the leading year, and the ages there are probably the most interesting part. That again begins with section 14—'offenders under 16 years of age may 'be sent to a reformatory.'

Sheriff Birnie.
17 Dec. 1894.

9275. Under the Industrial Schools' Act what is the age?—They cannot be kept after 16 in the Industrial Schools. Under the age of 14 is the Industrial Schools age without any limit apparently of youth. Under section 14 of the Reformatory Act there is that clause which I mentioned, where the age is 16.

9276. Well, we have not got that, so I should like you to give us it?—'Whenever any offender who, in the 'judgment of the Court, justices, or magistrates before 'whom he is charged, is under the age of 16 years, is 'convicted on indictment or in a summary manner of an 'offence punishable with penal servitude or imprison-'ment, and is sentenced to be imprisoned for a term of 'ten days or longer term, the Court, justices, or magis-'trates may also sentence him to be sent at the expira-'tion of his period of imprisonment to a certified refor-'matory school, and to be there detained for a period of 'not less than two years, and not more than five years.' That is the leading provision of the Reformatory Act, but it is very much modified by the Act of 1893. The clause in the Act of 1893 is:—'Where a youthful 'offender who, in the opinion of the Court before whom 'he is charged, is less than 16 years of age, is convicted, 'whether on indictment or by Court of summary juris-'diction, of an offence punishable with penal servitude 'or imprisonment, and either (*a*) appears to the Court 'to be not less than 12 years of age, or (*b*) is proved to 'have been previously convicted of an offence punish-'able with penal servitude or imprisonment, the Court 'may, in addition or in lieu of sentencing him accord-'ing to the law to any punishment, order that he may 'be sent to a certified reformatory school, and be there 'detained for a period of not less than three, and not 'more than five years, so, however, that the period is 'such as will, in the opinion of the Court, expire at or 'before the time at which the offender will attain the 'age of 19 years.' There are several changes there. The first is that no child under 12 years can now be sent to the reformatory, unless he has been previously convicted; the second change, and most important, is that he need not be sent to prison, and the third is that he cannot be kept after 19. That is the practice of the Act at this moment.

9277. Formerly he could be kept much longer?—Yes, and we always found the reformatories wished to get them as long as possible.

9278. Because he was trained to work, and they got a good grant for them?—Well, I would not like to say that, but they made requests that they should be sent as long as possible. It is here that two points of difficulty come in. The Fiscals asked me to say that it is oftentimes very necessary that a child should be kept for a few days until you find whether the School will take him or not, and that there are no means to pay any person for keeping the child. In the second clause of the Act of 1893 he may be taken to prison or to any other place not being a prison which the Court thinks fit. We generally get the Society for the Prevention of Cruelty to Children to take them, but that is out of favour. The Poor Authorities will not take them. The second point is this, that the Local Government Board has sent out instructions to have them medically examined—I do not know if in every case; they did not tell me that; but in some cases—and the police doctors say it is no part of their duty, and there is no money to pay them. These are the practical difficulties which have come up.

9279. You say here you send the children to the Society for the Prevention of Cruelty to Children?—Yes. In Montrose Street.

9280. (*By Col. M'Hardy.*) They are sometimes sent to prison?—Very seldom; only unless we cannot help it.

9281. (*By the Chairman.*) In Aberdeen there is no such difficulty. The children are sent there right off, and that is explained by the fact that Aberdeen gives £600 a year to the reformatories. Aberdeen City and Aberdeenshire give each £600 a year to the Reformatories and Industrial Schools, and so they secure the priority of admission for all their juvenile offenders. Do you know if Lanarkshire County Council or Glasgow Town Council give anything?—I do not know anything about contributions, but we never find any difficulty in getting them to take them if there is room.

Sheriff Birnie.
17 Dec. 1894.

9282. I suppose you are not connected with the Boards of any of the reformatories, or connected with the administration of any of the reformatories?—No.

9283. Or the Industrial Schools?—No.

9284. Have you given us the whole of the Reformatory Act?—I think so. These two Acts embrace everything.

9285. The chief suggestion you have to make now—rather that your Procurator-Fiscals make through you—is that there should be some provision for the detention of these children other than that of sending them to prison, and for the medical examination?—Yes.

9286. What is the medical examination for?—I suppose to see that there is no infectious disease. (*Dr. Sutherland.*) I do the most of that examining, and it is confined to the skin, for ringworm or itch, and the like.

9287. Dr. Sutherland, it appears, does most of the examination; how are they relegated to him?—(*Dr. Sutherland.*) The institutions have doctors of their own, but some of them are so far away that the authorities ask me to examine, and the Prison Commissioners in some cases have asked me to do the work.

9288. I suppose, if the children were sent to the prison, they would naturally come under your power, Dr. Sutherland?—(*Dr. Sutherland.*) Yes.

9289. Well, please continue?—We have a strong feeling against sending children to prison.

9290. If the police surgeons rebel, the prison surgeons have not got the same excuse?—(*Dr. Sutherland.*) I may say that I objected, but the Prison Commissioners said it was desirable that I should do it. But the numbers are getting fewer.

9291. You are not in a position to know whether there are many children from the Industrial Schools or reformatories, who go back into a course of crime?—No, except to this extent that for the last three years—I have the summary criminal work in Glasgow—I have had very few cases, and I have only had two sets of cases where children required to be sent from Industrial Schools to reformatories. Our feeling is, that we are always very glad when we can get the child sent to an Industrial School.

9292. Do you know anything about the means by which they are maintained?—Government pays a grant, and the parents pay a good deal. In the country they do not pay much, but in Glasgow they pay a good deal, and the Parochial Boards in certain cases must pay.

9293. Could you tell us exactly what are the provisions of the Act?—It is the 5th and following sections of the Act of 1866. The Commissioners of Her Majesty's Treasury may subscribe any sum they please, with these limits, that they cannot give more than 2s. per head per week for children detained on the application of their parents; in other words, for children sent under the 16th section.

9294. They may give any sum they please, and they practically do give 6s.?—Yes, I believe, something like that.

9295. That is to the Industrial School?—Yes.

9296. Did you say that the parents pay?—Yes.

9297. The way that they pay is, that the sum is recovered by the Treasury from the parents, or as much of it as they can get?—There is a gentleman in Glasgow, who acts for the Industrial Schools, who takes particular care of that. Under the 39th section parents and step-parents—for the time being legally liable to maintain the child—if, of sufficient ability, must contribute to the maintenance about 5s.

9298. But you have no means of knowing exactly how much they do manage to get out of them?—I do not know. I have not had a case before me since I came to Glasgow.

9299. Does that 5s. not go to repay the Treasury?—By the 40th section it is recovered on the complaint of the Inspector of Industrial Schools, or by any agent of the Inspector, or by any constable under the direction

Sheriff Birnie.

17 Dec. 1894.

of the Inspector. These are the three parties who seem to recover.

9300. But what is the destination of the money when recovered? It is the Treasury is it not? In fact, is it not the case that the Treasury gives 6s., and they recover any sum they can up to 5s. from the parents?—I should think that is likely.

9301. But do they give the destination in the Act?—It simply says the magistrate may made an order or decree on the parent for payment to the Inspector or his agent of such weekly sum not exceeding 5s. Then it goes on to explain about the order or decree, and then it states that every such payment shall go in relief of the charges on Her Majesty's Treasury.

9302. Exactly; that is to say, it does not go to the Treasury, but, if the 5s. is recovered, the Treasury only gives 1s.?—That is so.

9303. You said something about the Parochial Boards subscribing?—Yes.

9304. The Parochial Boards can only do so under statutory powers?—That is so. 'The Guardians of 'the Poor, or the Union of a Parish, or the Board of 'Management of a District Pauper School, or Parochial 'Board of a Parish or Combination, may from time to 'time, with the consent in Scotland of the Board of 'Supervision, contribute such sums as they think fit to- 'wards the maintenance of children detained in a certified 'Industrial School on their application.'

9305. Do Parochial Boards apply often to have children sent to Industrial Schools?—I do not think so.

9306. That does not give them a statutory power to contribute generally to the funds of a reformatory or an Industrial School. I mentioned that Aberdeen county and city each contribute the substantial sum of £600 a year to these Reformatory and Industrial School institutions, but the power that you have read to us would not allow a Parochial Board to give, say £20, to the funds of a Reformatory School. It only enables it to give so many shillings a week in respect of a given child?—There is another power under which, where a child has been in charge of the Parochial Authorities three months before hand, or at the time of committal, the Parochial Boards must contribute.

9307. But that is a different sort of contribution from that which is made, for instance, to the 'Mars' Training Ship of so many pounds—£50 by Edinburgh, so many pounds by Forfarshire, and so many pounds from Dundee?—Quite different.

9308. Have you given us the financial provisions as to reformatories?—Expenses of Reformatory Schools are under section 23 of the Act of 1866. The expenses of putting a child to the school must be paid by the Prison Authorities, and it is defrayed as a current expense by the Prison Authorities. Under section 24 there is a contribution by the Treasury; the Commissioners of Her Majesty's Treasury may contribute such sum as the Secretary of State may recommend. Then, under the 25th section, the justices may order the parent or step-parent to pay any sum not exceeding 5s.

9309–10. In fact, it is exactly the same thing as in the case of the Industrial School, with the exception that there is no 2s. maximum?—That is so.

9311. (*By Col. M'Hardy.*) In regard to that first clause about the transit being paid by the Prison Commissioners, that is now abrogated by the Act of 1893? It is not in so many words set out there, but it follows from the fact that the Prison Authorities don't know anything about the boy?—That is so. I would suppose so, as it is not now necessary to send to prison.

9312. You have had a good deal of experience of petty offenders—the more serious class of petty offenders. When you were in Hamilton did you deal with the ordinary run of petty offenders from the county?—All offenders from the county come before the Sheriff Court. Of course the offenders in the different burghs in Lanarkshire are dealt with by their own magistrates.

9313. Therefore you had a pettier kind of offences before you there than here?—Yes.

9314. Here it is only the more serious that you deal with—those that can only be dealt with by a sheriff or by a sheriff and jury?—Yes.

Sheriff Birnie.

17 Dec. 1894.

9315. Your experience of drunkenness, for instance, will be almost all county?—It is almost nothing. Drunkenness apart from breach of the peace is not known in the Sheriff Court.

9316. How do you deal with them in the county?—I do not think they deal with them at all; I think they leave them alone unless they are noisy, or taken up for some other cause.

9317. Breach of the peace?—Oh, breach of the peace is quite another thing; that is practically under the Summary Procedure Act, the penalty being 40s. with an option of 60 days.

9318. But surely the drunk and incapable are dealt with somehow; are they dealt with by the justices?—In the burghs.

9319. But put aside the burghs in the county?—I never heard of a man being taken up for drunkenness.

9320. How many districts do you speak to?—I was in all the districts, including the very large district of Lanark and Hamilton.

9321. You never in the course of your experience heard of a drunkard being taken up?—That is so. They may take them into the Police Office but we don't know of that.

9322. If they had been taken in and brought before the magistrate you would have been the magistrate?—They may have been dealt with by the justices, but I do not think that the drunk and incapable are dealt with alone by the justices.

9323. What cases come before the justices?—Breaches of the peace.

9324. But would they not come before you?—The more serious ones would. There is really a union of jurisdiction there. The justices do an immense deal in the counties.

9325. You say that you see no reason why drunkenness, breaches of the peace and petty assaults in the early stages should not be dealt with as at present. The offences are against public order and must be followed by punishment for the sake of deterring others, whether the punishment does good to the person punished or not. Now, you have seen the systems of heavy punishments and light punishments, the one under the Glasgow Police Act, offences against which come before you?—No; the police offences would not come before us, although I know something about them.

9326. You would, at all events, have the light sentences in the county and the heavier code here; do you think the severity of the punishment does much good as a deterrent?—Very little in keeping a man from drink. But there are two points I would speak of, and these are, the caution, and the punishment for the breach of the caution. I do not see why a very considerable punishment should not be enacted for the breach of the caution, because the man by this time has got a number of warnings. I do not know that it would do him a great deal of good, but it does good.

9327. You say: 'The present punishments for 'drunkenness, and for drunkenness coupled with breaches 'of the peace or petty assaults in their earlier stages, are 'probably sufficient, but after a second conviction I 'would give power to order a prisoner to give or find 'security, say for £10, not to offend again for six 'months, and in default render him liable to imprison- 'ment for one month, and on breach of this security I 'would render him liable to imprisonment for six 'months'?—That is a severe punishment which would be very seldom inflicted, but it would do good in preventing, say, a young man from tumbling into dissipated habits.

9328. But do you think you could get £10 security for a man after his second conviction, that is to say, don't you think the greater number of men who are habitual drunks would be unable to find that security?—I would not make it always £10; you might have caution for £2. The great thing is to get a friend to take an interest in the man.

Sheriff Birnie.

17 Dec. 1894.

9329. In default, you would give imprisonment for one month?—Up to one month.

9330. It is the latter at the present moment?—In the burghs under the Burghs Police Act.

9331. And, in breach of that security, you would render him liable to six months, so that it would be better for the man to take his month for default than to break his caution?—Yes, but he would not do it. I am not, however, at all strong about the six months. My only meaning is that it should be a most substantial power, so as to startle people who have not yet lost control of themselves. I would not send a man to prison and forfeit his security at the same time; I would make it optional. It would be oppressive if you had both.

9332. Have you any precedent for that?—No.

9333. I think it is a very excellent idea, because it would render it possible for a person to become security without fear of losing his money if he knew that the person or the prisoner would be first made responsible before his money as security was forfeited—was that your idea?—Yes, that was my idea.

9334. It would really come to this that the person who found security would not find security at all; or, would you forfeit his security if the person out on security was not forthcoming?—The objection to that would be that if you caught a prisoner afterwards, which you would be entitled to do, probably under a warrant, you might send him to prison, and therefore you might do both.

9335. Could you not hold it in some suspended animation? You would require to have some arrangement of that sort, otherwise the £10 security would be no security at all?—Of course, the magistrate would always have the power of forfeiting the security.

9336. You mention that the habitually intemperate man or woman have difficulty in finding work when they come out of prison; and that any punishment could have lasting effect only by providing him or her with work?—I think that is a most important point. We find the societies here—the Prison Society and the Charity Organisation Society—enormously useful. They get work for quantities of these people. They scarcely refuse a person we send them, and we always find these people are better. But the most extraordinary point is this. My experience is, and one of the fiscals told me also that it was his, that there has been no instance of one of these men who has been sent to work ever having been taken up for stealing from their master or their fellowmen. It is a most remarkable fact.

9337. The master to whom these discharged prisoners are sent are told their characters, but not their fellow-workmen?—I understand that is so; it must be so.

9338. And you say in your statement, which you have supplied the Committee with, that you have been told of cases where some officer connected with criminal administration had told the fellow-workmen?—That is so.

9339. And that you propose to punish?—Yes.

9340. By fine, and, in default, imprisonment for 30 days?—Yes.

9341. Well, you make a suggestion here as to something like adult reformatories?—Well, I did not feel myself capable to do that, but one is so impressed with the benefit, the hopefulness of work to these creatures, that anything that could be done would be of importance.

9342. You don't attach much weight to the objection as to competition with honest labour, but might I ask you, what sort of labour you would suggest as proper for such reformatories?—I have not thought of that.

9343. Your theory as to the uncertainty of sentences, would you explain that?—Well, at present there is great discussion and objection about that. Different judges when they come here to Glasgow have different sentences, and the sheriffs also have different sentences. My feeling is that when the time comes, if it does come, there should be some codification of sentences making a minimum and a maximum, and the only points that strike me about that is that I would never make a fast minimum, I would always authorise a judge to let a man off with an admonition; and, in the second place, if the magistrate—applied to the inferior magistrates—if the magistrate was to decrease the minimum I would make him give a reason. That would be very useful, because it would enable the next man to see why it was done. At present we have no guide at all. Of course, it is more a theory than anything else.

Sheriff Birnie.

17 Dec. 1894.

9344. You say you would have a minimum fixed by statute, and the magistrate empowered to lessen it on giving reasons?—Yes.

9345. I have been very much struck by the very great diversity of methods of dealing with practically the same crime; don't you think that if your course were followed there would be an inclination to charge combined offences under a heading that would make it look more serious?—I find our Procurator-Fiscal is a most moderate man; I never find any inclination of that sort.

9346. You have got a different Procurator-Fiscal from the police magistrates?—Oh yes.

9347. As to vagrants, you think that what they want is to be made to work; you have got no ideas as to how to deal with them?—Am I not right that in Germany they make them work on the roads and in a particular uniform. The thing is to shame a vagrant, because he can work if he will.

9348. You have, had no experience with them?—Not here, but I have had in Lanark and Hamilton.

9349. Well now, as to the question of habitual drunkards, we know all about the existing legislation, and we are familiar with the statement as to its inadequacy and so on; do you propose to extend or to remodel the present legislation?—Well, the idea I express I may tell you is not mine alone, but it is the idea of at least one other sheriff and of the Fiscals, and it is this. There will require to be great caution in locking up people, and our idea is that nothing in the shape of convictions will be enough. You must have an examination on evidence, and probably before the sheriff. The Fiscals asked me particularly to say that they hoped, in regard to the parties who were to prosecute, that they would be the last, that you would try to get prosecutors before you come to them, as they thought it would add so very much to their work.

9350. The proposal has been made to us that in the case of these petty offenders they should be charged with being habitual, and remitted to the sheriff, who would take evidence as to the habitualness of their offending?—And commit them to these retreats which are assumed?

9351. As habituals?—Yes.

9352. But let us come to another point, that is as to the extension of the Habitual Drunkards Act, to the cases of persons proposed to be committed at the instance of their friends; you propose to do that?—I assume that they are voluntary.

9353. Would you enlarge that power? Would you allow a husband to take proceedings against his wife who was never in the hands of the police, and pronounce her a habitual drunkard, and send her to some retreat?—Yes.

9354. Before the sheriff, of course?—Yes.

9355. I suppose you know the precedent of the lunacy laws?—Yes.

9356. In a lunacy case what is done?—In the lunacy committals it is done upon certificate; but, it is one thing to say that a man or a woman is insane, and it is quite another to say that he is a habitual drunkard.

9357. The lunatic is not brought before you except in dangerous cases?—Well, I have seen two or three cases of dangerous lunatics who have been cognosced, but it is a daily occurrence to commit three or four to lunatic asylums, and we never see the patient.

9358. (*By Dr. Sutherland.*) But, in the case of the person charged as habituals, you should see the patient?—Certainly.

9359. And let the patient state objections?—Yes.

9360. And if the patient preferred a public trial, you would have no objection?—I would give an option to the sheriff.

Sheriff Birnie.

17 Dec. 1894.

9361. (*By Col. M'Hardy.*) That might be disagreeable to his friends?—The sheriff would deal with that.

9362. (*By the Chairman.*) You think there ought to be an appeal in the case of people treated as habitual offenders even from the sheriff, supposing we were to make the Sheriff Court the court of first instance?—It might be to the principal sheriff.

9363. If he went to the Sheriff-Substitute on an ordinary criminal charge he would have an appeal to the sheriff?—Oh no.

9364. Then this would be a sort of quasi-criminal case?—It would be a sort of administrative case.

9365. These are somewhat of the grounds of a proposal that has been suggested that, when a man charged with breach of the peace and habitual drunkness comes before you, the crime for breach of the peace remains as it is, bearing that the punishment is imprisonment without the option of a fine, and, if you declare him a habitual offender, he has to go off to a reformatory and remain there?—Yes.

9366. Is that a feasible idea to your mind?—I am always very unwilling to make anything peremptory in the way of punishment.

9367. There would be nothing peremptory there, because, if you did not pronounce him a habitual, you would deal with him as you like?—There is no doubt that that is just something like my idea.

9368. Would you give the sheriff power to release the man?—Yes; we have that power just now in lunacy cases.

9369. In the case of a habitual drunkard you would be for appointing a curator to look after his business?—Yes.

Sheriff Birnie.

17 Dec. 1894.

9370. In a private case at whose instance would you have the prosecution?—At the instance of the relatives.

9371. Do you think they would act?—Oh yes. Children would act in regard to a mother, and they would also in regard to a father, unless, perhaps, it was to take money out of their pockets: that is a difficulty.

9372. (*By Col. M'Hardy.*) Would you allow independent friends to bring a suit?—Well, I never saw any act which went so wide as that.

9373. You have a paragraph here about the definition of the habitual drunkard; have you any objection to define it for civil purposes?—Well, the definition I have marked is the Quebec definition. The Quebec definition is not very well expressed, but it is something like what I think:—'A person who heretofore on 'many occasions has been a cause of ruin to their 'families, of grievous injuries to their relatives, as well 'as to their creditors.' It seems most necessary that there should be something of that sort, because it might be better to leave a drunkard than to take him away and probably send his wife and children into poverty.

9374. We have got a definition under the English law, and, of course, it is much easier to keep a definition that we have than to make a new one; that is to say, a definition that has been interpreted and understood, finds more ready acceptance than would an attempt to import a new definition?—Quite true. [Witness then withdrew.]

[Adjourned.]

TWENTIETH DAY.

GLASGOW, Tuesday, 18th December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman.*)
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Mr. John Traquair Strang.

MR. JOHN TRAQUAIR STRANG, Secretary of the Charity Organisation Society, Glasgow, called in and examined.

Mr. John Traquair Strang.

18 Dec. 1894.

9375. (*By the Chairman.*) You are Secretary of the Charity Organisation Society?—Yes.

9376. And your Society has taken much interest in connection with dealing with tramps and casuals?—We have to deal with them every day, as well as with the respectable poor. We get all classes before us.

9377. Can you please tell us what you have done in the way of instituting some Labour Colony there?—For the last nine or ten years we have had a Labour Yard at Alexandra Parade, where we give temporary work to men out of work. It serves as a help to those men who are willing, and it serves as a test of those who are not willing to work.

9378. A man comes to you for assistance who has no place to go to for the night, no money to buy lodgings; what do you do?—We used to issue lodging tickets to the public, so that they might not give money but rather give a ticket when applied to, which would entitle the holder to a bed and a little food for the night. We found, however, that these tickets were being used in improper ways. That is to say, they were content to beg for these tickets and not to work. They knew where the tickets were to be got, and they went regularly there for them.

9378A. Where were they to be got?—From the public. When one man got a ticket from any one he told the others. We sold the tickets to subscribers at fivepence each. That would cover the cost of the bed and food for the night.

9379. And then a man went to your subscribers and got one of those tickets?—Yes.

9380. What did you do then?—We recently opened a Shelter of our own.

9381. But before that you say they begged for these tickets instead of working? If a man arrives on the tramp in Glasgow and has no money to get a night's lodging, and had no opportunity of working beforehand, that is, of working out the price of fivepence?—That is not the class of men that we discovered to be working upon these tickets. It was the class of men termed "loafers" who hang about the lodging-houses. The lodging-house keepers tell me that they cannot get them out of bed before eight or nine o'clock in the morning, and they hang about the lodging-house all forenoon and go out in the afternoon and evening begging for a night's lodging again. I happened to pay a visit to one of the lodging-houses in North Woodside Road, about half-past eleven in the forenoon, and I spoke to the Superintendent about the number of men I saw in the hall at that hour of the day. I said to him, "Who are these; are these men on the night-shift?" He laughed and said, "No, the men on the night-shift are all in their beds." "But," I said, "you have about 40 or 50 young men who are idle at this time of day." "Oh," he said, "the great majority of these men are just living off the public, begging for their tickets, and they come here with the Charity Organisation Society's lodging tickets."

9382. That was not a model lodging-house but a private one?—It was a model lodging-house.

9383. Not a Corporation lodging-house?—Yes. And the Superintendent told me that what I saw was not to be found in his house alone, but that it was in the others.

9384. About that tell us what you did?—After that our Committee decided upon opening an Industrial Shelter to do away with the lodging tickets entirely, and to issue a ticket for our own Industrial Shelter, where a man will be provided with food and lodging on condition that he does a certain amount of work in exchange. We opened that Shelter on the 16th November last, and it is now in full working order.

9385. At what hour do the people commence to turn up at night?—They are admitted between four and six in the afternoon. The Superintendent has power to admit in very urgent cases at any time.

9386. You have some labour test there, you say?—Yes. Wood chopping and stone breaking.

9387. When have they to do the wood chopping or stone breaking—before they get their food and bed or not?—When they enter the house they sign an obligation to do a certain amount of work and to conform to the rules of the house. We do not ask them to do a certain amount of work before they get their night's bed. We trust to them doing it.

9388. Do you have any of them refusing?—No, not as yet. They are all willing to work after we have taken them in. There were six men who, after a week's sojourn, left of their own accord.

9389. Do you keep them for a long time?—They are allowed to remain there for a period of three months, and during that time if they get work good and well; they go.

9390. How long does it take to do their prescribed task?—They are expected to do six shillings worth of work in the course of a week. That is a shilling a day, the estimated cost of their keep.

9391. What I have asked you is how long does it take them to get through their work? They will only have the balance of the time available to search for work?—Yes. The scheme is only in its infancy, and we have not had time to arrange how the men are to get an opportunity for getting work. They can ask the Superintendent to get out. One man did so the other day, because he had prospects of work, and he was allowed to go out.

9392. They are not allowed to go out?—Not without the permission of the Superintendent, but if they satisfy him that it is to look for work, he will not stand in their way. But they must be back by a certain time.

9393. You have no power to detain them, and they can go?—None whatever.

9394. How many have you in now?—There were 44 last night. We cannot take more than 50 just now.

9395. How many of them had been in the place for over a week?—35 for more than a week.

Mr. John Traquair Strang.

18 Dec. 1894.

9396. Were there many who had been only in for a night or two?—None except those who went in yesterday for the first time, and there were about six of them.

9397. You do not appear to give them only a night's lodging you give them more?—It isn't limited in the Night Shelter. We take down the man's name, and endeavour to get some information about him—how he has got into his destitute condition—and we endeavour to bring influences to bear upon him to set him on his feet again.

9398. And you keep him there while you are trying to trace him?—We keep him clean and feed him, and bring religious influences to bear upon him to put him into a proper place again. The Committee intend to take some steps—what these may be I do not know; they had a meeting yesterday forenoon—to consider what steps they should take to set these men into situations of a permanent character.

9399. To keep a man there earning 6s. at wood chopping for any length of time is not what you aim at?—Oh no, there would not be one of them allowed to remain more than three months, without the permission of the Committee.

9400. Now you have spoken about the men; have you done anything for women?—We have nothing of that kind for women. Our Ladies' Auxiliary have a sewing-room, where they employ respectable women at sewing, between 70 and 80 every day just now.

9401. You simply pass the women on to the Ladies' Auxiliary and they give them employment?—Yes.

9402. Do you know what wages they earn at that?—About 3s. 6d. a week, and they have soup and bread given to them during the day.

9403. Do you know how many meals?—Just one meal. They are there from 10 till 4, except Saturdays.

9404. Where do these women live?—They have houses of their own. A number of them live in single apartments, some of them have parish relief. They are willing to do some kind of work, and we give a little to help them in that way.

9405. And the work they get is permanent?—If they like to make it so.

9406. Has the Ladies' Auxiliary no three months' limit?—No, they have no limit. They allow them to remain there as long as they wish.

9407. I suppose requiring a certain task of work, good behaviour, and compliance with their rules?—Yes. All these cases are enquired into before we send them there.

9408. You have got 70 women and say 50 men that you deal with?—Yes, and in our Labour Yard we had 35 yesterday. It is a place for wood-chopping—apart from the Shelter—for men who have homes of their own, but who are out of employment, and are willing to do something rather than ask for charity. We cannot employ more than 40 men, as we have no machinery for more. In the Labour Yard they begin at 9 in the morning. In the summer at 9.30, and they close in the evening as soon as it is dark, about 4 just now; in the summer about 5.30. They have an hour for dinner. The reason for our not beginning in the morning till 9 or 9.30 is that they may have an opportunity of enquiring for work at the gates of the public works in the morning. If any man wants to get away to look for work he gets permission from the Superintendent to do so.

9409. Have you had this Ladies' Auxiliary in operation for a long time?—It has been in operation for ten years.

9410. Can you tell us how many women pass through that? That is to say, got temporarily relieved there, and got into some permanent employment in the course of last year?—I cannot say. The Ladies' Auxiliary issue a report of their own, and I have not got a copy of it.

9411. Well, take the men; how long has your Night Shelter been an Industrial Shelter?—Only since 16th November—practically a month.

9412. How many men have passed through it?—The number of men who have passed through it have been over 60, and there are 44 in it just now.

9413. Sixty have passed through, and of these how many have got into permanent employment?—None yet.

9314. When I speak of passing through it I mean entered, remained in it, and quitted it for permanent places?—None have quitted it for permanent places.

9415. But 16 have left it?—Yes. We have got 44 just now, and the others have left because they did not care to do the work.

9416. After a sojourn of how long?—Some of them a week, others a fortnight, and so on.

9417. None of them have left for permanent places?—None.

9418. Take the Labour Yard; you have had that for more than a year?—For ten years.

9419. How many had you in at the first of your year?—From the first of November last we offered 617 during that time work in that Yard.

9420. And how many accepted it?—251.

9421. And of the 251 have you any statistics showing how many stayed with you, passed through, and got permanent employment?—Well, I have not got the figures, but a good many left after remaining four or five weeks, or getting permanent employment. If, at the end of the time, four or five weeks, they had no prospect of work, we might renew the period, but we have occasionally got work ourselves for some of the respectable men in the Yard, but generally we left the men to look out for it themselves.

9422. Have you any classification of the men who took the work?—They are chiefly labourers. I have no classification this year.

9423. Have you no classification of those throughout the year?—We had a classification of those who applied to us.

9424. Are there many artisans or tradesmen?—Not many of them. About 50 per cent. would be labourers. Then there will be hammermen, blacksmiths, and such like.

9425. Take skilled tradesmen, not one class; is there 20 per cent. of them?—Oh yes, fully that.

9426. That will leave us 70 per cent.? There must be more than that. Would there be 25 per cent. blacksmiths, carpenters, and so on?—I think you might say 75 per cent. of labourers, and the balance are artisans and tradesmen. If I had known I would have brought down the book.

9427. The 251 men who accepted work in the Yard were chiefly labourers?—Yes.

9428. Do you find that the artisans who have been accustomed to skilled work and good wages will accept your work?—Not readily.

9429. Have you many agricultural labourers?—Not many of them, mostly labourers in shipyards and foundries, and that sort of men.

9430. What are their wages in the city when at work?—From 18s. to 20s. per week.

9431. What do they make with you?—Well, a man can make with us on an average from 1s. 2d. to 1s. 6d. a day. They are put on piece-work. Last week there were two men who made 2s. 6d. a day.

9432. Were these old stagers?—No, they were not. They were strong men, and they seemed to know how to do the work. Their work was wood chopping.

9433. Fifteen shillings from 9 to dark, that is 9 to 4 o'clock, that is seven hours with an hour off for dinner, that is six hours' work, and the possibility of making 15s. a week?—It is only temporary, however.

9434. But you keep them as long as they like there, or have you a time limit in the Labour Yard?—Four or five weeks, if they do not get work before that time.

Mr. John Traquair Strang. 18 Dec. 1894.

9435. You turn them out?—Yes, we must make room for some others, and we tell them that they have been long enough in, and that they must make a trial to get work. If they satisfy us that they cannot get work we give them an extension of time if we have room.

9436. They make, according to you, from 7s. 6d. to 9s. generally, and in some exceptional cases they go up to 14s. or 15s for their week's work? That is for six hours' work a day?—Six to seven hours.

9437. Well, six hours in the winter?—Yes.

9438. Where do these live?—Various parts of the city. Many of them live in the East End. Some of them come all the way to us from Govan and some from Partick.

9439. Have you any classification as to their being married or single?—Yes.

9440. Are there many of them married?—A good number, and we give preference to the married men.

9441. Are the majority married men?—Yes.

9442. In the Night Refuge, they are, of course, single men?—Yes, or widowers without family. They are mostly single men.

9443. If a man had a wife or family, would you take him into the lodging-house?—No. We would communicate with the wife and find out why she was away from him, or whether he had left her, and we would recommend him to the Yard. The Shelter is not intended for married men.

9444. In dealing with these men, both in the Shelter and in the Yard, are you particular as to character?—We are not so particular as to character in giving them work, as we are when it is a grant or a loan that has to be given to them.

9445. But, for instance, is there any stipulation as to abstinence or sobriety before you take them into the Shelter?—Oh yes. One of the rules is that no man who is under the influence of drink will be admitted. Of course he may have been given to drink.

9446. You insist upon him coming in sober, and he must behave himself while there?—Yes.

9447. And of course he could not get drink there?—No—only when he may get permission to go out, and of course he would not be readmitted.

9448. How much do they earn in the Shelter?—6s. is the amount they are expected to earn, which is the cost of their keep.

9449. Do you pay them in money?—No, in food. Anything they earn above that is placed to their credit, and they get it when they leave, unless they forfeit it by misconduct. They sign an obligation to that effect when they enter.

9450. None of the men who have left you have had anything yet?—Nothing except one who had to be taken to the police office for disorderly conduct last Saturday night. He was fined 10s. 6d. or seven days, and he had something to his credit. He was a good workman. He had received permission to go out, and got under the influence of drink. He did not say where or how he had got it, but he had no money from us. When he came back he was very abusive and used bad language, so much so that the police had to interfere.

9451. He had some money with you?—Yes. He had a small sum at his credit.

9452. That will be forfeited?—Yes, according to the rules it should be forfeited. He was one of those men employed casually outside at some work for the Corporation.

9453. You send out men from your place?—Oh yes. We invite the public to send to us for men when they want work done. We had four out yesterday.

9454. How do they get paid when they are out? They will get full pay?—They are paid so much a day, but it is paid not to the men but to our Superintendent, who places the amount to their credit, after deducting the cost of their keep in the place.

9455. For outside work a man will earn from 15s. to 20s. a week?—2s. 6d. a day.

9456. How long had that man been at work?—He was there for a week.

9457. You would not consider it a legitimate employment of the balance to pay the fine?—I do not think so. I am afraid the Committee would not think so.

9458. Do you propose to extend this system of Shelters?—We of course have room for extending our present Shelter. There is accommodation there for over 100 men, but meantime we have only made provision for 50.

9459. Have you a Labour Colony or anything of the sort in Kyle Street, Dobbies' Loan?—That is the Industrial Shelter. It is not a Labour Colony.

9460. Now you come in contact with a large number of tramps, I suppose?—A great many tramps. A great many of them come over from Ireland.

9461. They ask assistance from some of your subscribers and they send them to you?—Yes, they do. A man comes over from Belfast, and he is no sooner on shore than he is begging assistance from somebody. They come over entirely penniless, and he is usually wanting to get back again. They often apply to Messrs. G. & J. Burns for a passage back. The firm send them to me and I deal with them. We have a great many American tramps.

9462. Well, what do you do with them?—We send them back, if we are satisfied that the statement they have given is correct.

9463. What do these men come across here for?—They say they come across for work, and they think they can get it in Glasgow.

9464. How long are they here generally before they fall into your hands?—Sometimes a day, but seldom more than a week.

9465. I have been informed by the Association for the Relief of Distressed Foreigners, which I believe works with you, that the foreign tramp in his lodging-house has frequently lists of every one with a smattering of the different foreign languages, and hints as to the story that is best suited to extract money from them. And I was advised, therefore, never to assist needy foreigners applying for relief, except through the agency of the Society. Have you any reason to believe that any similar system exists among the native tramps, that they have ledgerised the people from whom they might get assistance?—I have not heard of that, but I know from experience of the foreigners that come over here that half of them are rank impostors. They come over here and give a wrong name and tell a wrong story, and information is very difficult to be got regarding very many of them, but I have an arrangement with the Foreigners' Relief Society in Leith that if I want to send a man home to his own country I do not give him the passage warrant, because he might contrive to sell it in Leith, but send the order to the Leith Society, and they see him away by the steamer. In that way we get the man back to his own country. In many cases an order has been returned to me, as the man had attempted to sell it and did not want to go home.

9465A. Do you make any similar careful arrangement to prevent him disposing of his ticket to Leith?—We give him the railway ticket, and see him off in the train.

9466. And when you send a man back to Belfast?—We give an order to Messrs. G. & J. Burns, asking them to give the man a passage. In no case do we give money for warrants for passages, either by train or steamer.

9467. How many people apply to you for relief, or are referred to you in the course of a year, that is, to the Charity Organisation Society?—Last year we had applications for 11,107.

9468. How did you deal with them?—Of these 5773 were applications on behalf of the Children's Clothing Scheme. Setting aside the 5773, there were 2060 dismissed. They were found to be undeserving. Some had withdrawn their applications. They had found work, they said, and did not require any

Mr. John Traquair Strang.

18 Dec. 1894.

assistance from us. Others we found to be quite ineligible for various reasons. A good many had given false addresses. Others were found to be cases entirely for the Parohcial Board to deal with. Then we disposed indirectly of 1600 by referring them to such local institutions as were found to be suitable for them, and to private parties who wished information regarding them before they gave any assistance; and others were referred to the various Charity Organisation Societies throughout the kingdom who wished information from us.

9469. Others, you say, were sent to the various Charity Organisation Societies?—Well, information regarding them was given. They were not on the spot. They belonged to Glasgow, and they were applying to these Societies, or some of their subscribers, and they wanted information from us about them. Then we assisted directly ourselves, because there was no agency suitable for them here, 1415 by giving money grants and loans, and paying fares.

9470. You assisted directly 1415?—Well, of that number we assisted 862 by grants, loans, fares, lodging, and clothing; and 431 were assisted by employment, temporary employment and casual employment, and employment in our Labour Yard, and a number of women we get office cleaning for, charring work, and sewing.

9471. That includes your Labour Yard?—Yes, that includes the 251 men. Then we assisted 122 medically by giving them lines to the infirmaries and convalescent homes, and providing professional attendance at the homes of the applicants. According to the law of Scotland, an able-bodied man who has a sick wife or child in his house cannot get medical relief from the Parochial Board. He is refused it, and sent to us, when we provide the necessary medical attendance.

9472. What is your machinery for it?—We have four doctors—one in each district in the city; North, South, East, and West—and the charge they make is merely a nominal one. They are willing to give their services at a very small rate.

9473. These were cases, I suppose, of a nature too trifling for the infirmaries?—Well, they were not suitable for the infirmaries, and could be treated as well at home. A number of them got lines into the infirmaries from us, because they did not know where to get them, or the people to whom they applied did not want to give them the lines and sent them to us.

9474. Now you had 862 to whom you made grants and loans, and paid fares, and lodging tickets and clothing; what is the usual amount of the grant?—From 5s. up to £2, according to what the Committee think is required at the time.

9475. What would you give £2 for? To pay rent?—No. A man might have a large family, and he might want a little assistance to tide him over. Perhaps he might be in debt for groceries, or such like, and it is to help to get him out of debt.

9476. You distinguish between your grants and loans?—Yes, the loans are not given unless people are able to give us some personal security.

9477. Do you expect these grants ever to be refunded?—Some of them do occasionally refund them without being asked.

9478. Big ones?—Not very large ones. Perhaps £1.

9479. Out of £50 granted how much would you expect to get back?—Not very much in the way of grants.

9480. But you do sometimes get them back?—Yes. We do not ask them to repay. It is a donation given to them to help them, and some of them make a point of repaying, but very few of them.

9481. Then for loans you require some security?—Yes, we always ask for some personal security, if it is above a pound—that is, that some other person becomes responsible for the payment of it.

9482. Do you insist upon the person being a solvent person?—He must be a person who is able to undertake the small responsibility.

Mr. John Traquair Strang.

18 Dec. 1894.

9483. Have you often to come upon the surety?—Only once or twice. Not during this year, and during last year the loans have been very well repaid by the parties themselves.

9484. How much were your loans last year?—They would be about £30. Not very much; the Committee is very careful as to granting loans.

9485. The fact is, that the original purpose of your Association was not to disburse charity at all, but simply to make inquiries and to prevent the overlapping of charities?—Yes, and to repress mendicity.

9486. And this extra work has been entirely forced upon you?—Yes, by the very nature of our work we have been compelled to a large extent to become the almoners of the public. A number of people themselves give us money to disburse. Some even on behalf of their own clients.

9487. Have the London Charity Organisation Society gone into any of these schemes?—Not the Shelter, but they do not need to do so in London. Last year I had a talk with Mr. Loch, the secretary, on the matter. He did not think it was a wise thing for us to do, but I explained to him the difference between the English and Scotch Poor Law.

9488. Give us it?—An able-bodied man in Scotland cannot be dealt with by the Parochial Board.

9489. Well, that is true; but the cases that your Shelter is intended to deal with, are they necessarily such cases as in England would be dealt with by the Parochial authorities?—By the Casual Wards.

9490. But the Casual Wards do not take in men permanently? It is only for a night?—The man has to remain three nights.

9491. He may remain?—He has to remain if he is to do his work. I visited St. Giles Casual Ward in London a year ago. I may be misinformed, but I understood it was three days before he could accomplish the amount of work he had to do.

9492. About women, you do nothing for them except what is done by the Ladies' Auxiliary?—That is for sewing; but there are a great many respectable widows we assist by grants or recommend to other institutions, and we put the names of respectable women upon our lists for work for office-cleaning and such like.

9493. You have found employment for about 400 people in the course of the year. I suppose you have got machinery which enables you to find employment for about that number, and you mention that they work at wood-chopping, stone-breaking, and carpet-beating?—Yes.

9494. Have you abstained from doing anything for women because you find it is better to deal with them through existing organisations, or is it the difficulty of finding them suitable work?—It is the difficulty of getting suitable work. I recommended at one time the opening of a laundry where the women might be taught, but the Committee did not see their way at that time to go into it. They said there was a laundry already in existence. Of course that was for the prisoners; but there is no agency to deal with respectable ones in that way.

9495. Is there nothing beyond laundry work and sewing that suggests itself to your mind as a possible employment for women?—Not in the meantime. The difficulty is about interfering with other trades. It always leads to an outcry.

9496. In the matter of wood-chopping, who does that apart from you and the boys at Mr. Quarrier's Home?—The Parochial Boards all do it.

9497. Are there no outdoor labourers that do wood-chopping?—There are some wood and coal merchants do a little in that way.

9498. Do their employees not grumble at the bread being taken out of their mouths?—No; we pay more for wood-chopping than they do, and we sell at the same rate, and we buy our wood in the open market. We don't get any advantages in any way.

Mr. John Traquair Strang.

18 Dec. 1894.

9499. What profit is to be made at the wood-chopping?—There is none by us, for we lose over £200 a year because we have always more men than we require, and they are unskilled and unaccustomed to the work, and when they get into the way of it they generally fall into other work.

9500. Now about the stone-breaking: how does it work out financially?—I think we lose on it too, but I am not able to say anything as to the results of that yet, as we have not sold any of the stones that we have broken.

9501. When did you introduce the stone-breaking?—Just at the opening of the Shelter.

9502. I think you had it in the Labour Yard?—We have it in the Yard, because we have no room for it at the Shelter. It is in connection with the Shelter.

9503. How much is the task of a stone-breaker for his shilling a day?—He is paid at the rate of 2s. per cubic yard of stones, which is the usual rate.

9504. Do you know what the ordinary stone-breaker on the roadside may make?—I do not know, but I am told they make very good wages.

9505. Your stone-breakers have only to break half a yard in order to earn their shilling?—That is what each man would require to break. When we wanted one or two from the yard to chop wood at the Shelter, two of the men declined to go, as they were doing so well at the stone-breaking.

9506. Stone-breaking is a business that is more valuable as a means of living outside than wood-chopping?—Oh yes.

9507. What sort of stones is it you break?—A sort of whin.

9508. The usual stuff that is used for macadamising?—The same metal that is used by the Corporation contractors. The Corporation have undertaken to take it from us through their contractor, if we make it of the same metal and have it properly broken.

9509. You have never ascertained from the contractors what the ordinary stone-breaker working for himself can turn out?—His wages are about 24s. a week, I understand.

9510. At 2s. a cubic yard?—It is 2s. 2d. the outside rate, I think, but we pay only 2s.

9511. That is about 11 cubic yards in a week. Close on 2 cubic yards per day is what they must turn out?—Yes.

9512. And your task is only a quarter of that?—Yes.

9513. Of course a fresh hand cannot do anything like the full amount of work?—Oh no. There is a nack in nipping the stone and in the way of holding the hammer. A great many at first break the hammer handles, because they are not breaking stones in the right way. We have at present an experienced stone-breaker to teach them.

9514. Do you find that the men rapidly pull up in the amount of work they can turn out?—Oh yes. Those who are willing to work very soon get into it. But our Superintendent tells me that very often when a man earns his shilling he does not care to work another hand's turn.

9515. Do you encourage those men who exhibit this spirit?—No; we compel them to work on. When they have earned their shilling they want to get out, but they have not a sufficient excuse, and as they evidently wish to evade doing any more work that day, the Superintendent refuses to allow them.

9516. Now, in the matter of tramps, from what you have told us a very large percentage are undeserving?—Yes.

9517. I suppose you come across a number of decent workmen?—Yes; but a large number are undeserving, and will never be anything else unless severe measures are taken with them.

9518. You mention that you assist some of them by providing them with lodgings outside your Shelter: how do you do that?—We give a note to the Superintendent of one of the lodging-houses to provide the man with a night's lodging and food.

Mr. John Traquair Strang.

18 Dec. 1894.

9519. And that is strictly non-transferable?—Strictly; it is a note to the Superintendent, and he charges us with the cost. Each individual costs us 9d. We give extra to a man of that kind.

9520. What does he get for the 9d.?—Porridge and milk in the morning, and if he remains on during the day, as he sometimes has to do under special circumstances, he gets soup and bread, or perhaps tea, if he prefers it, and he gets porridge again to his supper.

9521. You stated just now that the undeserving class of tramps would always form a very large percentage of the tramp class unless some stringent steps were taken: what steps would you suggest?—I would confine him and make him work.

9522. You could hardly do that for merely tramping?—And begging; the tramps are begging.

9523. Of course, a large number of them?—They exist in that way. If they are tramping they are begging.

9524. Well, but how to get at the beggar?—I think the police ought to look after them very sharply.

9525. Well, people are loth to complain about begging?—Yes; I know.

9526. The existence of your Society gives them a sort of sop for their conscience. They give the man a reference to you, having paid their subscription to you, and they think they are assisting him if he is deserving; but if they have not got an outlet in the Charity Organisation they may give him a penny and never dream of complaining; is that not so?—That is quite true.

9527. You have done your utmost as a Society to try and induce people not to give alms, and I suppose you have absolutely failed?—We fail in some respects; but there is a certain class of people who will give, who cannot resist an appeal from any of those persons coming to them; but we have made very great progress in the way of preventing indiscriminate charity. It is not nearly so common as it used to be.

9528. What ramifications are there of the Charity Organisation Society throughout Scotland?—There is one in Dundee, one in Motherwell, one in Paisley, Edinburgh, Aberdeen; a small thing in Montrose I understand, but I have had no communication with them; and there is a small thing at Helensburgh, but it does not do very much except give a little relief.

9529. I suppose you find in the great majority of cases that come under your care that drink has been the original cause?—Yes, it is a very common fault; and indolence is another, and thoroughly bad character.

9530. Put aside the thoroughly bad character, and take the drunken and indolent classes: whether do you think drunkenness or pure indolence contributes most of the people coming within your scope?—Drunkenness. There is a larger percentage of drunkenness than indolence. But there are a great many indolent people, men, who prefer to let their wives do the work and they will sit at the fireside.

9531. You have spoken about 5773 people, or applicants, who have been assisted through the Children's Clothing Scheme. What is that?—They have not been assisted to that number. There are 5773 children applied for. They do not apply themselves, but applications on their behalf come to us through school teachers or the police, and through visitors in connection with churches who come across them and consider them to be needy cases. They represent 2342 families. These children were all under fourteen years of age. We clad, after due investigation, 3518. 1011 were not clad by us, but were referred to other agencies to be dealt with in a way that we could not do.

9532. As for example?—Well, there were a great many of them put under the supervision of the

Mr. John Traquair Strang.

18 Dec. 1894.

Prevention of Cruelty to Children Society, and with salutary effects in many cases I am glad to say. After a considerable amount of watching some of them have done their duty to their children.

9533. Others?—Others were declined entirely. 1244 were declined. They were in receipt of Parochial relief, and were therefore receiving, or entitled to receive, the necessary clothing from the Boards in virtue of being on the roll; and others were found not to require any assistance.

9534. Now take the case of the 3518 you assisted: what protection did you take to prevent the clothing being misappropriated?—In the first place every article was stamped, both boots and garments. Intimation was sent to the pawnbrokers through the police that the articles issued by the Society remained the property of the Society, that they bore certain marks, and that it would be illegal to take them. Then the police in the district were advised by the convener of our Committee that there were children clothed in such and such a place, with a request that they were to keep them under their supervision. The school teachers were also advised regarding those who were attending schools. We had all these checks. The pawnbrokers, I am glad to say, have co-operated well with us.

9535. Have there been any attempts?—There have been a few; not more than a dozen came before us last winter, and all these were unsuccessful. The pawnbrokers sent notice to us through the police.

9536. How long has your scheme been in operation?—It commenced last winter.

9537. And it was successful?—It was successful last winter. I do not think the public or any one knows the amount of labour that has been undertaken in connection with it. It is not the mere giving the children clothing, but it has brought before us a great many distressing cases of children neglected by parents not doing their duty towards them who were perfectly able to do it. Attention was called to the matter, and they were put under the supervision of the Cruelty to Children officers, and a great change took place.

9538. In the investigations into these cases you saw a great deal of the more squalid side of Glasgow life?—Some of it exceedingly bad. Some of it revealed a revolting state of child life which one would scarcely think possible.

9539. I saw in a paper yesterday the case of a man, a labourer, I think, who had been found dead in his house; and when the police went there they found no bed, only a few rags on the floor, and a lot of children lying on that—in fact the most abject state of dirt and misery. The man had been in ill-health and had died, I suppose. That is not a rare occurrence—I do not mean the man dying, but I mean the squalidness?—Oh, there are a great many cases we come across where there is not a thing in the house.

9540. Where do the children lie?—On the floor, in whatever clothes they may have, in their dirt and misery.

9541. I have asked you this for this purpose: do you think, in the case of children brought up in that condition, it would be any great punishment to spend a few days in a prison cell?—For the parents?

9542. No. Do you think it would be any great punishment on the children to exchange sleeping on the floor in their ragged clothes, without much covering and without fire, to exchange that for a week in the cell of a prison; do you think that imprisonment would be likely to have any deterrent effect upon such children?—I do not think it.

9543. You have seen so much squalor in the lives of these children, and I suppose young persons, that to many of them there must be mitigating virtues in prison life in regard to comfort, good feeding, and so on?—Oh yes. It would not have any effect on the children. They are not able to control themselves.

9544. I am not talking of the children. I am asking you to give us your opinion as to what you have seen, and it is for us to judge of the deterrent effects. Many of these children are petty criminals, many of them up for thefts, and so on?—I have not come across any.

9545. No?—Not in connection with our clothing scheme. We have had a large number passed through our hands—5773—and I have not seen a single report about them being guilty of theft.

9546. I was not casting any aspersion upon your children, but there are a great many taken up for petty thefts, and they are all found in reformatories and jails?—I do not approve of them being sent to prison.

9547. I did not express any approval. You think they would be much better kept out of prison?—Yes; they would be better taken from home, but not to prison. There should be some way of dealing with them in an institution.

9548. In connection with tramps, you have not told us anything as to the children: are there a great number of children of tramps going about?—There have not many come under our notice in Glasgow. There are more, I believe, in the country and other places. The tramp who passes through Glasgow is the single man or the man who has deserted his wife or family in some other part of the country.

9549. But have you had the case of a man applying to you with children?—I have had cases of men turned out with their children from their houses in Glasgow, and we have had to lodge them for a time.

9550. What do you do with the wife and children in these cases?—They are lodged also.

9551. Where do you send the wife and children?—To the Night Asylum. A lodging-house will not take a man and his family. You must send the man to a men's lodging-house, and the woman and her children to a female lodging-house, and the female lodging-house does not care to take in children.

9552. Then, about the Night Asylum: you know it?—Yes.

9553. How are the inmates treated there: do they get supper after they go in?—Yes; and they get something next morning.

9554. How do they sleep?—On a shakedown on the floor.

9555. Or do they sleep on the boards?—No, they have something to lie on, but it is not comfortable; I have not seen it, but it is not the bare floor, indeed I was asking that question yesterday.

9556. (*By Col. M'Hardy.*) What is the general character of the men who come to you for relief, I mean the adults, are they people of irregular lives?—Well, a large number of them are men who have been in employment, labouring men who have been thrown out of employment by dull trade. They have, unfortunately, small wages, and they have, still more unfortunately, large families. They are not many days out of employment until they are on the rocks and require assistance. We have a great many of that class.

9557. That is a resident class you are speaking of?—Yes.

9558. When work fails in the country generally, I suppose the numbers applying to you must increase enormously?—Principally in the winter.

9559. Now I understand you to say that the great bulk of them, when they get the test of labour which you set them, leave it?—A great many of them do. Some of them refuse entirely to take any work.

9560. I think you say about 60 per cent. of those applying won't work?—Yes; some of them go for an hour or two, and some of them for a day, and then they leave.

9561. How do you explain them going away when you tell me that they are really men who have been in work and have lost that work through trade variations, but that they won't work for you, the great bulk of them?—Well, I cannot tell why they won't

work. They prefer to have assistance and to go about looking for work for themselves, some of them say.

9562. That is going about Glasgow you mean, I suppose?—Yes.

9563. But the numbers that go about Glasgow begging are apparently comparatively small. The judicial statistics returns for last year show that there are only 460 convictions for begging altogether?—Yes.

9564. I want to get at the life of those people—the 60 per cent. of those who apply to you and who refuse your labour test—can you tell us how they exist?—They must be begging, but I cannot tell exactly: I am not prepared to say definitely.

9565. But it is the great majority of the people you meet with?—That is the fact. Those that come before us are offered this work, and they refuse it.

9566. I should like to press this question, because it seems to be the great majority of the people you deal with; have you never looked up or found out from the police or any other way what they do, or what becomes of them?—No.

9567. Labour that you give them is not very severe, and apparently from what you tell us and the Chairman it is only a quarter of what the ordinary working man does?—That is the cost of his keep. He must earn that in a day. Of course if he earns more than that it is placed to his credit. He must at least earn his own keep in a day.

9568. But I understood they did not earn very much more?—They are not disposed to earn very much more evidently from what our Superintendent tells me.

9569. I can understand that the thoroughly untrained man in breaking stones may not do nearly so much as one who has been at it all his life, but if these men are labouring men who have been thrown out of work, they must be acquainted with the use of tools, the ordinary tools for labouring work, and they can certainly produce more than half a yard cubic a day. Your Society as soon as they come up to the minimum does not urge them to go on and really to work so as to amass money for the coming day?—Well, we don't urge them to do any more than will keep them for the time being. Our work is simply work instead of relief. We want to tide them over the time being. We are not wishing to give them good wages, so as to induce them to settle down there.

9570. But you can sell the stone?—At a loss.

9571. I do not understand why you do not urge these men to do more than they do. You apparently are winking at their doing very much, provided they pay for their cost of lodging?—No, we encourage them to do more by telling them that if they earn over and above their cost, it will be placed to their credit.

9572. Yes, but I cannot understand that the ordinary working man of this country, unless he is a waif, if he saw his chance of making 2s. 6d. a day, would not make it. How do you explain that?—There are a lot of these men, so far as we see, who are apparently able enough, but they don't wish to exert themselves.

9573. But that is not the ordinary working Scot, the man who is thrown out of work by the action of trade causes. If he is a loafer, if these men are a fraud, too lazy, I can understand all you have told to the Chairman, but I cannot understand what you told him just now that these are simply men just thrown idle, by the circumstances of trade, against their will?—Well, a great many of them are that.

9574. But still these men won't make 2s. 6d. when they get the chance?—They won't make 2s. 6d., but they make more than those who are of the loafing class.

9575. You say that very, very few make more than 1s. a day, that very few of them wanted to make more. What I am wanting to get at is whether you are correct in saying these men who have come to you are really working labouring men with every desire to work hard, or are simply more or less the loafing class of men?—Well, I would say that about one-third are of the loafing class.

Mr. John Traquair Strang.

18 Dec. 1894.

9576. Not more than that?—Not more.

9577. We have arrived at this, that of those who come to you two-thirds refuse work, and of the one-third that do accept the work two-thirds are simply men out of work from circumstances of trade, and the remaining one-third are of the loafing class?—Yes; it is those who have accepted work only that I have to speak of; I don't know about the others except that they refuse our work. Of that number there are a great many quite willing to work and try to make the most they can. There are others who, whether from physical incapacity or unwillingness I cannot tell, do not, I suspect perhaps it is both.

9578. What I wanted to get at is this: have you through your Society sufficient means to offer work and to provide work for every man who is anxious to work but has not got work in Glasgow?—Not if there were a large number of them. We would require to apply, as we have done before, to the magistrates to provide work.

9579. At the present time the numbers who go about are below your capacity for reception?—No, they are not below it. They are just about as much as we are able to overtake. We could not take more than 40 a day in our Yard and 50 in the other place.

9580. Apparently by increasing your labour test a little bit you would knock off another third?—Yes.

9581. So that possibly you would get at the residuum who are anxious to work?—Yes. Even at present, I might say, we would require an extension of our machinery. As it is we have not got sufficient to overtake all that apply. We have to refuse every week a number of men who want to get work.

9582. (*By the Chairman.*) Have you got a pay-sheet for the Shelter or the Yard?—We have a pay-book which our Superintendent keeps in the Yard.

9583. Could he give us a week's pay-sheet of each?—Yes.

9584. Will you send them to the Secretary?—Yes.

9585. (*By Col. M'Hardy.*) Your Society has been formed for the purpose of centralising benevolent efforts?—Yes; to prevent overlapping.

9586. Now, there is a Society called the Discharged Prisoners' Aid Society in Glasgow which exercises itself largely in obtaining labour for prisoners?—Yes.

9587. In what way do you co-operate with that Society?—The Superintendent, Mr. Lawson, when he cannot get work for some of his prisoners or has a little doubt about a man, and wishes him tried for a short time, sends him with a note and asks me to give him a fortnight's work in our Yard, and report to him how he gets on.

9588. So that you are in full touch with that Society?—Yes.

9589. You don't, I understand, pay rent for the Yard which you occupy for stone-breaking and wood-chopping in Alexandra Parade?—No, we get it rent free from the magistrates.

9590. What area do you occupy; roughly, is it 2 acres?—It is about 1 acre.

9591. What would be the rent of it, supposing it were charged by the Corporation?—I should think it would be £30 or £40 a year, judging by what was asked for a piece of ground next to our Shelter in Port Dundas about the same size, and which we were looking at about a year ago. They wanted £40 a year, or £2 a square yard if we would buy it.

9592. As to the artisans who come to you, as distinct from the labourers, are these artisans first-class workmen?—No; I am not prepared to say they are. There might be one or two among them.

Mr. John Traquair Strang.

18 Dec. 1894.

9593. As a matter of fact it is a thing unknown for a first-class workman, except under the most exceptional circumstances, to be wandering about in search of employment?—In our experience there is something radically wrong when he is; it is drink or something.

9594. But the normal, well-doing, first-class workman, have you ever seen him begging or requiring relief from anybody?—Well, we had a few cases of that kind during the recent great coal strike.

9595. In an exceptional time?—Yes.

9596. But it is a very rare thing to find in this country?—Very rare; there is something radically wrong when a regular, well-behaved working man is out.

9597. You told us some very interesting things about the numbers who came into Glasgow by sea in search of work: can you give us the number of those that you dealt with?—No; I have not got any record.

9598. How many have you sent back to Ireland in a year?—I cannot just detail it; I have not got the particulars.

9599. Could you give us an approximation?—In summer time especially we have two or three a week.

9600. Sent back?—No; coming over from Ireland and applying. They are not all sent back, because we find some of them are not telling what is correct.

9601. How many are sent back?—Perhaps 20 or 30 in a year.

9602. That is a small number?—That is out of perhaps about 50 applications to me.

9603. But of course the number of people coming to Glasgow from Ireland in order to work in Scotland at potato digging, harvest work, and other things is enormously larger than the figures you have given?—Oh yes.

9604. So that it is comparatively a small number?—Yes, of Irish.

9605. Is any objection made by any of the Irish authorities to your sending these people back?—No.

9606. Never heard of that?—No; but I have difficulty in getting information from the Irish authorities about these people. It looks very much as if they did not want them back.

9607. (*By Miss Stevenson.*) Do the women employed through the Ladies' Auxiliary undertake the making of clothing that is given to the children under the scheme for clothing destitute children?—Not altogether; they get a part of it to do.

9608. Who does the rest?—The rest was done by the ladies themselves last year.

9609. You have not in connection with your Association any workroom for women analogous to the Labour Shelter you have for the men?—No, not beyond what is kept up by the Ladies' Auxiliary.

9610. You said that when married people came to you, you could not get lodgings for them without sending the man to one place and the woman to another; have you no lodgings in Glasgow for married persons and women?—No; not together, unless in the ordinary private lodging-houses, which we don't deal with. It is only the Corporation lodging-houses we send to.

9611. And the Corporation of Glasgow have no such lodging-houses for married persons as they have in Edinburgh?—No.

9612. (*By Dr. Sutherland.*) Is begging and vagrancy in your opinion adequately looked after by the police?—Yes; I think it is looked after very well by the police. I am of opinion that there are a great many cases that elude the vigilance of the police, but that is not their fault.

9613. Are there very many inveterate beggars in Glasgow and suburbs?—There are.

9614 And the police don't deal with these people?—Because they don't come under their notice. The people to whom they apply don't report them, and the police don't know of them. The police may see a man or a woman going up a close, but it is difficult for them to tell what they are doing, or what errand they might be on.

Mr. John Traquair Strang.

18 Dec. 1894.

9615. Do the police interfere at all with single men or women and children who go into back courtyards and sing all day long for alms?—I am not aware of them doing it.

9616. Was not your Shelter in Kyle Street instituted as a feeder to a prospective labour colony?—No, it was not.

9617. Was there during the negotiations with the Association for Improving the Condition of the People no such idea mooted?—Well, the Association for the Improvement of the Condition of the People meant it to be a feeder to their labour colony when they got one started, but I have often told them that I thought there was a more effective and less expensive way of dealing with these men than that. When a man is sent to a labour colony what is he to attain to? He is simply perhaps to make his own bare living; but the object of this Shelter ought to be to get a man lifted out of the state into which he has fallen and get him back to work, where he will earn eighteen to twenty shillings a week. He will never earn that in a labour colony.

9618. That is your view; but there was an idea at the time that the Shelter was started that it would be a feeder to the labour colony?—That is so.

9619. You don't restrict a man as to work?—The more work a man can do the better for himself.

9620. Do you mean to say that you don't come across good artisans searching for employment?—They don't apply to us nor to any relief association.

9621. But do you know if there are skilled artisans, many of them, in Glasgow in search of employment although they don't come under your cognisance?—I believe there are, but they don't apply for charity.

9622. (*By Dr. Farquharson.*) Did you say that your labour test, speaking generally, was a means of distinguishing between the mere loafer and the man who wants to work?—Thoroughly.

9623. Then, when you had the Shelter on the old principle, was it taken too much advantage of by the loafer without the labour test; was that not the way you began first, with a Shelter where there was no labour test?—No; our Labour Yard was the first begun; we had no Shelter. Before we opened our Labour Ward we gave assistance to able-bodied men, but the Committee considered that the proper kind of relief to an able-bodied man should be founded upon work. It is not degrading to give a man work to do, though at a small rate. A number of them prefer it. They say they don't want charity.

9624. I think you said you would like to have your machinery extended?—Yes.

9625. Do you mean by that that you would like a greater variety of work introduced?—Yes, more work and more room to give more men work, and a variety of kinds of work.

9626. What variety would you prefer?—That is exercising the attention of the Committee just now in connection with the Shelter. We have got stone-breaking, wood-chopping, and carpet-beating, and we have got an offer of hair-teasing from one of the public institutions in Glasgow, and we have also had an offer of teasing rope, that is, teasing old ropes back into hemp. I don't know exactly what other kinds of work might be given, but we are on the look-out for other kinds.

9627. Have you any opinion as to the respective merits of indoor and outdoor work?—We would prefer to get them all outdoor work.

9628. Do you think their chance of getting work afterwards would be better by putting them on that kind of line?—Yes, I think so; many of them would be picked up and would get into regular work in that way. We have a few, as I explained, doing outside work just now from the Shelter.

9629. Is there a restricted scope for stone-breaking and wood-chopping?—We cannot supply the demand for firewood at the present time.

Mr. John Traquair Strang.

18 Dec. 1894.

9630. In regard to the stone-breaking, is it not the case that the breaking of road metal is now done pretty much by machinery?—I believe there is a great deal of it broken by machinery.

9631. Do you call the wood-chopping skilled labour?—It requires a little practice. The man requires to know how to hold his hatchet and the wood so as not to chop off his fingers, and he requires to be careful at first till he gets into the way of it. At first we got the men to saw the wood, but now we get it sawn for them by the aid of a gas engine.

9632. You don't make any arrangements for getting them work?—Except by asking the public in our annual report to apply to us when they want respectable men or women. They sometimes apply to us.

9633. Do you consider it would be of importance in your machinery if you had a labour bureau?—Well, my answer would just be what I said at Rochdale last year, at the Conference there. One of the newspapers here in Glasgow had something of that kind last winter, but it was not very successful. They offered to advertise free of charge, and they had a large number of applications, but it was a very small number that they evidently got into work. I explained that there was no need for employers of labour to apply to a labour bureau, because they have at their gates every morning plenty of people applying for work from whom they can select.

9634. Then, has a working man out of work suddenly arriving in Glasgow any difficulty in finding out your place; how does he find it out?—There is no difficulty apparently. They seem to be no sooner in the city than they find it out. They apply generally to some private individual at first, from whom they get a note or one of our investigation tickets, and they find us in that way.

9635. Suppose a man comes to your door, and has no ticket or friend, do you put him on the way to get a ticket from a subscriber?—No; we take his name down if we think he is a *bonâ fide* case.

9636. And if he is absolutely destitute he is sent to your Shelter or elsewhere?—Yes.

9637. There is no difficulty in a man coming suddenly into Glasgow getting shelter?—So far as we are concerned there is no difficulty, but inquiry is made afterwards about them.

Mr. John Traquair Strang.

18 Dec. 1894.

9638. You say you would like to lock up the beggar; you would have a certain number of convictions, I suppose?—Well, I would not shut him up on a first conviction, but I would on a second. Alongside that I think there should be some plan or system whereby a magistrate, having a case of that kind, should pass him on to some agency for work, with a request to give him work, and report how he is doing. If a man leaves in a short time and is again found begging, then I would deal with him.

9639. Would you shut him up permanently?—I would send him to prison.

9640. Would you make the law more stringent?—I think it would need to be more stringent.

9641. (*By the Chairman.*) We were told that there were 5300 people who last year sought and got shelter for the night in the police offices of Glasgow; do you know anything about that?—No.

9642. Bailie Chisholm, when he was asked whether there was any provision the same as casual wards in Glasgow, said no, but that there were a considerable number of people who came to the police offices for protection and were kept there for a night. As a fact, 5304 persons did at their own solicitation receive protection in the police offices last year. Captain Boyd, the Chief-Constable, corroborates that. He said they had a great many people who came and asked protection and shelter for the night. You have heard now that there are 5300 of these people who applied to the police last year for shelter—that is nearly as large a number as applied to you altogether, in fact it is a larger number of adults than applied to you altogether—and you were not aware of the existence of this?—I was not, and I am surprised to hear it.

9643. And you have no case referred to you by the police from that lot?—No. [Witness then withdrew.]

Mr. Robert Patrick Wright.

MR. ROBERT PATRICK WRIGHT, F.H.A.S., Professor of Agriculture in the Glasgow and West of Scotland Technical College, called in and examined.

Mr. Robert Patrick Wright.

9644. (*By the Chairman.*) You are Professor of Agriculture in the Glasgow and West of Scotland Technical College?—I am.

9645. You were one of the Committee appointed by the Association for Improving the Condition of the People to inquire into and report on the subject of labour colonies, and with that view you visited Germany?—Yes.

9646. The Committee consisted of Professor Mavor, yourself, Mr. Motion, and Mr. Speir?—Yes.

9647. Tell us the general principle of these labour colonies?—The general principle of the colonies is to establish farms where work can be provided for any men who apply, and who say they are out of work. In return for their work they receive practically board and lodging, with, in certain cases, a slight addition in wages. That is, I think, the central principle of the labour colony.

9648. You divide them in this pamphlet of yours into two classes—self-contained or non-competitive and competitive? Some of them produce simply materials for their own maintenance and others produce for sale in the markets?—That is so. They are generally divided into these two classes, but the distinction is made more precise in our recommendation than it is in reality. The recommendation submitted the two alternative methods, but in Germany I do not think the two alternatives are so distinctly separated. Perhaps I should say that, apart from that visit, I visited some other colonies this summer.

9649. What colonies did you visit in connection with the deputation?—As a member of the deputation I visited the labour colony in Berlin itself, which is not a farm colony, but has a small farm colony connected with it, and the farm colonies at Fredrickswille, in the province of Brandenburg, and at Rickling, in Schleswig-Holstein. We also visited the Salvation Army farm colony at Hadleigh-on-Thames in Essex.

9650. Then let us take the colony at Berlin; how does it work?—It works successfully.

9651. But let us have the machinery; how are the men admitted?—I shall have to refer you to the report. The inspection of the city colony fell more to Mr. Motion; I was connected more with the inspection of farm colonies. In the case of the farm colonies the men are admitted on their own application. I am not quite certain if there is any difference in regard to the labour colony in the city. Referring to the supplement to the report I see that the principle appears to be the same, namely, that men are admitted when they apply.

9652. The Berlin place is more of a receiving agency?—The Berlin colony, so-called, was originally so. It was established altogether apart from the farm colony system, and the managers emphatically advised us that no colony should be started on the same principle again, and that it was extremely difficult to manage the men apart from the farm colony, to which the men could be drafted.

9653. I think there is a statement in your report as to the men's earnings and their cost?—Yes.

9654. A man goes in there, and he is obliged to do a certain amount of work. His maintenance costs about 3s. 6d. a week?—The total cost of food, as stated in our report, is three shillings.

9655. And besides they are obliged to pay on his behalf twopence a week for insurance for an old age

Mr. Robert Patrick Wright.

18 Dec. 1894.

pension and a halfpenny a week against sickness?—That is not within my province; I do not remember about it.

9656. Well, let us take one of the pure farm colonies; how are the people got to the farm colonies?—The men apply. They simply go to the farm, and are generally received if they are men in good health. They decline to receive men who are sick. They decline also to receive men who are too old to earn their own living by working. Every able-bodied applicant who says he is in a state of poverty is received, provided there is no record against him as having been an unmanageable vagabond in any of the other colonies.

9657. When he gets there has he to come under any obligation to stay for a certain time, or is there no limit as to what the amount of time should be?—He can remain. There is in each of the colonies a different regulation in that respect. In some of the colonies the men are received for two or three days—generally that is the principle—to see if the colony life will suit them, and if they will like it. After that they have to sign an agreement as a rule to remain for a few weeks. The length of time is variable in different colonies. Subsequently there is no fixed agreement. They simply remain till they find situations either by their own exertions or through the exertions of the colony.

9658. But is there any limit at which they are turned out?—The limit in some of the colonies is two years. There is no absolute limit, but it is said that a hint is given to them to leave.

9659. What is the cost of their subsistence?—It varies very much according to the farm that has been selected.

9660. Per man I mean?—Yes; it depends on the nature of the farm that has been selected.

9661. At Schleswig-Holstein, for instance?—Of the colonies visited by us the cost, that is, the deficit incurred——

9662. No; I want to take a colony so far as regards the individual?—The expenditure over and above his food is £8 to £12 per annum.

9663. But the man does not benefit by the establishment expenses?—No.

9664. You have a statement in the report, I think, of the cost of the men?—These are in a measure estimates. They run from three shillings to three and sixpence a week per man.

9665. Does the man get any wages besides?—After having been there for a certain length of time. Each colony has its own regulations. Perhaps when a man has been there a month or six weeks a small allowance is made to him, in addition to his wages.

9666. And that is hoarded up by the authorities?—In the first instance, it is kept to pay the cost of the clothing which would be given to him when he enters the colony. Subsequently it is hoarded up for him by the colony.

9667. Can you tell us anything about the average earnings of the men during their stay in the colonies?—I am not sure that I have any particulars of that fact.

9668. The deficit of which you have spoken of, £10 or £12 a year, there is no encroachment made upon the man's earnings to try and make up that deficit?—No.

9669. In these colonies they have got certain statutory powers of detention and for the purpose of enforcing discipline and legalising detention of the accumulated earnings in cases of breach of the rules of the establishment which don't exist in this country?—They have no powers to detain the men so far as I am aware.

9670. We have a statement made to us that the powers are much more extensive in Germany with regard to people in these colonies?—I understand that these regulations apply to ordinary tramps outside the colonies, but they do not seem to be enforced with regard to men in the colonies. I have never heard any reference to police interference in the actual management of the colonies. I think you will find my statement correct that they do not apply these powers on the colonies.

Mr. Robert Patrick Wright.

18 Dec. 1894.

9671. Can you tell me the meaning of this paragraph in your own report?—"It has to be borne in mind that the German criminal law is more comprehensive than our own in so far as it confers more extensive powers over the class of persons for whom the labour colony is intended, that is to say, the laws prevailing in Germany take up and deal with these cases." Can you tell us what powers are conferred by the German laws on persons who carry on or manage or take care of these labour colonies? The point I wish to emphasise is more as to the imprisonment and punishment under the 365th section of the German Code?—Well, it appears to be applied to men engaged in begging and vagabondage. It is not applied to men on the colonies or while they remain on the colonies.

9672. This deficit of £8 to £12 you speak of per head, is it brought out after allowing full value for the man's food by the colonies?—No; that is not so. It is a deficit incurred altogether apart from the original capital invested in the colony, or the added capital value of the colony by improvement or otherwise. It is the annual balance between revenue and expenditure.

9673. But then that is absolutely misleading and erroneous. The farm we shall say cost £1000. It consisted of moorland, and it is improved to the extent of £500 by labour. Is that £500 credited before bringing out this deficit?—No.

9674. Then do you make out that these are paying concerns?—No; I can't say that. Take, for example, the colony at Rickling, where land has been taken to improve. Some think that the whole of the expenditure in the colony has been recovered in the improved value of the land, but no one could definitely prove that, and we were very sceptical in regard to this. It depends very much on the nature of the subject originally taken.

9675. You have told us about several labour colonies. Are they all for the employment of males?—Entirely.

9676. And what would you do with the corresponding class of females?—As far as I am aware there is no system of a similar character for dealing with the female.

9677. There is some machinery for passing on tramps?—There is.

9678. And you cannot explain that?—Not accurately. I have only read about it. There appear to be small stations—*herberge*—at which tramps obtain a night's shelter, and they are either drafted to the colonies or receive tickets to enable them to get work. It is a sort of lodging-house where they get a night's shelter.

9679. Are they arranged by parishes or supported by a central authority?—I think they are arranged by a central authority. All the farm colonies are associated together, but I am not sure whether the *herberge* are arranged by that association or a local authority.

9680. Is there any labour test, any equivalent to manual labour for a night's lodging?—I think so.

9681. You don't know anything about labour colonies for women?—No.

9682. I understand there are some compulsory labour colonies?—Not exactly of that nature. The chief branches of the system are three. There is the labour yard in the city, the farm colony in the country, and finally, the House of Correction. I think that is what you refer to in speaking of compulsion.

9683. That is where incorrigible tramps and vagabonds are committed. That is the House of Correction. What is the German term?—I have only got the translation now. I have not got the German name.

9684. And you have not seen any of these working?—No.

9685. Have you any other matter which you can

place before us?—Speaking of the question of capital I said that the average cost apart from the question of capital amounted to from £8 to £12 at most of them; but there is one colony, that of Magdeburg, which is said to be self-supporting. That statement is given on the authority of a French Commission which inspected these colonies. The colony of Hadleigh in England has not yet been self-supporting, but a very competent authority—Mr. Moore—on agricultural matters has expressed the opinion that it might be made self-supporting, and I am rather inclined to hold the same opinion, because the nature of the farm has been particularly well-selected.

9686. To what do you attribute the self-supporting nature in Magdeburg as compared with the losing colony?—It entirely depends on the kind of farm and the nature of the land adopted; and in Magdeburg the nature of the farm is largely of the nature of market-gardening, which gives a much larger return than any other mode of farming, the results depending on the various conditions.

9687. But you have said that where the deficit is brought out no credit is taken for the improvement of the land?—Quite so. That raises a point on which it is very difficult to get accurate information, because of all the farms where land has been improved no sale of a farm has occurred, so that only an estimated valuation is available; but on the colony of Rickling some hold that the whole capital has been repaid in the increased value of the land.

9688. You have been at Rickling, and you know the nature of the land?—Yes.

9689. Is that General Booth's scheme?—No, Hadleigh is General Booth's farm.

9690. Does General Booth's scheme include men and women?—When we were there it was entirely male.

9691. Rickling is for habitual drunkards?—No, it is an ordinary farm colony; but there is attached to it a separate institution for habitual drunkards. It is adjacent to it, but not connected with it.

9692. And do the habitual drunkards work on the farm?—The habitual drunkards in the separate institution are kept altogether apart from the colony.

9693. (*By Dr. Farquharson.*) I think you said that in German colonies they take in men without a character, so to speak?—Oh yes. A man is asked to give a full account of himself, and that account is written down, and then they subsequently make an effort through the officers of the colony to find out through his companions how far his story is accurate; and they say that as a rule they find out pretty well what the man's career has been.

9694. They do not pick men to send to the farms who have had previous agricultural training?—No; they represent all sorts of trades—artisans and tradesmen, and even men of higher education and standing.

9695. Do they find that they soon pick up farming work?—They regard them as inefficient to begin with. The general feeling is that it requires three of them to give labour as good as one agricultural labourer.

9696. That is the first year?—All through on the average.

9697. Was your attention ever called to a report of Sir John M'Neil on the four German labour colonies in which he states it would take fifteen to do as much work as one free labourer?—Three or four is the number I have got on all the colonies I have seen, and with regard to the better class of agricultural labour the statement generally was that the better the man was educated the sooner they learned to become efficient labourers.

9698. Their physical weakness does not affect them?—At first it does, but after about two months they generally work well, because they have to lead sober lives under healthy conditions.

9699. Is it found that the purely agricultural labourer does as efficient work as at farms outside?—The purely efficient labourer never goes to the farm colony. It is only the man who has been reduced by drink who goes.

9700. But do not the unemployed agricultural labourers go. I mean a certain number who cannot get work when they want it. Would not their work be equally as efficient as under ordinary circumstances?—That is so.

9701. To what do you attribute the large deficit?—There are large expenses of management to begin with. Then there is the fact that the labour has to be expended in large measure in an unremunerative way, very often in an improvement of waste land. The improvement of very poor land cannot as a rule be made commercially remunerative. To a certain extent it repays the labour, but not fully. Then there is the difficulty, arising from the large number of hands on the farm, of putting the labour to remunerative application. It has often to be diverted to uses merely to keep the men employed. A very great deal depends on the skill of the management.

9702. But you expressed the opinion that if there was good soil it ought to be made remunerative?—It entirely depends on circumstances. If the subject taken is originally of small capital value and is capable of being made very good agricultural soil, then the whole capital might be recouped, but in most cases they have very poor land incapable of being made very good.

9703. But would you charge rent and calculate it?—Properly it should, but I have not included that in the statement I have made.

9704. Does General Booth's colony pay?—Not yet.

9705. Is it likely to?—It certainly fulfils all the conditions of a farm colony better than any I have seen. I have given you Mr. Moore's opinion, and he is a very capable land valuator; and I do not see why it might not become self-supporting, providing too many men are not put on it. If you put more men on it than can be properly employed you cause a deficit.

9706. Are the farms in Germany mixed farms as here?—Yes; as a general rule, however, an attempt has been made to get very poor land.

9707. Have they never taken into consideration the desirability of employing women in agricultural operations? So far as I know it has not been considered. They have always felt it was impossible to put men and women on the same colonies.

9708. But supposing this Committee were prepared to recommend a sphere of labour for chronic inebriates and other chronic offenders, would you not consider that women might be included in that special form of labour colony?—I do not see why they should not; but not on the same colony. You would require separate colonies.

9709. But you do not see why they should not perform work there?—You would require more paid officials and a more expensive management.

9709A. In Germany are the farms worked entirely by the unemployed, or have they any of the chronic inebriates and chronic offenders that we have here?—The statement was made that apart from discharged prisoners 90 per cent. were brought there by drink or sensuality.

9710. Are the chronic inebriates sentenced by the State?—They go there voluntarily, and can come and go when they please. The average duration of their stay is variously given, and I think myself it depends on the character of the superintendent and managers. As far as I can say, the residence on the average appears to be about three months; but while some men remain a very short time, others remain from two to three years, and some even more.

9711. Do they follow them up afterwards?—The colony makes an effort to find occupation for all the best class of men. In some cases they give them certificates of good conduct, but they have no means of following them up further than if their employers chose, or if they give information themselves.

9712. Are they compulsorily kept from drink during the time they are there?—They are not allowed to

Mr. Robert Patrick Wright.

18 Dec. 1894.

go beyond the farm, and all the colonies are conducted on the temperance principle, except on feast days or special occasions, when they are allowed a little beer, or a man on a special occasion may be allowed 6d. for beer.

9713. What class of agricultural labour do you think best fitted for women?—Market-gardening. The difficulties with regard to women would arise solely where you had heavy work and horse work to do, but on market-gardens it is light labour. Digging is rather heavy work for women, of course.

9714. Is not digging a very large portion of the work?—I am afraid their digging operations would not be very successful. It would have to be done by others.

9715. Would not this difficulty be met by employing a number of hired labourers?—Yes, respectable hired men. You require both more men of the kind and more officials.

9716. (*By the Chairman.*) How many men would be required per acre for market-gardening. How many free labouring men?—I think one per acre is the maximum that could be employed.

9717. And taking digging into consideration?—Estimating for the whole year round, one efficient labourer per acre.

9718. Then if you employed as much female labour as you could that would reduce it to one for every two or three acres?—Much more, I should think.

9719. How many women would you put on per acre on the highest and most minute form of market-gardening?—The largest number of hands usually employed is one per acre, which includes men and women.

9720. If you allow all these women to do the work of one regular female agricultural worker you could not employ more than six women per acre?—Not so many, therefore you would require a large amount of land to employ them.

9721. (*By Dr. Farquharson.*) Would you include poultry-farming among the occupations that women might be engaged at?—Yes, it is a suitable branch.

9722. Is it the fact that poultry-farming has invariably failed in this country when tried on a large scale?—Yes; it has failed because it does not give much remuneration. It may pay its way, but there is no chance of a profit except where the labour is given for nothing.

9723. (*By the Chairman.*) How does it succeed on a small scale then?—It succeeds on a small scale because the costs of management are not included. A person has some spare time, and is able to sell at high rates; but when it is conducted on a large scale, they only get wholesale prices for the goods, and they have to pay the cost of management.

9724. Is it the difficulty about the land?—There is no difficulty over land. It is simply that the prices obtained do not cover the cost. *Mr. Robert Patrick Wright.*

9725. (*By Dr. Sutherland.*) How does poultry-farming pay abroad?—Because the labour is not so costly, and they do not include the management expenses, which are so heavy here. 18 Dec. 1894.

9726. Do you require much land for poultry-farming?—A very limited area.

9727. How many women could you employ on a poultry-farm of 3 or 4 acres?—I do not know, but I will find out.

9728. Would you have flower culture?—That is a branch of market-gardening, of course.

9729. (*By the Chairman.*) In Mitcham there is a large amount of lavender grown?—Yes.

9730. Then as to dairy-farming?—There is no room for a large number of hands on dairy-farms.

9731. But the London dairies employ a large number. There are the cows to feed as well as the other work?—Yes, of course, but there is not a large number of hands required.

9732. What other occupations would do for women?—Basket-making and various occupations of a light nature.

9733. (*By Miss Stevenson.*) We were told that most of the baskets that were sold by the itinerant people who go about in vans were made in Germany?—I do not know that, but basket-making is one of the commonest industries that is followed on all the farm colonies. A large number of men are employed in indoor industries in the winter, particularly in basket-making. Packing-box making and net and rope making are other industries.

9734. (*By the Chairman.*) Is there any other point you would like to bring before us?—Well, with regard to the cost of the farm colony system as compared with the system of relief that was attempted in Glasgow two years ago when temporary occupation was given to men in stone-breaking and various other works in the Alexandra Road, I have compared the figures of the two methods, and I find that the costs of the Glasgow method of relief are considerably greater than those on the farm colonies.

9735. Including capital charges?—Apart from the question of capital; but the capital is fully conserved in the farm colony. There is no loss of capital, you understand. At the same time the Glasgow method is a much less efficient system of giving relief, because it is spasmodic. Such a system of relief is only started in special cases. The farm colony is always there, and keeps those on it under control, whereas the Glasgow method does nothing of that kind. [The witness then withdrew.]

Margaret Watt.

MARGARET WATT, Convict in the Prison of Glasgow, brought in and examined. *Margaret Watt.*

9736. (*By Col. M'Hardy.*) This Committee want to know the effect, or what the prisoners think of the different kinds of imprisonment, that is, the way they look at it—the difference between solitary confinement in separate cells, and associated confinement as in Perth. Now you are a tolerably intelligent person, and you have been in Greenock, in Glasgow, and in Perth, so that you know these three. You know this at anyrate, and just tell us what you think of the two kinds, whether you like separate confinement or associated confinement best, and why you do so?—For myself I prefer the separate; but the bulk of the prisoners, all I think that I have come in contact with, prefer the association.

9737. But why do you prefer the separate?—I am not acquainted with any of the prisoners in prison, and I have, of course, very little in common with them.

9738. (*By Dr. Sutherland.*) But didn't you strongly wish for association in Glasgow?—No, I never wished for it.

9739. (*By the Chairman.*) You are at present undergoing a sentence of penal servitude pronounced when and for how long?—I was sentenced on the 31st October last for five years.

9740. For theft?—Yes; I was charged with theft.

9741. You have had several convictions?—I have had four convictions before.

9742. All for the same thing?—All for that.

9743. And you have had another penal servitude sentence?—This is my third of penal servitude.

9744. How long were the others?—The first was five years, the second was six, and this is five years. I had nine months' imprisonment before that.

9745. Had you any short sentences?—No.

9746. Were you ever in the police office before that?—Yes, I have been in the police office, and had a few days' imprisonment, but that was on a charge I never was guilty of.

9747. You only once had a short sentence?—Yes; that was the nine months for theft.

9748. But have you never had any shorter sentences?—Yes; some of fourteen days.

9749. Any of them for theft?—No.

9750. Drink?—No.

9751. What was it?—Well, it was going home at

Margaret Watt. 18 Dec. 1894.

night. A policeman charged me with interruption, and I was never guilty of it, and that was the cause of my being in prison.

9752. How is that?—Just because of being sent to prison for what I was not guilty of. I thought that having been sent to prison I would do something deserving imprisonment.

9753. Now, you have been very often there; I suppose after the first time you did not think much about it?—After being in prison I did not care though I never was out of it, because once one is put in prison, character is gone.

9754. What were you before you got into this sort of life?—I never was at work or anything.

9755. What was your business?—I was married. I kept house for my father before that, and then again after my husband's death.

9756. What age were you when you got this first sentence?—Forty years of age when I got the nine months.

9757. But at the sentence you got before that for solicitation?—It was some two years before that.

9758. You were thirty-eight?—Yes.

9759. Never in for drink?—No; I never was the worse of drink.

9760. And since then you have been how long out?—When I came out from the nine months I was only three weeks at liberty when I was apprehended and got five years. Then I was not quite out of prison three months when I got six years; and I was only seven weeks out, and five of these I was in Edinburgh Infirmary, when I was apprehended again in Greenock. I was really only thirteen days at liberty. I have been about six months altogether out of prison during the last eleven years.

9761. Now, let us take the first time you were apprehended. You say you were wrongfully apprehended for importuning; what did you get?—Fourteen days. Of course there was the option of a fine.

9762. What fine?—Fifteen shillings.

9763. (*By Dr. Sutherland.*) Was that in Glasgow?—Yes.

9764. (*By the Chairman.*) Were you very hard up at the time that you could not raise fifteen shillings?—Of course I would not allow any one to know that I was in prison at all.

9765. Was your father alive then?—No; he was dead.

9766. You did not raise the fifteen shillings?—No.

9767. When you came out you never were apprehended on the same charge again?—Yes; three times I think I was.

9768. Did you try to get work after that?—I was sewing and knitting in my own house earning a little, but you could not make much at that. But then I could not go to any one I knew after being these fourteen days in prison.

9769. You were thirty-eight before your first fourteen days; well, how long was there between your first and second and third convictions for importuning?—I can't tell you.

9770. Would there be a month?—Oh yes; longer than that.

9771. They extended over a couple of years, have you not told us?—Well, I could not make up that couple of years between the fourteen days and the nine months.

9772. Did you come across any women who had been in prison on a similar charge when you were there, and do you know anything of what became of them?—No.

9773. You don't know any of them who have got long sentences since?—No. Of course there were a great many women sent to prison on that charge, and we were all together.

9774. Then you must have seen a good deal of them?—Yes; a great many of them.

9775. And have you ever seen any of them since in a convict prison, for instance at Perth, where you were in association?—I think I saw one, Catherine Dawson, while I was in association at Perth.

Margaret Watt. 18 Dec. 1894.

9776. In Perth you were in association, and I suppose you talked or communicated with the others?—Oh yes.

9777. Well, had many of the women there started with a lot of small sentences?—The most of them started with a great many; very few with long sentences. Most of them had a great many convictions for short sentences.

9778. Now, what is your idea about these short and frequent sentences: do you think they do any good, or do they accustom people to the life of prison?—I do not think imprisonment does any one good, either long or short.

9779. But then what would you do, take it in the case of a person who is rightly convicted of some crime? Suppose that a man were to give you a very violent thrashing, or were to steal your possessions, you would not like that, and how would you prevent that? What sort of punishment would you suggest?—Well, I think that any one who lifts their hand to another, or ill-uses them in any way, they are deserving of being punished.

9780. But you don't like imprisonment?—No.

9781. But you cannot suggest any other plan?—(No answer.)

9782. You like solitary confinement?—Yes.

9783. I suppose you have had three probations of nine months each?—One year each.

9784. That is three years?—Yes.

9785. You have had three years and nine months solitary?—Yes.

9786. What do you object to in the association. Female convicts are not hustled about, as I have heard it phrased. You have not much shifting about from place to place to do in association?—No; you have to be in a class-room so many hours a day.

9787. A class-room must be rather instructive and entertaining?—You are in there sewing instead of in your own room, and you can talk to any one of them about, and you hear what is going on.

9788. You are not prevented talking?—Oh no.

9789. (*By Dr. Sutherland.*) You are working at present in the sewing-room?—Yes; for a day or two.

9790. Do you like that?—No; I would as soon be in the cell.

9791. (*By the Chairman.*) How would you amuse yourself?—Sew a little.

9792. You are, I understand, a well-educated woman?—I can read and write.

9793. (*By Col. M'Hardy.*) Tell us what you don't like about association; do you like talking to the other women?—No; I do not.

9794. But you talk to some of them?—Oh yes, of course.

9795. Is it not more pleasant to speak to them than to sit dull in your cell?—There are a great many things you don't care much about. I don't care much about what the prisoners have to say.

9796. What do they speak about?—They speak about their adventures outside, and talk about how clever they are, and so on.

9797. (*By Dr. Sutherland.*) When you are not in association how many minutes a day, in the way of conversation, are devoted to you by all the officers?—I don't know.

9798. Surely you have some idea of the minutes a day devoted to you by officers in the way of talk? When it is all counted up would it be a quarter of an hour a day?—Oh no; they only come to give you your food or work.

9799. No conversation?—Very little.

9800. Would you have five minutes' conversation a day?—It might amount to that in the course of a day.

9801. (*By the Chairman.*) But still you prefer that to the other?—Yes.

9802. (*By Col. M'Hardy.*) But sometimes you have wanted to be associated?—No; when I was in Perth, I asked you to be excused from my association.

Margaret Watt.

18 Dec. 1894.

9803. You were sometimes associated; was not that so?—Yes.

9804. And when you had not been getting on so well you were associated and got on a little better for a bit?—I don't know.

9805. (*By the Chairman.*) You say you never drank: were you ever up on any charge connected with drunkenness?—No.

9806. Not even when you were taken up for solicitation?—No.

9807. (*By Dr. Sutherland.*) Have you always been a nervous woman?—Yes.

9808. (*By the Chairman.*) What was the charge against you this last time?—Theft.

9809. But how was it alleged to have been managed; what did they say you did?—They accused me of entering a dwelling-house in Greenock and taking away a suit of clothes and a watch and various articles.

9810. There was no drink in that?—No.

9811. Nor the time before?—No.

9812. Nor the time before that?—No; I have never been charged with drink.

9813. You must know some of the women you have been in association with; when they are going to get out how are they looked after? At Perth there is a Prisoners' Aid Society, has it aided you?—No.

9814. Never?—No.

9815. How much money had you when you got out last time?—I had ten shilings.

9816. What did you do with it; did you come to Glasgow?—Yes, I came to Glasgow and then I went to Edinburgh. I wished to put in the whole of my time and not to be on license at all.

9817. The time before did you stay out the full sentence?—No; but I wished to be in the whole of it the time before too. I think any person on ticket of license is worse than being in prison altogether.

9818. Did you ever come across any female prisoner who thought the same?—No; I have not. They are all very anxious to get out as soon as they can.

9819. What do you intend to do this time; to put in the whole time?—Yes, I should like if I could.

9820. (*By Dr. Sutherland.*) Did ever your fellow-convicts tell you that they were hunted by the police while on ticket?—Yes.

9821. Is that the reason you wish to remain in prison?—No; it is not exactly that.

9822. (*By the Chairman.*) Your first sentence you came out on ticket of leave?—Yes.

9823. What had you to complain of?—Well, I had nothing to complain of in regard to the police or any one annoying me, but of course to have a paper of that sort in your possession you have just a feeling as if you were—hunted?

9824. What did you do when you came out; did you go to any work or try to get any work?—No, because I have always come out of prison not fit for work. I am not very fit for work at any time, and I was anything but well when I came out of prison.

9825. What did you do the first time you came out when you were on ticket of leave?—I was out for nearly three months.

9826. How did you live that time? You were not in hospital that time?—Yes; I was for a short time. I got one pound when I came out the first time, and I was able to take a house—a single apartment. I had a month's rent in advance out of the pound. That amounted to 11s. 8d., leaving me about 8s. I was ill, and just a few days after I went to the Western Infirmary. Well, I was to get other 10s. a fortnight after my liberation. Of course, I was able to be on my feet. I went to the Infirmary for out-door attendance, to get medicine. It was Dr. Alexander, the first Governor of the Infirmary, I saw, and he said it was not out-door advice I required but that I required to go in. He gave me a note to come down and see him, and he told me not to trouble about a line, as that could be got afterwards. Well, I went the next day and was admitted. I thought, of course, I would be able to get out of the Infirmary to go and get my paper signed and get the money that was to come to me, but I was not allowed to get out of my bed. Of course, I did not like to write to the police office from the Infirmary, so I asked to get away. They were very much against my getting away, but then the rent of the house would have been due for another month. So I left, and I was just going down twice a week and getting medicine.

9827. That is, you had eight shillings and then other ten, that is eighteen altogether; how long did that keep you?—It could not keep one very long.

9828. Did you get any work?—No; I was not fit for work, and besides, the very idea of having a ticket of license would prevent any one from going to look for work.

9829. But some of the women who are out on ticket of license must go to work?—Well, of course, I was guilty of theft.

9830. Since you have admitted that, that relieves me from any delicacy in asking you whether you had done anything in that way for maintaining yourself?—Yes, before I was apprehended. There were several charges of theft against me when I got six years.

9831. Now, I suppose, you look upon prison as your home?—No; I do not.

9832. But you seem to like it better than being out on ticket of leave?—Yes; I would rather be in prison than out on ticket of leave.

9833. You would not be rather there than get out at the expiry of your time?—No.

9834. When the prisoners come out of prison, we have been told that there are a lot of people very anxious to give them drink?—I have never had any one seeing me when I came out of prison.

9835. And you have never been given a help by the Prisoners' Aid Society?—No; when I came back from Edinburgh, after coming out of the Infirmary in Edinburgh, Mr. Dovey, I think his name is, paid my fare to Glasgow.

9836. That was the Prisoners' Aid Society?—Yes.

9837. When you came to Glasgow where did you lodge before you got a house of your own?—I was in a temperance hotel. That was when I first came out from five years on ticket of leave. I went that same day, and next day I got a house taken.

9838. But did you go to a temperance hotel with a view to any work or in the way of knowing of any work?—Oh no; it was simply for a night's shelter. It cost me two shillings.

9839. (*By Col. M'Hardy.*) I do not think you have made this matter just clear. You have told us your own views about separate confinement and association, but I would like to know—you have heard them talking a lot at Perth—I want you to tell us what the female prisoners generally like. Do they prefer Perth to separate confinement?—They prefer to be associated.

9840. Every one?—Yes; every one I have come in contact with.

9841. The conversation they carry on when they are allowed is not very instructive you have told us?—Not very. Of course there are a great many of the women in Perth that know one another outside, and they are acquainted with one another's friends, and they like to talk about their old acquaintances.

9842. (*By the Chairman.*) There are a lot of them there in for homicide and some for murder: do these people talk about their crimes and their exploits, and what they are in for?—Oh yes.

9843. Is there any reflection in their case of public opinion when a person has been guilty of any of these graver crimes: would the convicts at all dislike to be associated with a convict in for very serious crime?—Yes; I think there are not many convicts care about walking with a woman who is convicted of murder.

Margaret Watt. 18 Dec. 1894.

9844. (*By Col. M'Hardy.*) Is that so?—Yes, that is so; and yet they think, of course, they are far more respected. They think that the people seem to have more respect and more sympathy for a murderer than for any one who has committed some paltry theft.

9845. You mean the prison officials?—The prisoners think so.

9846. You say that the prisoners think that the people have more sympathy and more respect for them, but who do you mean by the people: do you mean the warders?—Yes.

9847. Do the prisoners ever complain of having too much to do or too little?—They never think to complain of having too little to do. I have heard some of them complain about having too much, but they don't have much work to do in prison.

Margaret Watt. 18 Dec. 1894.

9848. (*By the Chairman.*) Not even the convicts?—No.

9849. Then, do you get better food in a convict prison?—Yes.

9850. Have you any harder work to do as a female convict than as a prisoner?—No; you have less work and better food.

9851. So that it is rather a better thing?—Yes.

9852. Women never get the plank bed?—No.

9853. Not even the first month?—No; there is always a mattress. [The witness was then removed.]

Mr. Archibald Dempster.

MR. ARCHIBALD DEMPSTER, Inspector of Poor for the City Parish, Glasgow, called in and examined.

Mr. Archibald Dempster.

9854. (*By the Chairman.*) You are Inspector of Poor for the City parish?—Yes.

9855. What is the population of your parish?—176,777.

9856. And the number of paupers?—Altogether 5507.

9857. Does that include lunatics?—The lunatics number 571.

9858. How many men and women?—I can only give you males and females for the outdoor and the poorhouse.

9859. Well, give us the number of children chargeable to your parish?—Upwards of 400.

9860. Is that in the poorhouse or boarded out?—Boarded out—326 boarded out.

9861. And in the house?—In the house there are generally over 100.

9862. Can you say the cost of your inmates, not the lunatics?—About 4s. a head per week.

9863. Does that include administrative charges?—It includes everything.

9864. And capital?—We have no capital account now.

9865. How much is that allowing for administrative charges and for board?—Maintenance 2s. 9d. per week; management 7¼d.; house accommodation 3¾d.; medical relief 5¼d. I am only speaking about the poorhouse just now. That makes up 4s. 2¼d. I think.

9866. What is the average cost of the pauper in Scotland?—About 4s. 3¼d. per week, or £9, 9s. 11¾d. per annum.

9867. That includes items of management, maintenance, house accommodation, and medical attendance?—Yes.

9868. And only deals with the inmates of poor houses?—Only.

9869. Is your cost of 4s. 2¼d. per week exceptionally low?—It is low.

9870. What does the average cost run up to in other places?—It varies, but it runs to 5s. 5½d. and 6s. 1½d.

9871. Where is the 6s. 1½d.?—That is the Hamilton Combination.

9872. What is it in Govan?—4s. 9½d.

9873. In the Barony?—5s. 5¾d.

9874. In St. Cuthbert's, Edinburgh?—4s. 3½d.

9875. In Old Machar, Aberdeen?—5s. 5d.

9876. Then from that I suppose about 5s. a head is the average rather than a little over 4s?—Yes; about that. I have Lochgilphead here, which is 6s. 5¼d., but that is a very small Board.

9877. Have you much trouble with migratory paupers?—A good deal.

9878. How do you deal with them? If a man comes to you and says he is ill and has no money and asks relief, I suppose you send him to be examined by the medical officer?—Yes.

9879. You can do that at any hour of the day?—Yes.

9880. And if he is pronounced not able-bodied you are obliged to take him in?—Yes.

9881. Do you consider it is possible for the medical officer to detect any alleged ailment which a man may put forward as a reason for his not being able-bodied?—Not at the first examination in many cases.

9882. So that as a general rule on the first examination men are taken in?—They are taken in certified by the outdoor medical officer. The man is admitted only under the certificate of the medical officer outside, and the doctor inside examines the man again and consults the out-door medical certificate, and then he sends the man to the hospital if he thinks this suitable.

9883. Are you much troubled with people going in and out?—A great deal.

9884. Do many of them get into prison when they are out?—Sometimes they do. Sometimes they are in prison before they come back to us again.

9885. We were told of many cases in which people migrated between the prison and the poorhouse, giving rise to a great amount of work, and it was proposed that power should be given on receiving such cases to detain them for a considerable period?—In the poorhouse or the prison?

9886. In the poorhouse?—I would approve of that, as our power just now only extends to three days.

9887. But that is not sufficient? What would you propose as the period of detention?—I would try to begin with a fortnight or a month, but I could not go further than that to begin with.

9888 Would that be as a general rule or simply in individual cases?—As a general rule.

9889. Would you require power to be given you in respect of a special individual, or general powers bearing on the general inmates?—We would require to get power from the Local Government Board, and I understand they can give us power for a month without any legislation.

9890. Without legislation?—I think so.

9891. Do you know the Act?—There is no Act. It was a rule of the Board of Supervision. It is according to the rules they had under the Act of 1845, and they thought they were justified in making this rule for three days.

9892. Their rules require to be approved of by the Secretary for Scotland?—Exactly.

9893. Now about people with children. You alluded to boarded out children. What is their number?—Over 300.

9894. Are you ever troubled with dissolute parents asking you to give up a child?—Occasionally, but not very often.

9895. If you are what do you do?—We do not give up the children.

9896. Under what power do you detain them?—We go under a recent case in the Court of Session. That Court held that if a person was incapable of looking after his or her children the Parochial Board had the right to detain them.

9897. Can you give us that case?—I will endeavour to get it and supply it to the Secretary.

Mr. Archibald Dempster.

18 Dec. 1894.

9898. But you think there is enough power under the Act?—Yes.

9899. You do not want any more powers for the detention of children?—No. We were not aware until recently that a Parochial Board could send a child to board in the country, notwithstanding that the mother objected to it. Consequently now we have begun a new system. We are sending out children to board in the country from the poorhouse. A woman, say, comes in with three children, and we say to her we are going to send these three children to board in the country. Although she may say she will not allow it we do it all the same.

9900. Under what power?—Under the opinion of the Local Government Board.

9901. That is another matter on which they can make rules?—They have not made a written rule, but the Secretary has told us that is the opinion of the Board of Supervision.

9902. Have you any written document?—Yes.

9903. Will you give us a copy of it?—Yes.

9904. You do not want any more power regarding children?—No.

9905. We were told regarding itinerant tramps in Edinburgh that they had a great deal of trouble with them for this reason. They will go into a parish in Edinburgh and when it came on summer time they would clear out, and they would go on getting relief at the next parish, stay a day or two, and then go on to another parish, and go all round the country in this way, and the bills would be sent in from each parish in which they had sojourned to the Edinburgh parish?—Well, we have not very much of that. We do get claims from other parishes stating that our paupers have been staying with them.

9906. It has not been a nuisance to you?—Not great. We are more annoyed with the dissolute class in Glasgow. For instance, a woman with children when she leaves the House—these are not the kind who go through the country—goes into the heart of the city. They stay there either a week or two with a friend perhaps, and come back to the House again. We have not many of the class who go through the country in the summer-time and come back to us in the winter-time.

9907. Do your paupers all go back to your parish, or do they go to the Barony or the Govan parish?—They come back to our parish, because the settlement is mostly with us.

9908. If a person was not able-bodied—one of your paupers—went to Govan, for instance, would he or she be relieved there?—Yes. They are relieved wherever they go. They must be relieved if they are unfit for work.

9909. Do you expect any work from your paupers?—We get some work, but not a large amount of it.

9910. What kind of work? Take females, what do they do?—Sewing, washing, stocking knitting, teasing hair, laundry work, cleaning. That, I think, is about all the employment for women.

9911. Then the men?—Those who are tradesmen get joiner-work, slating-work, and there is also work for blacksmiths, shoemakers, and bakers. We try to give them work according to their trade, but there are a great many labourers—the largest number of men, in fact, are labourers who come to our poorhouse—and some are employed cleaning windows. Others carry the food from one part of the House to another, and some work in the garden; and there are other employments like that.

9912. Then if a man does not like to work, what means have you of persuading him to do it?—We have a test ward, and at this moment there is not one in it.

9913. Explain what that ward is?—It just used to be a place for cutting sticks. We did not keep very many of them in it, because isolation is the thing for a test, whereas if you put in 18 or 20 it was no test at all.

9914. How do you compel them to work there?—We put a saw into a man's hand and some wood to cut up, but we do not exactly define how much work they were to do in one day. We put a man with them, and he sees whether they work or not.

9915. And if they do not work?—If they do not do so, they are brought before the Relief Committee and are discharged from the poorhouse.

9916. But if a man had a settlement in your parish, and he was held not to be able-bodied?—We get the doctor's certificate first. The doctor may say, "In fair health; able to work; no special ailments." Well we can dismiss that man and let him go to the Sheriff if he wishes.

9917. But then you would have to pay his legal expenses and your own?—That is only 3s.

9918. We were told that the expense of defending these cases was much larger?—I never defend them. I would rather keep them, because the defence of a single case before the Sheriff would come to £12 or £15, as you have to pay both your own agent and the agent on the opposite side.

9919. Well suppose you have turned out a recalcitrant man, you will have to pay 3s. and take him back?—Yes. It is about that, or 2s. 1d., or something like that.

9920. I suppose you will have to take him back?—Yes, if the Sheriff orders us to give him relief.

9921. Have you had any man who has gone through this ceremony two or three times?—Yes.

9922. Have you anything in the way of rewards or punishments?—No, no rewards beyond workers getting better diet.

9923. Any meagre food for badly behaved men?—No.

9924. And you find the people get along very well without them?—Yes, most of them agree to work.

9925. Of your paupers what proportion would you say were decent respectable people who have come down to you through no fault of their own?—I think about a half, and the other half are from intemperate habits. We have 1400 this morning, and I think about a half of these have come in from intemperate habits.

9926. (*By Dr. Sutherland.*) Supposing powers were given you to detain a troublesome inmate for the first time for 14 days or 30 days or longer, would you think of mixing up these people with the respectable poor?—We could not help ourselves.

9927. But if you had sufficient accommodation you would not do that?—We would classify them according to their character.

9928. Supposing you got power to retain restless, refractory paupers, have you got disciplinary and penal powers to deal with them inside? They would not then be voluntary paupers, they would be there against their will. Have you sufficient powers to deal with them if they are refractory?—They would just remain in the House and go through the whole course along with the other inmates, that is to say, they would go to worship in the morning, get their breakfast and their dinner and their supper together in the hall.

9929. But don't you think it is desirable to classify paupers, seeing there are 50 per cent. respectable?—I go in for classification largely.

9930. In suggesting a fortnight as the period in which you would detain a restrained pauper for the first time, do you think a sliding scale by which you would increase the terms would be advisable?—I would have no objection to that, according to the degree of their shortcomings. It would be a very good thing.

9931. (*By Col. M'Hardy.*) You said there were a considerable number of paupers who go out and in, sometimes in the prison and sometimes in the poorhouse? The number, as far as I can make it, is 130 that are common to the prison and the poorhouse in the City Parish?—Yes.

9932. You said you thought it would be desirable to stop them by detaining these people in the poorhouse?—Yes.

Mr. Archibald Dempster.

18 Dec. 1894.

9933. Would there be any difficulty in doing that if you had power?—No. I do not think so.

9934. Are they principally women?—No, both sexes.

9935. The men, I presume, are elderly, if not old?—The large proportion of them old.

9936. And I suppose the women middle-aged and old?—Yes, old too.

9937. You do not think that any difficulty would arise in detaining them?—I do not think so.

9938. Would they not try to get out?—Yes, but they would not come back so soon to the poorhouse if they did. They would not care about coming back if they knew they were to be detained for a month or six weeks.

9939. Or a year?—It would check them coming back, certainly.

9940. And where would they go?—They would go to the slums. They generally go there and stay amongst their acquaintances when they are out of prison and out of the poorhouse.

9941. And how would they exist?—A lot of these people are able to get work occasionally by doing cleaning and such like work.

9942. But I suppose principally by begging?—No doubt.

9943. So that it would be better possibly to have them in the poorhouse than living this indiscriminate existence?—Certainly, better off the streets.

9944. (*By Miss Stevenson.*) In regard to the education of children whom you board, you said you thought you had sufficient power to deal with them against the will of their parents, first under the order from the Board of Supervision, and also under a recent Act; but under the provisions of the recent Act is it not necessary for you to prove that the parent is an improper or insufficient guardian of the children?—You are quite right.

9945. And if that parent chooses, she can appeal to the Sheriff?—To the Court of Session.

9946. I understand it is the Sheriff Court, and that you would have to pay her defence expenses?—No doubt of it.

9947. And if you would have to pay not only the pauper's expenses but your own, do you think it would be desirable to have these cases brought before an inferior court, such as the Police Court, so as to make legislation more simple and less expensive?—I do not think in the Police Court they could take evidence in a satisfactory way such as might be done in the Sheriff Court. It is more summary than in the Sheriff Court. A record would have to be made up, and the Inspector of Poor would have to prove that she was incapable of keeping her children.

9948. Then you have no desire that the means of defending your action should be made more simple and less expensive than at present?—I would not like to go to the Police Court with these cases.

9949. (*By Dr. Sutherland.*) Do you mean to say that you would act on the statement of the Secretary of the Board of Supervision in regard to those children without written instructions?—They have written me a letter.

9950. (*By the Chairman.*) A copy of which you will send us?—Yes.

9951. We were told that under the Industrial Schools Act it was rendered illegal for a Parochial Board to pay for the maintenance of children in Industrial Schools, who were sent there at their own instance; have you ever sent any children to Industrial Schools?—Yes; I have taken them to the Court and got them committed, and I became liable to pay half-a-crown per week while they were there. Then there are claims made upon me for Industrial Schools; if, within three months of the committal of the child, either at the instance of the School Board or any other parties, they are chargeable as paupers, the Parochial Board is then liable. That is to say, a widow with three children may be on the roll of the City Parish of Glasgow. One of her children may be found on the street by any of the officers. He takes it to the Court, and it is there committed. The officers find out that the woman belongs to the City Parish, and I am liable.

Mr. Archibald Dempster.

18 Dec. 1894.

9952. Have you many of these half-crowns to pay?—About £30 a month.

9953. So much as that?—We pay for the Industrial Schools every year £329, 17s., or about £30 a month.

9954. What does Government give you for the lunatics in your asylum?—We sometimes get one thing and sometimes another. Just now Scotland gets £90,500 and an extra grant of £25,000.

9955. It is no longer so much per head?—No; it used to be.

9956. How much did you use to get per head per week?—4s. a week.

9957. And can you tell us the sum that you used to receive? Is it larger or less than 4s. now in proportion?—I think it is less in proportion now.

9958. Is that owing to the increase in your number of lunatics?—Yes; they give only a certain sum per annum, and they have done that now for a year or two.

9959. And lunatics are increasing?—Yes, and that increase extends.

9960. That is a grievance, as they don't pursue the same system in England?—No; they don't.

9961. In England they give according to the numbers?—I understand they do.

9962. For any scheme we propose for dealing with habitual criminals—you say there are a great number of them frequent the poorhouse—do you think it would be fair to accept contributions for their maintenance from parochial funds?—From parochial funds?

9963. If an institution were started, or any plan were started, in which habitual criminals could be taken up and kept for a prolonged period—it might be twelve months—and in such a way could not become a burden to the parish during that time, and they would not be a burden to the prison either, supposing the Crown were to give some equivalent to their keep in prison, do you think it would be fair that the Parochial Boards should contribute something also?—Well, if the maintenance of poorhouses were relieved from the ratepayers this would be only a branch of the thing.

9964. Supposing it were not under parochial government?—It would be under government, I suppose.

9965. But assuming it were not under a Parochial Board?—Then I do not think we should have anything to do with it. Not if the government choose to have a place of their own. If they do that, they should pay for that. We would have no control over that, you see.

9966. (*By Dr. Sutherland.*) Visiting members from your Board might be appointed?—Yes.

9967. (*By the Chairman.*) Have you any control over the Industrial Schools to which you contribute?—No, but we would like to have. We have visiting powers.

9968. That is a precedent established by law?—Yes, that is so. But then we have simply visiting powers.

9969. If you take boarded out children or lunatics sent to any parish, you have no control over them?—No, but we are building asylums for ourselves to cure that.

9970. But at the present moment?—No; we have no control over these asylums.

9971. (*By Dr. Sutherland.*) But you send visitors to the asylum at Dumfries?—Yes; some of our members go to the Crichton at Dumfries.

9972. (*By Col. M'Hardy.*) What is the objection you have to paying money for the Reformatory boys? Why do you want to control it?—Because we would perhaps not approve of these places at all. We could keep them in our own poorhouse. If you have a large institution, with a large staff of people that you have to pay for, you should try to have them all under your own control.

Mr. Archibald Dempster.

18 Dec. 1894.

9973. And that is the objection you would have in the case of a special institution for habitual offenders?—Yes.

9974. When probably you would be able to keep them in the poorhouse?—Yes.

9975. (*By Dr. Sutherland.*) You have indicated that you have no desire to herd together the dissolute and respectable, but that you have to some extent to do so, owing to the inadequacy of your accommodation?—Yes, but we might extend our poorhouse.

9976. (*By the Chairman.*) You have spoken about paying 2s. 6d. to these Industrial Schools Boards. The amount recovered against the parent is as large. How is it you get off with 2s. 6d.?—That is all Government asks. Why, I do not know.

9977. They give 6s.?—Or is it 5s.? I know the Government contributes so much.

9978. And they have the right to recover, against a parent, any sum which he is able to pay, not being more than 5s.? Is there any limitation which renders them content with the 2s. 6d. instead of taking the other 2s. 6d. also?—I have often wondered why we were only asked to pay 2s. 6d. I suppose they think they might get as much from the parent.

Mr. Archibald Dempster.

18 Dec. 1894.

9979. But they do not sue the parents?—Well, I do not know.

9980. (*By Dr. Sutherland.*) Are you aware that Government subscribes 6s. a head for those Industrial School children, and those on board the Training Ships, and that these institutes are controlled by Visiting Committees?—Yes.

9981. Well, then, is there any reason, if you contribute a part of the keep of those derelicts of society, under altered conditions, why similar inspection should not be sufficient?—The Government have inspectors for these institutions.

9982. But the Committee has control over it?—Yes, but the Inspector can go even into the accounts. But we have not that power. We have only the power to visit. [The witness then withdrew.]

Mr. R. P. Lamond.

MR. ROBERT P. LAMOND, Writer, Glasgow, called in and examined.

Mr. R. P. Lamond.

9983. (*By the Chairman.*) You are a solicitor practising in Glasgow?—That is so.

9984. And you have written a work on the Poor Laws?—Yes.

9985. And paid considerable attention to the subjects which come under the remit to this Committee?—Yes, especially certain sections of it, and more particularly Sub-section D.

9986. That is especially the law as to habitual drunkards?—Yes.

9987. You think there is a very considerable proportion, even of the well-to-do classes, who are habitual drunkards?—A large proportion.

9988. And many of these are professional people?—Yes, and men of ability.

9989. And a few have been ladies?—Yes, whom I have known.

9990. Will you inform the Committee of the age at which these people become habitual drunkards?—Generally from 35 to 45 years of age, and the habit runs from ten to fifteen years, usually ending in premature death or imbecility.

9991. What are the causes that have brought on intemperance?—With men I should generally say loss of means, disappointed ambition at not getting on in the world; and another frequent cause with young people especially under 30 or 35 years, is that of convivial habits leading to habits of tippling which get confirmed. With a large class of men overwork, combined with a highly nervous system, induces them when under pressure to take pegs or supports, and that gets confirmed and leads them to require the constant aid of these drinks.

9992. And about women?—With them the cases have not been so numerous. They have generally occurred through circumstances connected with maternity, bad nursing or the like; and I have also observed it has occurred where husbands have been more or less confirmed drunkards, and the wives have had free opportunity of getting the drink and falling into the habit of taking it.

9993. You think the Act of 1879 and the subsequent Act might be amended in some way, so as to make it better fitted to meet the cases in question?—I think the statute requires strengthening. It seems to me the cause of its failure has been its permissive and voluntary character. My view is that it is contrary to human nature to find men of this class who will voluntarily go before a magistrate, and write themselves down as habitual drunkards and seek a remedy at their own hand.

9994. You would propose to make provision for the compulsory committal of inebriates by their friends?—I think the relatives and friends who are interested in the person should have the power of setting the law in motion.

9995. Would you expect, for instance, a wife dependent upon her husband's means to set the law in operation?—If she was a wife with a family, she would have a deep interest in getting protection and in setting the law in motion, just as in the case of the husband becoming insane.

9996. But do not the wives endeavour to conceal the fact or suspicion that their husband is insane?—I do not know; they may conceal it from others; they cannot conceal it from themselves. The fact is that when the drink habit becomes very confirmed the wife soon sees it. He becomes facile and dissipates his money or fortune, and the wife is the first to feel it.

9997. In a case where there are sons in the family there would be less difficulty probably?—No doubt.

9998. And especially in the case of the working classes, where the sons would be generally independent of their father?—But I would not leave it all to relatives. I do not see why a partner or friend should not take action, just as in the case of lunacy.

9999. You make that suggestion, but a man's partner might be actuated by dishonourable motives?—Yes; there should be safeguards.

10,000. A man's wife or a wife's husband might be actuated by improper motives?—I would hope that would be the exceptional case.

10,001. But it would be necessary in every case to have safeguards?—I think that is so if there is to be a compulsory law, and there seems room for it; but there must be safeguards for liberty.

10,002. And what do you propose?—There are two ways in which it might be dealt with. We had in the last century in Scotland an old process which was designed to protect people against their own "facility," that is, if they became "facile" from drink or in any other way. There was the law of what was called "voluntary interdiction" or "compulsory interdiction;" that law was designed merely to protect their estates, and that law might be revived, with the power to sequestrate the individual, when he was remitted to a retreat or place for treatment.

10,003. Do these two processes still exist?—They have fallen into desuetude. Their date is the 16th or 17th centuries; but there is no reason why that law might not be revived and improved upon. I believe there is some such law in operation in France.

10,004. Can you give us the date of the last case in this country?—I have not taken a note of that, as this has only recently occurred to me. The cases required to be taken to the Court of Session, and I think the last case was in 1768 or 1769.

10,005. And were the applications generally granted?—Yes, generally.

10,006. The application might be made by the

Mr. R. P. Lamond.

18 Dec. 1894.

individual himself or by his friends?—Yes, and if by friends, the subject was convened, and could be heard in his own interest.

10,007. In the case of committing a man to a retreat for habitual drunkenness, he would be sane, and therefore quite competent to make a will?—Yes, he might.

10,008. But would your process restrict him in the matter of will-making?—He could not make a will of an absurd kind, because he could not grant any deed without the consent of the interdicters, who would be his nearest friends generally.

10,009. Would you propose to put a habitual drunkard while under restraint under restriction?—Yes, under a modified restriction.

10,010. Will you supply us with passages from authorities explaining this process?—Yes.

10,011. Is there any analogy to that process in the English law?—No, it was in the Roman law, and our law was based on the Roman law.

10,012. Then in that case would it be in all countries whose law is based on the Roman system?—Yes, I think you will find it in France.

10,013. If you could find that any such process runs through the laws of the various States that have adopted Roman law as the basis of their jurisprudence it would be valuable?—Very well; I will look out the authorities. Another plan is really to treat the subjects very much as you would treat a lunatic. Drunkards might be regarded, for the purpose of their treatment, and for that purpose only, as *non sui juris*, and, subject to necessary safeguards, you might apply the statute of 1857 in the Lunacy Law; but I would set the law in motion at the instance of the subject's relatives, and I would not have it as in the Lunacy Act, that any young medical man just licensed can give the necessary certificate. I think that is a dangerous power to put in the hand of any medical man. There ought to be stronger medical evidence.

10,014. In the proof of habitual drunkenness, would you have medical certificates as statutorily necessary, or would you allow the Sheriff to take evidence on the point, and simply satisfy himself on the matter; or how would you deal with the matter?—If you are to deal in the broadest way and to have special legislation for restraint and curative treatment, he ought to be convened before a sheriff or magistrate, and there ought only to be a certificate granted on the fullest evidence, but it should not be left to the discretion of a sheriff or magistrate to say what evidence he will take.

10,015. According to the Lunacy Laws, we have been told that the Sheriff has certificates placed before him. He sees they are in order?—As a rule he seldom sees them at all. He signs his name a thousand times *de plano*. It is done as a matter of form, and that is the danger.

10,016. But that would never be proposed in a case of this sort. Would it not be better than requiring certificates to be treated in that manner, to require the case to be proved to the satisfaction of the Sheriff?—Yes, and then let the Sheriff in his discretion sequestrate the person and commit him for three or six months, or whatever period might be thought advisable.

10,017. You say three months or so. Under the Lunacy Laws it is for three years, isn't it?—I think it is not for a definite period. You must have renewed certificates, but there is no period fixed in the original committal.

10,018. (*By Dr. Sutherland.*) He may be committed for three years, but unless there is another forthcoming, he gets his discharge?—But there is never a committal for a given period.

10,019. (*By the Chairman.*) But you would have a fixed period?—Yes, and it should be renewable as was found necessary; and I think that confinement under the Act should not be held to dissolve contracts

10,020. Contracts, what do you mean by that?—A man might be a partner in a great concern, where he had large interests, and I do not think it should cancel his interest in the copartnery. If you make him what is in law the equivalent of a lunatic, of course it would.

Mr. R. P. Lamond.

18 Dec. 1894.

10,021. That is a point to be avoided, then?—It would result in his vacating office. He might be a sheriff or a magistrate himself, or a town-clerk, and it would never do to have his office vacated when there was a chance of his recovery. That would prejudice the individual's patrimonial interests.

10,022. Under the present Act, supposing a sheriff or town-clerk goes into a retreat, there is nothing in the present law to cause him to vacate his post?—No, but the present law is absolutely ineffective for the purpose for which it was designed.

10,023. It meets the case well enough in the cases of those persons who submit voluntarily and go to a retreat?—In Scotland there are none: there is not a retreat. I know there are in England.

10,024. But are you not aware there are several unlicensed retreats in Scotland, and the people go there and remain for long periods, in some cases?—I know there are asylums.

10,025. No; inebriate retreats. At Queensberry Lodge, which we visited, we found a lady who had been there for four years and upwards?—In an unlicensed retreat? Then she is not under the Act.

10,026. But if the retreat had been licensed under the existing Acts, her status would not have been affected as a lunatic's would?—No, not under the present Acts.

10,027. How would you have provision made for the payment of the maintenance of the working-class people?—The class of people I was more inclined to speak of was the well-to-do habitual drunkards. By this I mean people having an income between £200 and £2000 per annum, and therefore there is no question of difficulty in dealing with these cases. They have the means. With working-class people it is more difficult to tell what to do.

10,028. You would not have their upkeep paid out of public funds?—No.

10,029. Have you ever considered the case of the Police Court drunkard?—Not at all, he is out of the scope of my observation.

10,030. (*By Dr. Farquharson.*) Among the causes of the drink-craving would you include heredity?—Yes, I have observed it.

10,031. Would you put that high among the predisposing causes?—I may say I have gathered information on this point not so much from my own observation as from reading reports of asylums, and it stands pretty high there; just as in the case of insanity heredity is pretty high up in that, and it is the same with drink no doubt. But I think the causes I have named are probably the more operative causes.

10,032. What sort of proof would you require to justify the amount of detention that you recommend? What class of evidence?—I would like to see evidence that would satisfy a jury of any important fact. Say from two or three people who had not a mere accidental or casual acquaintance with the subject, but a pretty lengthened and fairly intimate acquaintance—a companion who knew the man's habits and saw him not merely intermittently—two or three persons of that sort.

10,033. *Plus* medical certificates?—Yes.

10,034. (*By Col. M'Hardy.*) And possibly police evidence?—Yes.

10,035. (*By Dr. Farquharson.*) That is to say, the medical evidence would only be one part of a chain of evidence?—Although the evidence was otherwise clear, I would still have as a further safeguard medical certificates.

10,036. The people you are talking about now are not those who come before the world as breaking the law?—No.

10,037. They are those who drink in a quiet

Mr. R. P. Lamond.

18 Dec. 1894.

manner?—Yes, in a domestic way, so to speak,—after business hours.

10,038. Who would put the machinery in operation?—The family, I would say, because they are most deeply interested.

10,039. The police would take no part?—No; this kind of people that I have in my eye are not boisterous or fatuous or furious. They simply get soaked, and neglect their affairs and ruin their families. They get into an imbecile condition.

10,040. Do you think this class of people is on the increase?—They are not diminishing, probably because there are more facilities nowadays for getting all kinds of drink than there used to be.

10,041. You spoke, I think, of rapid death?—As far as I have noticed the thing runs over about ten years, and the life then runs out.

10,042. From the beginning?—That is, of the habit being observably confirmed to an intelligent person. Of course, there must have been some excess in drinking before.

10,043. Would you think there would be much hope of reclamation in the case of a man who had gone say for five years?—I think so.

10,044. (*By Dr. Sutherland.*) Would not the procedure now adopted in regard to dangerous and offensive lunatics fully meet your view? At the public inquiry such lunatics have an opportunity of examining the witnesses?—I think the less public the examination the better.

10,045. At the inquiry before the Sheriff, the individual cited as a habitual drunkard would have the same opportunity of defending himself as the dangerous lunatic?—Yes.

10,046. Then you have an analogue in the system pursued in connection with such lunatics?—Yes; only I think you might stop short of relegating this class into the same class as the criminal lunatic.

10,047. It is the procedure. Bear in mind that it most thoroughly guards the liberty of the subject?—I think a procedure might be carved out of it.

10,048. (*By Col. M'Hardy.*) I suppose the procedure would be more civil than criminal?—Yes.

10,049. So that it could be done with the least possible publicity?—Yes, and least pain to the family.

10,050. What would be the possible cost to a family of the sort of procedure that you were hinting at?—I think the whole cost might be limited to five guineas. I would certainly empower the Sheriffs of counties to undertake this duty. The old process before was confined to the Supreme Court of the country.

10,051. You suggest, I think, that two medical certificates should be produced by people applying to the Sheriff, or whoever the legal official might be?—Yes, but these need not cost much.

10,052. The cost of the inquiry, if it were civil, how should that be borne?—It ought to be borne out of the individual subject's means and estate, whatever they are.

10,053. (*By the Chairman.*) How are the expenses in lunacy proceedings met?—The relatives or persons interested in the lunatic who applies pays for them.

10,054. (*By Col. M'Hardy.*) It is necessary apparently to get at some approximate idea of the cost. In the case of a family having £200 a year, possibly it might be that a considerable part of that sum would be necessary for the upkeep of the family, say £155?—It depends on the number of the family.

10,055. Well, it would not be available for a costly process in law?—I think this would be a matter—as is the case in certain matters in the Sheriff Court—where there should be a statutory scale of fees, so that lawyers would not be interested in making fees out of the case.

Mr. R. P. Lamond.

18 Dec. 1894.

10,056. There would be a good deal of evidence?—Not necessarily; and where the family and friends were working for the sake of the individual and the good of the family itself, the friends would be the witnesses, and they would not ask money at all.

10,057. The subject, however, could resist the action?—The subject against whom the case was set in motion would have the opportunity of resisting it. That would be in the interest of general liberty.

10,058. How would you deal with people whose income was below £200?—That certainly is a more difficult matter to deal with.

10,059. But more important?—It depends on the numbers involved.

10,060. I suppose the number with incomes under £200 a year is considerably greater than those over it, and the proportion of cases would correspondingly be greater?—On that assumption I have not considered how the expenses should be dealt with.

10,061. (*By Dr. Sutherland.*) Would not the great proportion proceed *in formâ pauperis*, as in lunacy?—Well, it might be so; but it is amazing how much money the artisan classes, who are the more numerous classes, can raise. They club together in a wonderful way where they have cause to do it.

10,062. But it would be rather a severe tax on a poor family?—Yes, it would.

10,063. (*By Miss Stevenson.*) In regard to your opinion as to the management of the proposed retreats of these people, do you consider they should be under any public management, or might there be private establishments on the same lines?—I think the statute of 1879 very fairly satisfies reasonable conditions. The State has a certain control over the license of the individual who has the house. He should be amenable to the law as well as the unhappy subject.

10,064. You do not consider there would be any danger arising if such a place were kept up for the pecuniary benefit of the licensee?—I think there would be danger in that case.

10,065. But on the whole you would consider it better that they should be like the district lunatic asylums?—I think the statute of 1879 is very satisfactory in that regard as to the position of the retreats.

10,066. (*By Dr. Sutherland.*) There are private lunatic asylums kept up for the gain of the owner?—Yes, but they are under the supervision of the Lunacy Commissioners.

10,067. Would not a similar supervision for inebriate retreats meet your view?—There is no objection to any one carrying it on for private gain provided he is under the supervision of the law.

10,068. (*By the Chairman.*) You are aware there are a great many places such as Magdalene Asylums and places like the Queensberry House where people can go voluntarily and remain for long terms?—But in these cases you cannot keep them in.

10,069. But they are kept under remarkably strict regulations as to going about, and in some cases are not allowed out for a year, not even to church. Do you think these places ought to be inspected?—I think they should.

10,070. You would lay it down as a general rule that all places where individuals are kept under law ought to be inspected?—Yes, subject to State inspection. It is in the interest of everybody. [The witness then withdrew.] See appendix, No. XXIX.

The Rev. John Alexander.

THE REV. JOHN ALEXANDER, M.A., Chaplain of H. M. Prison of Glasgow, called in and examined.

The Rev. John Alexander.

10,071. (*By the Chairman.*) You have been chaplain of Glasgow Prison for three years?—I have.

10,072. And you come across a good number of habitual offenders?—I do.

10,073. You have given us a detailed classification of them which I am afraid is too detailed for us to adopt for practical purposes. You also make some general proposals regarding the habitual drunkard. Let us have your opinion regarding the Homes and Shelters that are at present in existence?—I approve

The Rev. John Alexander.

18 Dec. 1894.

of them decidedly. I am sure they do a great deal of practical good.

10,074. Have you come in contact with many of the inmates?—I take a great interest in these Homes.

10,075. Do you follow up the women from the prison to the Homes?—Yes, and I see them in some instances after they come out of the Homes.

10,076. Have you traced up many of them after leaving the Homes?—Not further than what the matrons tell me.

10,077. I thought possibly you might have some evidence to check it?—Sometimes they meet me in the street and will tell me they are doing well.

10,078. Do you meet many of the women who have gone through the Homes in prison again?—Yes, I do, especially from the Whitevale one, where the term was six months; but from the other Home, where the term was twelve months, there were not nearly so many; and in the Magdalene Institution, where it is two years, they do well. Six months is far too short a term.

10,079. But they have increased the term now?—Yes, I understand so.

10,080. If the terms are increased to twelve months or two years it makes a break in your opportunities of seeing them?—I go monthly to these Homes.

10,081. You propose adult reformatories?—Yes, for those who have got into drunken habits, and women who cannot control themselves.

10,082. And small offenders?—Yes, because there are some who do well when they are under control.

10,083. You propose different methods of dealing with girls and women and lads and men; but as a general principle you attach considerable weight to a proposal to increase the punishment in "geometrical progression." What do you mean by that?—I mean 7, 14, 28, 56, and so on. A great many offend because they run the risk of getting a short or a long sentence; whereas if they knew decidedly that the next sentence would be exactly double the last, many would think more about committing the offence, or might be more careful. Many say to me, "I never got 30 days in my life before, and it will be the last."

10,084. And do they keep that promise?—Yes, I find that in many cases they do.

10,085. You get an immense number of prostitutes, and they get an immense number of 30 days?—Yes, they do, and 14 days, many of them.

10,086. And suppose they get 60 days?—Some of them will never reform. They do not wish to reform

10,087. Take the prostitute class in Glasgow; I understand 30 days is the general thing?—Many of them get 14, and many get 30. They are getting 30 days just now, in order to keep them off the streets at the New Year time.

10,088. But does it have a deterrent effect?—No, it does not upon those who have become habituals; but the remarks I wish to make—as I have said in a note in your hand—I mean to apply not so much to those who are at present themselves bad women, but in order to deter the younger ones.

10,089. But by taking a train to Edinburgh these prostitutes can get very much shorter imprisonment. You are aware of that, I suppose?—I did not know that.

10,090. And they can ply their trade in one place as well as another; but if they do not avail themselves of the facility of paying 4s. or 5s. where they can ply their trade with less risk of long sentences, does it not show that they do not care very much about the 30 days?—But if they knew that they would get 30 or 60 days, it would frighten them.

10,091. But would not they go to Edinburgh?—But would it not apply to the whole country?

10,092. Ah! that would mean affecting the whole statute-book. These generally are your proposals. With respect to girls under 17, are these hopeful at all?—There are some hopeful, and some that are wayward—some very weak and foolish.

10,093. For girls under 17 you suggest, I see, that their first sentence should be a year in a reformatory. Do you mean their first appearance before a magistrate, or for being drunk and disorderly?—They always get a warning. I would give them a warning first, and then one year in a reformatory. That is, where a girl is known to be a bad girl.

10,094. And the second sentence three years, and then firmly dealt with by imprisonment—the sentences to be increased in "geometrical progression"?—Yes. I begin with 7 days, and go on to 14, 28, and so on.

10,095. After getting out of the reformatory?—Yes.

10,096. Is there any precedent for sending them so short a term to a reformatory? It is the case that a girl of 17 at present cannot be sent to a reformatory. This would be an adult reformatory?—Yes, I would make them work for their living there.

10,097. For unmarried women you suggest detention for life?—I say in some cases it would be better if they were detained for life, because there are women who no sooner get out of any of these Homes than they begin to drink again.

10,098. And six appearances in the Police Court you think should bring them under the category of habituals?—Yes.

10,099. There are men and women who are practically prisoners for life as it is. They are always going in and out of prison?—Yes, they are in for a little, and then out for a few days or so, and in again.

10,100. Magistrates, you think, should be superseded by Stipendiaries to adjudicate on habituals?—I think Stipendiaries would be the better form.

10,101. Why?—Because they would have more time. All their time would be devoted to their duties.

10,102. But why not avail yourself of a Sheriff, who is to be found everywhere in Scotland?—You could not have a Sheriff in the Police Courts.

10,103. We would remit the cases to the Sheriff, whereas there are no Stipendiaries in Scotland?—There was a Stipendiary in Glasgow.

10,104. Yes, but there is not now?—No, not at present.

10,105. But why do you propose a Stipendiary as opposed to the Sheriff?—I am not opposed to any of them. I just think they would have more time, and they would take more interest in those who came before them constantly, because some who come constantly to the prison would be ashamed to be coming up before the same judge.

10,106. Do you find shame a weakness among many of your people?—Yes, some of them have said to me that part of their punishment was standing up before Stipendiary Gemmel, who had interested himself in them, and they said they were very vexed about it.

10,107. You come across a good many of these individuals. Do you assist many of them to find places when they get discharged, or to pull themselves together and lead a new life?—I do not do anything further than recommend them to the agent of the Society. There is a paid agent, and he has two clerks, and they look after the males; there is also a female agent to look after the women.

10,108. And is work got for the women?—They cannot get places for women easily. The amount of work for women of that kind is not plentiful.

10,109. We came across a Roman Catholic clergyman connected with the prison in Edinburgh, and he appeared to have interested himself in various prisoners. Some he had sent to the country he had found to do well. We also found a Presbyterian Chaplain who had interested himself in various prisoners, notably one male habitual offender, whom he had got a country job and kept him six months out of prison?—I have got hundreds set up. I take an interest in them in this way, that I recommend them to the agent of the Society after I inquire into their wants. I go also and look after some of them at times.

10,110. You visit them?—Yes, I go and visit some of them after they have been out of prison, but the paid agent of the Society gets them the work.

10,111. Do they tell you confidentially anything about their habits and feelings as to how they regard imprisonment, or whether a young man or woman who gets into prison finds it not so bad as he expected?—There are some who say it is not nearly so bad as they expected, but most of them look upon it with horror.

10,112. You think that is the case?—Yes, out of thousands who pass through, I am sure there are hundreds who do not come back, or, if they do, it is at a considerable interval; but of course there are the hundreds who come constantly who have little or no feeling.

10,113. It is more punishment to the casual than to the habitual?—Yes, it is.

10,114. (*By Miss Stevenson.*) In connection with the apprehensions of those women, do you ever hear complaints from them that they have been taken up merely on suspicion?—Many.

10,115. Have you heard them say that if once they have been in the hands of the police for this offence, they are liable to be taken up frequently?—Yes, I have heard them say that.

10,116. Do you think that is ever really the true state of the case?—I have no more than their own word for it, but the manner in which they tell me the story seems to make me believe in some cases that it is true. In the Police Court I understand they are all brought up in batches, and the police who are to be witnesses in the various cases are there, and the result is that a woman, a stranger, has to stand up before thirty or forty strange policemen, and they can recognise her on the street again, and some say they have been taken up and sworn to as being seen when it was evident that they had been seen in the Police Court at one time.

10,117. Do I understand these women are not tried singly and individually?—Yes, but I think they ought not to be brought up in batches, but brought in singly and tried.

10,118. How many are brought up at a time? Do you mean that four or five are brought in and tried for this offence?—They are tried singly, but they are brought into court in batches, one case after another is brought up and disposed of.

10,119. So that a woman who is there possibly on suspicion might be recognised on a future occasion as having been in the Police Court before, and presumably was a prostitute by repute?—Yes, that is so.

10,120. (*By Col. M'Hardy.*) You have taken some interest in seeing if anything could be done for the prisoners discharged?—Yes.

10,121. How many cases have you paid particular attention to?—Perhaps 1200 or 1300.

10,122. What has been the general lines on which you have gone in trying to do something for these people?—I have given them recommendations for clothing when necessary, and also for admission to the model lodging-houses. Others I have recommended to Shelters, and others I have advised to have goods for hawking, in order that they may start earning in a little way.

10,123. Which has been a most successful line?—Yes; it gives them a new start.

10,124. And out of those you have sent away out of the city to their homes in the country, are there many cases in which that has been successful?—Yes, those who are sent to quiet country places especially do not seem very soon to come back again, and I think that is a very good way of getting them reclaimed.

10,125. But they are not very willing in some cases to go back to their homes?—Some are ashamed to go home, while others are willing.

10,126. That, however, has been the most successful treatment?—Yes, where it has been managed.

10,127. You were suggesting an increase in the sentences as a method of reformation?—Yes.

10,128. You have seen a good many prisoners with long sentences pass through the prison—with long sentences which were even repeated?—Yes, but not doubled.

10,129. Do you think what you have seen of sentences passed upon convicts justifies you in thinking that a long sentence is much more deterrent than a short one, and that it is necessary physically to withdraw persons for a time from the society they keep?—To-day I met a woman who had served her time for eighteen months, and after being several weeks out of prison she got three days for being drunk. For seven weeks she had tried to do well, but she had given way to drink again, and I expect she will go on drinking and commit a theft and get a long sentence. The long sentences in many cases have not the deterrent effect one would like to see. There are some people who do not seem to be deterred by any sentence.

10,130. (*By Dr. Sutherland.*) Do you find that felons, thieves, garotters, and housebreakers, and so on, are habitual drunkards?—No.

10,131. You do not think it consistent with their profession that they should be drunkards?—I find, on the other hand, that they themselves take advantage of drunken men.

10,132. And that they themselves are perfectly sober when they are committing the act?—Not always; many of them say they drink.

10,133. You would not expect a man who was under the influence of drink to carefully plan and successfully carry out the robbery of an individual or of a house?—No, I would not.

10,134. Do these thieves, garotters, and housebreakers present the physical appearance of the habitual drunkards—men and women whom you see in prison for brief sentences?—They have a peculiar formation of the head, to begin with.

10,135. Would it be right to say that in Glasgow the 500 women who pass so frequently under your notice, mostly as prostitutes, are virtually habitual drunkards—in other words, that prostitution and drunkenness in Glasgow among that class are synonymous terms?—There are habitual drunkards who are not prostitutes, and prostitutes who are not habitual drunkards.

10,136. If you got all the women in Glasgow with ten convictions and upwards in the year, do you think that there are many who have not had prostitution as part of the charge?—I cannot say.

10,137. You suggest six convictions as the definition of a habitual drunkard?—In most cases.

10,138. Over what period of time would those six convictions extend?—I would not recommend any time. At least, I could not say whether in a year or six convictions right off; because there are some who might be three times this year, and they would not be in prison again for six or nine months, and I could scarcely think these convictions should be counted.

10,139. Then your six convictions would be in one year?—Yes; perhaps.

10,140. You are somewhat severe on young unmarried women?—Yes. I say that those who have no wills of their own, the stupid, ignorant, I would say their period of detention should vary, but in a number of cases their detention should be for life; because they succumb to temptation, and if not confined in some place they would appear again and again.

10,141. But do you think public opinion would support you either in the life sentence or in the geometrical progressive system of sentences which you suggest?—I do not see why it should not. There are many prisoners who would be deterred if they knew the sentence that was coming next time; but as it is now, one day they may get seven days, and another three days, and so on.

10,142. But it is not the case that the late Stipendiary Magistrate of Glasgow let off one half of these drunken offenders every Monday morning?—I cannot say. [The witness then withdrew.]

Mr. William Quarrier.

MR. WILLIAM QUARRIER, Superintendent of the Orphan Homes of Scotland, called in and examined.

Mr. William Quarrier.

18 Dec. 1894.

18 Dec. 1894.

10,143. (*By the Chairman.*) You have done an immense amount of work in the way of reclaiming children?—I have been at that work for thirty years.

10,144. Can you tell us how many children have passed through your hands?—Children, young people, something like ten thousand, independent of what I call casuals. These have all passed through our Homes.

10,145. Will you explain to the Committee the main features of your work? Tell us first about your Homes?—The Homes are for orphan children.

10,146. Tell us about the James Morrison Street Home in Glasgow?—It is a night refuge for homeless children, a home for working lads, and for young women who are in danger of falling into crime. That is its threefold position. We keep children, working boys, and young women.

10,147. How do the children come there?—They come usually by civilians meeting them on the streets—through Bible-women and others, and the police occasionally bring them.

10,148. How many children do you find shelter for there?—We have accommodation for something like 120 in James Morrison Street.

10,149. Now we pass from children. How many young women have you got?—About thirty.

10,150. They are sent by ladies who take an interest in your work?—Yes, who take an interest in the girls who have been put out of their places through bad tempers or otherwise, or driven out by a drunken father to seek their own living; and sometimes I have taken them from other relatives if I thought they were doing them an injury.

10,151. And the boys?—There are about sixty of them, apprentices who do work throughout the city and lodge with us.

10,152. But your main work is among children?—Yes.

10,153. And you regard James Morrison Street as a depot from whence you select children for the Homes at Bridge of Weir?—Yes, it is the office for passing them on to the Bridge of Weir.

10,154. But in addition you get children from all parts of the country?—Yes.

10,155. Now as to the Bridge of Weir Homes, how many have you passed through them?—Since we built the Homes there in 1876 and opened them in 1878, about 3000 children have passed through them. Formerly the work was done in the Govan Road, where we rented two houses. We have forty-eight buildings belonging to the Homes, and these are all located at the Bridge of Weir with the exception of two.

10,156. But you carried on the same work at the Govan Road Buildings, and what you are doing now is the same work on a very much more improved system?—Yes, very much.

10,157. You take them out to these Homes, educate them to a certain extent in industrial matters, and after two years' residence you send them out from the Homes?—That is about the average, and we draft to Canada perhaps 250 annually, and probably about 200 throughout this country.

10,158. How many do your Homes accommodate?—We have now about 1200.

10,159. Boys and girls?—Yes.

10,160. They live in the houses, which are carried on as far as possible on the family principle?—Yes, a father and mother are over each house and they have 30 children under their care.

10,161. The children you have to deal with, I suppose, are quite as bad a class as find their way into Industrial Schools and Reformatories?—They are a similar class. There might be some better, because we take a family away, whereas the Industrial School cannot take a child until a certain age.

10,162. You take children who come into your hands through the misfortune of parents and without anything being alleged against them?—Yes, we take infants even of a few weeks old, as well as a child of 16 years, so that our work meets the family wants. I have taken as many as seven children from a widow.

10,163. Do you think these two years' supervision sufficient to enable the children to be drafted off to Canada?—My experience for the last twenty-three years has satisfied me of that.

10,164. You have a depôt in Canada?—Yes, superintended by my daughter and her husband.

10,165. Who were with you on this side for a long time?—Yes.

10,166. And they place these children with farmers in the country?—Yes.

10,167. And you have a huge mass of evidence showing that the great majority of them do well?—We have evidence by reports and by actual visitation by my son-in-law and others. We have actual evidence to the extent of 98 per cent. of the children in Canada who do well, and there are 4000 of them there altogether.

10,168. 98 per cent.?—I would find a difficulty in finding 2 per cent. that have gone wrong in the twenty-three years.

10,169. And you find the farmers in Canada very glad to get them?—That is just the material they want. They grow up with the people. They are thoroughly healthy. We do not send any unhealthy, or any who are known to have pernicious habits, out there. We are just as anxious that the Canadian people will be satisfied with them as we are to have them placed there.

10,170. You have a number of children adopted?—Under ten years the children must be adopted, and above twelve they are placed in service, with the provision that education must be carried on.

10,171. But a lot of young children are adopted by childless couples?—Yes.

10,172. In connection with the children generally, you find that drunkenness has an enormous deal to do with their being placed in a condition in which you are obliged to keep them?—Yes, a very large share.

10,173. What is the cost of maintaining your children?—We passed through the Homes last year something like 1500 children, and our expenditure is something like £14,000 or less than £10 per head, or if you say the actual number that resided with us was 1200 all the year round, it would then amount to something like £10 to £12 per head.

10,174. Does that include sending them out to Canada?—Yes, everything; and we have two schools also in the Colony, I may say.

10,175. And are the schools inspected?—We do not take a penny of Government money. We have fourteen school teachers, and these are busy at the work. We have gone on the lines of taking nothing from Government. We try to help the country.

10,176. What do you teach boys and girls? What employment, I mean?—We teach girls house-work after schooling. Then some are taught laundry-work and dressmaking. We do all that with our girls, while some of them also are trained as assistant teachers.

10,177. You have a dairy also, I think?—Yes, and there is a farm which we bought last year. We intend to have a model there, as well as at the group of Homes.

10,178. Do you employ the girls at the dairy just now?—Not much. We buy most of our milk from the next farm. We could not very well spare our girls; there are such a large number at school. They have been overlooked by the School Board. Even after twenty years of School Board work, I may give as an instance, that I brought a girl of 13 not long ago from Inverness, and she is not able to read yet. We very often get those who are missed by the School Boards.

10,179. And do you find large numbers in Glasgow and Edinburgh?—Yes, we have 150 from

Mr. William Quarrier.

18 Dec. 1894.

Edinburgh, who have not been properly looked after and educated. I think out of that 150 there would not be more than a dozen who had passed the fifth standard.

10,180. What do you make your boys work at?—There are a number of trades, such as shoemaking, baking, blacksmithing, gardening, joinering, and painting. These all go with the fathers in their trades. A lot of the boys go with them in the work they carry on.

10,181. The "fathers," that is the heads of the houses, I suppose?—Yes, and each father has so many boys at his trade, and so manages them.

10,182. You are very ingenious in the way of finding means of employment. Supposing you had girls whom you could spare to work, what sort of work would you advise for them?—Service.

10,183. Have you any poultry-farm about your place?—Yes.

10,184. And is it worked by girls?—By boys.

10,185. It would be very suitable for women?—Yes, I might fall back on them for that, and with our new farm we may be enabled to do so.

10,186. How many hens have you?—500.

10,187. How much land?—About an acre and a half set apart for that, with a beautiful house called "The Hen's Paradise," which is splendidly fitted up.

10,188. And how many boys can you keep working at it?—There are about a dozen; but there is also a kitchen-garden at which they work, and also attend to the hens.

10,189. Have you had any epidemics amongst your fowls?—None.

10,190. How long have you had them?—For about four years.

10,191. How does it pay?—Splendidly. It has not cost a penny, I think. We do it by collecting all the brock of the village every morning, with potato peelings and refuse and tea-leaves and little bits of fat, all of which is boiled together.

10,192. Tea-leaves?—Yes; the hens are very fond of that. We find they like that mixture very much. I mean to extend that sort of work when we get this new farm into proper order. We mean to have 1000 hens.

10,193. You have no machinery?—We have a steam-engine of 12 horse-power that we mix our dough with in the bake-house, do our laundry-work and our joiner-work, and other work when necessary.

10,194. You are not in the way of making firewood?—We did so in the Govan Road Home, but since we went to Bridge of Weir we have not made firewood.

10,195. Did that pay?—Yes; it pays if you can buy your wood at a certain price. If you can buy broken wood at 10s. a ton, I believe it will pay to break it up; but if you have to pay 20s. a ton it won't.

10,196. How does the number of children in your Homes compare with the number in Industrial and Reformatory Schools in Scotland?—I should say there are as many children in our Homes as there are in all the Industrial Schools of Glasgow put together. I think that is about the number. I was summing them up about a year ago, and I think we took more children in than all the Industrial Schools in the city put together, including the Training Ship.

10,197. Do you think it is necessary to have such long confinement for juvenile delinquents as they are subjected to in Industrial Schools?—Not in most cases, but when you have bad influences in the city outside, what are you to do?

10,198. What you do is to ship them off away from it?—That is just the saving of them.

10,199. But of course that could not be done with Reformatory children?—No; you have to keep them a certain time. With me, I do not need to keep them any stated time, because they are not committed children.

10,200. Do you ever have any trouble about the people demanding back their children?—A lot of trouble that way, and if they can satisfy me that they are honest and able to keep their child, I do not refuse to give it back; but if it is a mere excuse, I shall hold on to the child according to the law.

Mr. William Quarrier.

18 Dec. 1894.

10,201. That is under the Act passed a few years ago?—Yes, the Custody of Children's Act.

10,202. Then after you have sent a child abroad, have you any parents or friends demanding their custody?—Yes, sometimes they get into better circumstances, and they will wish me to get the child back, and I say, "If you wish it back, then you will have to pay for its passage or wait till the child earns the money."

10,203. How does the law stand on that point?—I have been in court two or three times with Roman Catholic children, and the law cannot touch any one who has sent a child to Canada in a proper way, or make him bring it back.

10,204. It is mostly on account of religious differences?—Yes, it is mostly that.

10,205. Put aside those questions in which religion intervenes. Take the case of the Presbyterian children, who doubtless are the great mass of your children: have you had any trouble otherwise?—No, no difficulty with people wanting their children back on the other side.

10,206. And practically no difficulty about parents wanting their children back here?—It is very little when the number of cases—600 new cases each year—is taken into consideration. When you take such a large number in every year, you would say my trouble is very little, and it is usually with people who have no home for the children.

10,207. You have a lot of imbecile children?—Yes, we have a few in our invalid house. There are 30 cases of incurables in the girls' house.

10,208. You do not make any objection to any kind of child?—No, we take any child if it has no father or mother.

10,209. And if it is imbecile you take it?—Well, there is the Larbert Institution, and I never like to cross and take cases that other institutions should take.

10,210. One of the elements that you lay very great stress on in exerting a good influence on the children is the home influence?—Yes, a father's and mother's influence.

10,211. And I believe the chief father goes so far as to give the inmates a halfpenny or a penny a week?—A penny every Saturday night, to spend on sweets if they like. That is their heritage independent of any gift they may get, and they are at perfect liberty to use it in the store. Last year we used over a ton of sweets. There were £20 worth, all bought by the children.

10,212. And you find the very roughest of them become civilised?—I am astonished to see that children who could not be managed by their mothers or uncles or aunts are managed as we succeed in doing it. It is a surprise to me every day of my life, for we do not take children that anybody else can manage or keep.

10,213. Take the juvenile offenders, those children who go into Industrial Schools or Reformatories, do you think they could be dealt with in a short time?—I am positively sure they could, because I have had offenders who have been imprisoned, and I have had them out of prison, and they have afterwards done well; and I believe if they had not their surroundings outside it would make all the difference. A boy who has been convicted once, I should say, if he is not habit and repute, there is great hope for the boy if he gets into a Home such as ours.

10,214. In connection with these children you must have seen a great lot of miserable homes?—Most of them have no home at all.

10,215. You used to go about closes at night?—Yes; and have seen many a poor widow left with three or four of a family in what you would call a comfortable condition, and in a few years she has become utterly helpless and her health gone. She

Mr. William Quarrier.

18 Dec. 1894.

has been turned out by the landlord, and a neighbour takes her in, and she applies to me, and I take her children. I have just been informed of a case of a mother who has died of consumption and has left four children, three of them at home; and even although they are of consumptive parents, I will take the whole of them in. That is the sort of work we do.

10,216. You have the history of all the children?—Yes.

10,217. Have you any examples of the children of drunken parents turning out drunken also, or do they generally turn out sober?—I do not believe in any hereditary taint except sin.

10,218. Then you don't think they turn out drunkards?—No; I could cite scores of cases taken from the most drunken homes that are virtuous and well-doing to-day in Canada.

10,219. Then, again, the children of criminals?—The same thing applies to their children. If you can get them young, say six years old, their passions and manners and sight become sharp about five, and if you can give me any young child from any home under five, I will be bound for it that that child will have none of its father's immoralities and drunkenness. Both parents may be drunken and everything that is bad; that is my experience.

10,220. I suppose a lot of your children now in Canada are getting old men?—I suppose we would have fifty marriages last year.

10,221. How often have you been out to Canada?—I go out about every second year, and I have seen 500 or 600 during my visits. My son-in-law and a brother and an assistant and others are constantly going about visiting them.

10,222. You all do this from love of the work?—There is none of us in the work for a salary, and we have about 90 workers or helpers altogether.

10,223. And of course that being the case, the work is done with much more heart?—Yes, and much more time is spent on it. I often say to friends who want a situation that our place is not the place to go to, but if they want to do good to their fellows, they will get bread and water and something else added to it, and it is marvellous how we have been kept up by a band of workers that are of the same spirit as ourselves, that work for the good of others. I must say that while you might get a certain result from what you may call purely Government institutions, where officialism comes in, you would hardly get the same moral and physical results.

10,224. Do you believe that habitual criminals could be dealt with by such influences as you bring to bear upon them in your Home?—Young or old?

10,225. I suppose young more than the old?—The young I think so, because I have had many cases reformed.

10,226. In your girls' place in Morrison Street you don't take prostitutes?—No; we draw the line there.

10,227. What do you do with them?—We send them off to the Magdalene; but unless we can make it clear that the girl has gone wrong, we give her a chance.

10,228. And do you take up children eligible for parochial relief?—I take about 100 pauper children from each Board of the City every year.

10,229. They do not board them out?—There are a few Boards throughout Scotland who have no boarding-out places, and I have taken them without any guarantee.

10,230. And do they contribute?—Some of them may give me £10, but it is a voluntary thing, and I do not insist upon it. You see my object is to save as many as I can without having respect to any locality or any denomination at all.

10,231. I doubt whether any Parochial Board has any legal right to spend money in support of any institution. It has legal right, however, to pay in respect of a child boarded out?—Mr. Campbell, General Inspector, Board of Supervision, was down in 1888, and gave a very glowing report of the Homes, which was presented to Parliament, and in that blue book the Homes are held up as the finest and best in the country. He only regretted that the Boards had not power to place children with us and pay for them.

Mr. William Quarrier.

18 Dec. 1894.

10,232. But have the Boards any power?—Simply they are obliged to do it in another way.

10,233. But they board out children?—Yes, but not in institutions.

10,234. (*By Miss Stevenson.*) But there is an institution at Aberdeen, Mr. Japp's, and another at Smith's, where they pay for children?—I do not know how they do it. I do not think the law allows them to keep children in institutions. They should be kept in private houses.

10,235. (*By the Chairman.*) I suppose that is regulated by the Local Government Board?—That may be so.

10,236. In which case they can alter the rule. In fact, if they have a rule, it applies to these other institutions as well as to yours?—Yes. But my Homes are purely voluntary, and that would constitute my difficulty.

10,237. (*By Miss Stevenson.*) You spoke of the number of homeless children that you sheltered in James Morrison Street. Do you mean by that that these children had no guardians or parents?—They have mothers, most of them, who are houseless and dependent on the charity of neighbours day by day.

10,238. I suppose in all cases you follow up the children to find whether or not the statement they make that they have no home is true?—In every case we follow the statement up by close investigation.

10,239. But I suppose you mean that these children have no place to go to?—For instance, there was a mother in on Monday; she had not a place to lay her head. She had three children; she had been three nights in the Night Asylum, and could not go back a fourth.

10,240. But she could have gone to the Poor House?—I recommended that.

10,241. I think you said you had about 130 young people in the Home altogether?—Yes.

10,242. How many would be children?—They are mostly above fourteen there, as you see it is a working-boys' Home.

10,243. But about the homeless children?—About a dozen at a time, because they are drafted off. It is a night refuge for any child who may be found.

10,244. But you seldom find a child who has no guardian or parent?—They will tell you they have none, but we generally find they have, although I have waited six months before finding them.

10,245. You said, I think, that a large number of the children who came to you had escaped the School Board; but is it not a fact that a great many of the children sent to you are sent through the action of the School Board officers?—Some are, but I help hundreds of children that the School Board cannot touch.

10,246. You say you have a number from Edinburgh?—About 150.

10,247. Have you ever inquired into their history?—Largely drink.

10,248. But I mean through what agency they came to you?—Quite a large number from the Prevention of Cruelty to Children Society.

10,249. But you did not go behind that agency, because, as a matter of fact, I know a great many children are sent through the action of the School Board officers, and is not that the case in Glasgow?—No; you see a mother that cannot get bread for her children, what can she do? Somebody must give her bread, or else the burden of her children must be taken from her.

10,250. But you made no inquiry as to whether these children had ever been on the School Board or not?—We usually take the facts from the mother.

10,251. And you never verify them?—We verify the standard of the boy by our school.

10,252. But I think you would find that most of these children had been looked after by the School

Mr. William Quarrier.

18 Dec. 1894.

Board officers, and that, through the difficulties in getting convictions, they had not been able to force the children into school?—Quite a number of these cases do come to us.

10,253. What I meant to point out was that School Board officers were not so neglectful as apparently your statement would infer?—I do not say so, but I think the officers spend too much of their time in the School Board offices. I think they should be out more.

10,254. In regard to the application by parents having children restored to them in the cases where you emigrate children, I understand you require the parents to sign an agreement to allow the child to go, but that in law it does not hold good if the parent changes his mind?—No.

10,255. (*By Col. M'Hardy.*) I did not understand quite what you said about Reformatories being hampered by time?—You see if a boy is sent for three years to an Industrial School, he cannot be dismissed till the three years are up, or if he is sent for five years, he cannot be dismissed unless he is sent out two years on license, which is sometimes done.

10,256. And how does that affect them adversely?—It puts a stigma on a boy when he is convicted by a magistrate.

10,257. I mean in regard to the time he is detained?—I would say that if you could put more of the voluntary principle into your Industrial and Reformatory schools it would be better for the children, but the officialism is such that it sometimes takes out much of the moral and the spiritual good.

10,258. You mean to say the spirit of the person who has charge of the institution is lost by formalism of some kind or another?—Yes.

10,259. I want to keep upon this point of time. Perceiving that the influence is good, I suppose, for one year, would it not be better if it were for two years? I do not understand how the prolonged detention, as you would seem to suggest, operates as an evil?—I would say that institutional life under any form is an evil, and if you can bring more of the home life to bear upon the children, then you will have the greater results. I do not think I have found in my own case that those children who are longest with me are the best.

10,260. And what is the average length of time that you think it advisable to keep those children?—I think about two years, although we may keep some as many as five years. From some infirmity of body or otherwise they may not be fit to go away.

10,261. Have you made up in your mind the maximum time a boy should stay in those Homes?—I think after two years it is best for the boy to go.

10,262. Because the boy you think may become too habituated to the place?—Yes, and the routine too mechanical.

10,263. Become crystallised?—Yes.

10,264. And you think the same sort of influence may be at work in a Reformatory?—I think it is likely to be more accentuated in a Reformatory.

10,265. Then in any scheme of reformation of habitual offenders you would attempt to limit the number in the institution as far as possible?—Yes.

10,266. And either work with limited numbers, or as nearly as could be on family lines?—Yes, but let the children be removed from their parents, if they have any.

10,267. How have you determined the limits of these separate Homes that you have?—The numbers are limited by the capacity of the house. The household is 30, we say.

10,268. But you built the house?—Yes, to hold 30.

10,269. You had made up your mind that 30 was the proper number?—I would say that more than 30 is injurious.

10,270. That is even a large number?—I would say 20.

10,271. Financial reasons to a certain extent affected you?—And the changing of so many to Canada prevents the staleness of the work. There is a revolving, so to speak, every year out of the house.

10,272. A yearly revolution, as it were?—Exactly.

10,273. And in all this reformatory work you think it is necessary that things should be kept alive?—I believe that to be the life of the children in the future.

10,274. Can you give us any notion how to proceed with adults who have dropped away from goodness?—I know of nothing that will do it but love. Law will hardly do it; but if you have to deal with a habitual drunkard, whose senses have got so marred and so debased, then you must put law to that man till you get him to understand what love is.

10,275. I daresay you have thought of such things. Would you mind letting us have your views a little further in detail?—If you ask me about a drunkard as a habitual criminal, I would say that he should be confined by the testimony of the neighbourhood in which he lives as a pest to it.

10,276. But after you have got him, what would you do with him?—Say, give him six months, and during the six months you try to cure him of his drunken habits by those methods that have been adopted, and that you had cured the appetite for drink, that man might be allowed out before his term was up.

10,277. I think all the medical evidence seems to hint that the various medicinal retreats are failures?—I am not sure that they are failures. I insist on detention for a habitual offender.

10,278. If you are throwing out the drug remedies how would you proceed?—I see no cure for a man like that unless his heart be turned to kill his appetite.

10,279. Well, then, how would you proceed?—There is nothing but love can make love, and a man, may be, who has gone through the same fire himself and been cured, may be able to bring pressure on his fellows, and the likelihood is he will be able to keep him.

10,280. In fact, you want a master-hand?—Yes.

10,281. But would you have an arrangement built upon the lines of your own institution—that is, upon having a variety of small homes, or would you disperse these people?—They would be better dispersed than in large numbers.

10,282. Would you have them congregated or single?—I should say 10 or 12 in a suitable building.

10,283. How long would you keep them?—That is difficult to say, but until the appetite was cured.

10,284. He would work?—I would insist upon that; and if he had a family, I would try to get him to make sufficient to keep his family.

10,285. Do you find any difficulty in getting these boys to do work?—No difficulty whatever.

10,286. None of them show laziness?—They have been spoiled often before we get them, but they soon come to it and do it willingly.

10,287. And you think his eagerness to work is the index of his reformation?—We say to a lad that if we can do him any good by sending him to Canada we must see evidence that he is fit to be sent, and you have to do the same with the drunkard. You might give him two years, and tell him that if you saw evidence that he had improved, that he might be admitted out before the time.

10,288. But it would not be a good thing for him to go back amongst his friends?—No.

10,289. And with the women, how would you proceed with them?—Theirs is a very sad case. I have tried women even of education. There was a teacher I had in the Govan Road Home. She could speak six languages, and she lived with me for a good few months without ever going out. I let her out, however, one Saturday night, and she promised to come back all straight. I did not see her again until Monday, when I went to see her in a house in the northern quarter of the city; and she was almost in a nude state.

Mr. William Quarrier. 18 Dec. 1894.

10,290. A proper house?—It was just a poor woman's house. She had been found lying on the stair and was taken in.

10,291. (*By the Chairman.*) Did you get any good out of her?—No good; she had to go.

10,292. (*By Dr. Sutherland.*) Do you think the same lines of treatment for delinquent children are at all applicable to adults?—I do not think children need half so much as adults.

10,293. The habits of the adults are confirmed, you think, and the reformation is a more difficult task?—You have to be more rigid with the adult and more placid with the child, whose failings you have to overlook, and get him to realise that you are caring for him.

10,294. You do not approve of fixing the sentences passed on children sent to Reformatories?—I do not think it is good at all.

10,295. You would rather go in for a system of indeterminate sentences?—Yes, longer or shorter.

10,296. Do you classify your children at the Bridge of Weir?—No, they are all mixed.

10,297. But if there were a wide range of ages, would you not classify them?—You would not cure a bad boy by classifying him with the bad boys. If you want to tame a wild horse, you must put him alongside a tame one. My experience is, that a bad boy who is put among a lot of good children is bound to submit to the overpowering good that is there; and it does not need force.

10,298. Of course you attach great significance to the fact that you send your boys to Canada, and the Canadian Government have no objection?—Yes.

10,299. I suppose the Canadian Government would refuse to receive the adult offenders of this country?—And rightly.

10,300. You are also aware that children from the Reformatories are sent to Canada?—A few; not many.

10,301. Are the results satisfactory?—They are not so satisfactory, I understand, as ours.

10,302. I have seen a boy from a Scotch Reformatory in the Toronto Jail. Is that your experience?—98 per cent. of our boys do well, and I am sure Mr. Massey, the governor of Toronto Jail, will testify to that, and that he has not had any of our children under his charge.

10,303. Yes, I know; he told me that himself. Is it the fault of the father or the mother which for the most part results in the children getting into your hands?—My children come to me because they are fatherless, and many of them come to me because their mother cannot manage them; and I get the material in such a state of confusion, that I have to undo the wrong and build up the child aright.

10,304. Do you find drunkenness more common among women than men in the class you get the children from?—The cases with widows especially might also be balanced, but when a woman goes wrong she goes very wrong.

10,305. Am I correct in saying that a very large part of your work is of the kind undertaken by the Prevention of Cruelty to Children Society?—Yes, there is a large quantity.

10,306. If it were said that that Society rescues in Edinburgh three children for every one in Glasgow, that would not be at all a correct representation of the work that is done here?—The Society for the Prevention of Cruelty to Children in Edinburgh does not do half the work of the Society in Glasgow.

10,307. It falls to your hands?—Yes, and other agencies.

10,308. (*By Dr. Farquharson.*) You do not attach so much influence to heredity in drink as some other witnesses we have had before us?—My conclusion is just the result of observations I have made amongst the children.

10,309. You attach more importance to surroundings than heredity?—I do. The surroundings are a very large factor in the future of a child.

10,310. You do not find your children ever relapse in a mysterious kind of way; for instance, from no other cause than going back to their parents' habits?—I find if a mother will against my will take her boy out of our Home, that the mother has come back to tell me that she has made a mistake in taking the child out and training it her own way. I believe there are 90 per cent. of parties who have taken their children away, thinking they could manage them after two years of my training, and when they were put back in their old surroundings they went wrong again.

10,311. What do you attach most importance to? Getting the child early?—Yes, and away from its surroundings. A child that is in the habit of going to saloons and theatres and other questionable places, will do anything to gratify its desires, and needs to be removed entirely from their influence.

10,312. Then even in heredity you would take the tendency away by changing its surroundings?—I have proved that by thousands of cases.

10,313. (*By the Chairman.*) About the effect of whipping on juvenile offenders. Do you get many boys who have been whipped by the Police Magistrates?—Not many. I do get a few from the Magistrates, but they send them to the Industrial Schools. It is law keeping law; mine is purely voluntary.

10,314. I do not mean the Magistrates sending them to you. A boy is up for some trifling affair, throwing stones at windows, and he is ordered to be whipped. Do many of them become inmates of your Homes afterwards?—Not many.

10,315. What is your opinion as to the effect of the whipping. Does it degrade them?—I do not think it does good.

10,316. It is a very undesirable thing to send juvenile offenders to prison?—I think, if that can be avoided, it should never be done.

10,317. In cases where you must have some other punishment, would whipping appear to be better or worse than prison?—I think if that boy could be got into a true moral surrounding he would neither need whipping nor imprisonment.

10,318. But if the Magistrate has only the option of whipping or imprisonment?—I would say the whipping would be the better of the two.

10,319. Have you any corporal punishment at your Homes?—I do not believe in whipping above 14 under any circumstances.

10,320. But have you the usual system of palmies?—We have the tawse; but I have inculcated that they should never be used, and that moral power is better—that the boy should stand in a corner for an hour if he has been misbehaving. The tawse are thus very seldom seen. Indeed, owing to one of the female teachers being inclined to use them, I burnt the tawse a few years ago. We find that keeping a penny off a boy on Saturday, or sending him off to his bed when all the rest are out at cricket or football, is a far worse punishment than the tawse.

10,321. So that these punishments will be applicable both to boys and girls?—Yes, they are.

10,322. It is even less desirable to send a young girl to prison?—You will never make anything of sending a young girl to prison.

10,323. Can you make any suggestion as to how to deal with cases of this kind?—I think there should be something outside the prison which should take hold of her on voluntary lines.

10,324. But we cannot do that. In many places there are what are called certified cells, where prisoners may be detained for a short time. Do you think it would be an improvement to confine short-sentence cases there rather than send them to prison?—I do not think it does them a bit of good. The moral power is the thing to wield, if you can. [The witness then withdrew.]

(ADJOURNED.)

TWENTY-FIRST DAY.

Glasgow, Wednesday, 19th December, 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P.
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Father John M'Mullen. FATHER JOHN M'MULLEN, St. Mungo's Church, Glasgow, called in and examined. *Father John M'Mullen.*

19 Dec. 1894.

10,325. (*By the Chairman.*) You have no official connection with the prison?—No, but the Catholic priests who visit the prison are members of my community and live with me, and I have had experience of many habitual criminals.

10,325A. And also I suppose of a large number of the poorer classes?—Yes. I should say besides that, that I had a note from Dr. Sutherland about this matter, and I brought it before the Senior Priests' Union of the Clergy of Glasgow. They appointed a small Committee to consider the matter, and the views I give you are their views as well as my own.

10,325B. Would you just tell us your views on the subject of intemperance, and the connection of intemperance with habitual offenders in the first place. I suppose you have an immense amount of intemperance?—No; I would not say an immense amount by any means. We have a large amount, but not immense.

10,325C. We shall take it as contrasted with other towns. Have you any experience of other towns?—Yes, I have lived in Liverpool and in London, and I should say in regard to our people that they contrast very favourably with the Catholics—I mean the Irish Catholics—of Liverpool, and Manchester, and London.

10,325D. In Glasgow, could you give us any idea of the Catholic population?—We calculate it at between 150,000 and 160,000.

10,325E. Is that based on the census?—It is based on the census returns we make up in each of our parishes, and also on the baptisms.

10,326. This Catholic population is divided into two portions, the Irish and the Highland, is it not?—We don't make any distinction.

10,327. But practically there are the two nationalities?—Yes, there are.

10,328. You have no means of saying how many belong to the one section, and how many to the other?—I could not exactly say, but the Highland portion would be comparatively small, I should say 3000 would be the outside.

10,329. What do you estimate the Irish population of Glasgow would amount to—about one-fourth of the entire population?—Between one-fourth and one-fifth, but I am taking in the extended boundary just now, including Govan.

10,330. That is a larger proportion than exists in Liverpool, is it not?—No; we are more than one-fifth there, we are over one-fourth.

10,331. In Liverpool we find that the number of arrests for breach of the peace, petty assaults, drunk and incapable, and drunk and disorderlies, were last year only 19 per 1000, and in Glasgow 60 per 1000 of the population?—I do not think that the number of convictions and arrests would be any index of the amount of intemperance that prevails. In our district, St Rollox for instance, I see that there are ten, twelve or thirteen cases on the Saturday, but that would not give you any index of the number of cases of intemperance. There are more cases of intemperance in Liverpool, though not convicted.

10,332. But you will notice the class I am speaking of—petty assaults, breach of the peace, drunk and incapable, and drunk and disorderly—these are all petty offences?—Yes, but I am talking of cases of drunkenness, although they commit no breach of the peace. They are much better here, as we ourselves see from the number and appearance of the children in attendance at the schools and Sunday Schools, and of the parents of the children coming to church. These all show that our people are very much more temperate and sober here than in Liverpool.

10,333. And notwithstanding that the number of arrests is under one-third of the number of arrests in Glasgow?—Possibly.

10,334. Is that owing to the superior activity of the police in Glasgow?—I could not judge that. I could not compare the police, I only take the cases; and I may say that these cases which come within the knowledge of the police, it is these hard cases that we must deal with. Experience is that those who have been convicted the second or third time, their case is very hopeless under existing arrangements.

10,335. You have been in Liverpool yourself?—Yes, for some years.

10,336. Well, you have not observed any difference in the action of the police, nor of the class of people that would be taken up?—No.

10,337. You have told us that your Glasgow area—what is the diocese?—I am speaking of the city of Glasgow only. The diocese includes many of the outside towns and districts.

10,338. We shall take the city of Glasgow, including Govan. Do you think that Glasgow is the more disorderly, or more intemperate place, than Govan?—Much the same here as in Govan. I might say also that, of late years, drunkenness has been very much less amongst our people since the League of the Cross—a temperance society founded by His Grace, the Archbishop—was founded; it has worked an enormous change in the habits of our people.

10,339. I ask you about Govan?—Govan is practically the same.

10,340. We find that Govan has only 28 per 1000 of arrests for these offences, which is less than half what occurs in Glasgow?—Well, of course such people are drawn to the centre of the town. Then there are those who are in the model lodging-houses, in the central districts, you might naturally find more cases there than in an outskirt like Govan. For instance, in St. Rollox, where I live, our people who get drunk do not get drunk so often with us as when they go down the town.

10,341. But does not that counterbalance itself—the south-sider will get drunk in St. Rollox?—No; the people from the districts find their way to about Argyle Street and Trongate, and the frequented parts of the city. The Govan people may get drunk there, and perhaps be counted amongst the Glasgow cases. In St. Rollox the number of cases brought up amongst us is very small, but some of our people may have perhaps been arrested and brought before the magistrate in the Central Division.

10,342. Have you any suggestion to make on behalf of your Senior Priests' Union, as to how the very regrettable amount of drunkenness that prevails

Father John M'Mullen. 19 Dec. 1894.

might be diminished?—Of course it is a very big question, and takes in more subjects than can fall under your inquiry. For instance, we believe the housing of the poor has to do with it, and also the high rents. We have a strong feeling also that the want of rational amusement may have something to do with it. In connection with our Church it is obligatory in every Catholic church of the Archdiocese of Glasgow that there should be a temperance society, and it is obligatory that there should be halls for amusements and different games, and we find that these halls of amusement make all the difference in the world. The parishes provided with them find it much more easy to keep the men sober than the parishes without them; so that, if by any public means places of recreation could be provided instead of the public-house as the sole place, much good might be done.

10,343. We shall take the case of an amusement which is perfectly innocent and healthy—football, say. We have been told by certain people that football matches lead to a great deal of drinking and, in fact, to a considerable amount of drunkenness—that is distinguishing between drinking where it does not become a police offence, and drunkenness where it does?—I would rather differ from those. Naturally, where there is a very large number, say 10,000 or 15,000 people gathered together, a certain number will get drunk there as they would have done elsewhere.

10,344. Take another case—races and excursions. We are told there is an enormous amount of drunkenness. For instance, Ayr has a very large ratio of arrests, and the explanation is the excursions and the races?—Yes, but you would have to take the percentage of the number of excursionists. A number of those persons, did they remain in town, would get drunk at any rate. Accompanied by a number of priests, we had a large excursion of our own in the country, several thousands, of whom a good many would have got drunk if they had remained in town, and, as it was, we had very few.

10,345. But don't you think in your excursion, accompanied by a number of priests, there would be less drunkenness?—Yes, there would be less on that account than might be otherwise.

10,346. Do you think there would be less drunkenness still if you had these amusements of which you spoke?—Yes.

10,347. I simply put that proposal to you in regard to amusements, in case it is decided by our inquiry to make any recommendation?—Just so. Then I might say, as regards the drink traffic, we hold that the number of public-houses is far beyond the requirements, and that this constitutes a danger to the working classes.

10,348. Have you anything to suggest on the administration?—We feel in regard to this that the present licensing laws are not carried out with that strictness that they might be.

10,349. There is one particular point about the publicans. They are guilty of a breach of the licensing laws in supplying drink to drunk persons?—We have often debated that question. There are some publicans—perhaps we can hardly say whether a majority or a minority—who are very conscientious; but there are others who are not so. There is no doubt that the publicans know drunkards who go in and get drunk week after week. They are known to the police, to their neighbours, and to the publicans, to be drunkards, and yet they are supplied in these houses till they are very drunk.

10,350. To supply a man who is a drunkard is not an offence, but to supply a man who is drunk is an offence?—Well, I speak of a man who is three-fourths drunk, and will certainly, if supplied, become very drunk. We do believe that supplying to these does take place. We have actually seen cases.

10,351. The police authorities complain that it is very difficult to get evidence in these cases, and I have been unable to find that any voluntary organisation assists them in obtaining evidence?—There is a suspicion that the police are not altogether free from blame in this matter, but it is a mere matter of suspicion. There is a suspicion that the police allow certain publicans off, and that they receive bribes. I cannot prove it, but there is a suspicion of that—that feeling is pretty wide. Then, again, we feel that drunkenness, as different from drunk and disorderly or drunk and incapable, should be made criminal. There should be some stigma attached to it, some means of getting at these drunkards, as this larger class does a greater amount of injury to their families and to the community than the comparatively small number of drunk and disorderly.

Father John M'Mullen. 19 Dec. 1894.

10,352. What means would you suggest?—Those who have more experience of foreign countries, and how these things are managed in other parts, should know better. Our idea is that there should be a list drawn up of persons declared habitual drunkards. This list should be supplied to the police and to the publicans, and the latter prohibited, under penalties, from serving such persons with drink. That would not, of course, always succeed, but it might have a healthy effect.

10,353. You do not mean merely the police court habitual?—No, the drunkards in family.

10,354. Are you in favour of compulsory segregation, at the instance of their friends, of the non-criminal habitual?—Yes; but before they are compulsorily separated there should be some other means taken.

10,355. They should be named, and publicans prohibited from serving them?—Yes; you could forbid the publican knowingly to supply habitual drunkards. These might obtain drink where they are not known, but in many cases the fear of being put on the list would have a deterrent effect.

10,356. Yes; but how would you make up the list if the man had not come under the notice of the police?—They do come under the notice of the police. At present as long as a man is not disorderly he is not arrested, but the police see him going home drunk. Again the name could be put on the list on the application and proof of the family or neighbours of the drunkard. We would press that habitual drunkenness, though not disorderly or incapable, should be made an offence. They are sinning actually against the family.

10,357. Yes; but if you take up these, you will take up six people in every hundred men, women, and children in Glasgow every year, if you extend the interference of the police so as to include every man who is staggering home singing a song?—I speak of habitual drunkards.

10,358. We know that the number of instances of police court cases is very small compared with the actual number of cases, and that the harm that is done by these habitual drunkards, although they have not broken the laws of the city, is incalculable. We are fully aware of all the evils of drunkenness. I shall ask you, therefore, not to elaborate that point of the subject; but your plan of dealing with them would be that if a man was frequently seen evidently intoxicated, though not criminally intoxicated, that the police should note him and his name on the list?—Yes, there should be a black list, and it should be supplied to the publicans. This would be the first step. If, after a certain time, the drunkard did not reform, his name should be entered on a public list. Thus a greater stigma would be attached to drunkenness, and a healthier public tone with regard to it engendered. As to the publicans, they should be punished for knowingly serving drink to those on the lists. It would be difficult for publicans to recognise the drunkards in every case, as it would be difficult to prove such knowledge against the publicans, but if a number of cases were prosecuted, in time the effect would be good. There should also be a public list.

10,359. After that, would you individually, or your union, be in favour of letting a man, at the instance of his friends, be brought before the sheriff, and on evidence be declared an habitual drunkard, and committed to some retreat or reformatory?—Decidedly;

Father John M'Mullen. 12 19 Dec. 1894.

after a certain time or warning being allowed him. We do not want to take him right off without a chance.

10,360. He would not be taken off without a chance if the sheriff had to take evidence that he was really an habitual?—Yes, but this power is so great, and interferes so much with existing ideas, that we think that the individual should have a chance of reformation; that he should be informed by the police that this compulsory separation would take place in his case if he did not draw up.

10,361. You have not been brought in contact with the habitual criminals to any exceptionally large extent?—We have not any exceptional knowledge, but it is a matter which, like other matters, we meet every six or eight weeks during the year, and discuss in reference to our people. We feel that in regard to habitual criminals the cases are, under existing circumstances, hopeless—at least almost hopeless. At present when they get out of prison they are met by their companions, and they find difficulty in getting work. They complain also that the police watch them, and that they lose heart, and get into a kind of despair.

10,362. We met a gentleman belonging to your Church—Canon Donlevy—in Edinburgh, who went to prison with us. There was a woman, a prisoner, that had been described to us as a desperate pest by the Inspector of Poor. Canon Donlevy said she had a great many good points, and he found her a situation in the country, and she kept square for six months. She might have kept all right, but her affection led her to come to Edinburgh, and she broke away. He promised to look after her again. With your Church and its wide ramifications, could not a good deal be done in dealing with habitual criminals, and transferring them from one place to another?—That is what we think might be done, because, if you remove them from their associations, our experience is that these people have very good dispositions as a rule, and they are not so very much worse morally than those outside; but it is the weakness and the hopelessness they feel.

10,363. As a matter of fact you have no such organisation?—No; we have a home at Dalbeth.

10,364. That is a reformatory, is it not?—We have also a home for women.

10,365. Have you any special knowledge of Dalbeth?—Yes.

10,366. Is that the orphanage?—No, the refuge is quite different from the reformatory.

10,367. Could you tell us the rules of that place?—The rules, as I understand, are not just so strict as in similar institutions. Not only are those admitted who have fallen into drunken or immoral habits, but also those who are in danger of falling.

10,367A. Do you know anything about the working of the reformatory schools connected with your Church?—No.

10,368. (*By Col. M'Hardy.*) There are not any?—Yes, there is a reformatory at Slatefield. There is the Dalbeth Reformatory also, for girls.

10,369. There were none in it in 1892, and none in it in 1893. It was closed, I am told, as a reformatory, and it was succeeded as an industrial school?—And refuge. There is an industrial school at Dalbeth, but it is a refuge at the present time for women.

10,370. (*By the Chairman.*) About this refuge, do you happen to know of your own personal experience any cases of women who have gone through that course who have proved permanent cures?—Oh, yes.

10,371. Many?—Many. We know of them who have been all right for two years; but the difficulty is that we lose sight of them, either through apathy or from a feeling that they don't like to write to us, lest their employers might know that they had been with us.

10,372. I thought that, with the machinery of your Church, you would have been able to look after them?—Yes, but our staff is so few, and our Church has to look after so many things.

Father John M'Mullen. 19 Dec. 1894.

10,373. Well, I simply wanted to know?—We have not. In regard to these places, these homes and reformatories, we would like very much to be able to extend them, but the difficulty is in the expense. Many of these girls are not good work-women. Of course laundry work is the work we give to them, and as they are not skilled laundrywomen, their work is not so remunerative, and we have to make collections in order to meet expenditure. If we intended to extend them we would need to have very much more means. If the Government would give us some help, we would be willing to extend the system so far as we could.

10,374. What would you employ your women at?—Much the same thing as at present. They are supposed to be self-supporting with public contributions, but if Government would give us some help it would make up for the bad work of the women.

10,375. But don't you think laundry work is overdone?—Yes; but we might have this Government assistance to make up for that. It takes about £14 a head a year for each inmate.

10,376. What else would you have?—There might be knitting and sewing. The knitting is easier than sewing.

10,377. And is it more remunerative?—It might be a little. What I do know as regards those who are knitting in their own homes, and those who are sewing in their own homes, is that knitting pays better than sewing.

10,378. But you can give us no hints as to any other industrial employment for women?—Of course there are women's employments of different kinds.

10,379. Could you add to our category?—There might be some of the girls in these homes who might be a little bit better educated, and there is the illumination of Christmas cards. I know some girls in their homes get employment—addressing envelopes and circulars, and such like.

10,380. Fruit-farming has been suggested?—As to anything on a large scale, such as fruit-farming, I do not know that I could suggest anything.

10,381. Is there any point that your Union wishes to suggest to us?—I think I have pretty well travelled over the subject.

10,382. Do you come across many vagrants?—Yes.

10,383. Have you any organisation for assisting them?—No. We have one or two homes for girls from a distance, seeking employment.

10,384. There must be a great number of girls coming from Ireland across here?—Not so many of the class of vagrants. Most of them come to their relations or friends.

10,385. In search of work?—Very few unprotected single girls come from Ireland.

10,386. I should rather have said tramps than vagrants, which include vagrants—that is, honest workmen and workwomen really in search of work, and the vagrant who pretends to be in search of work but does not want it. Have you any organisation for dealing with them?—Well, there is a convent where there is a small home for girls, and occasionally the Society of St Vincent de Paul obtains employment for them in private houses. We think there should be some home for these girls. There are cases of prostitution, we find, among this class.

10,387. Semi-state or municipally supported homes?—Yes, if there were help of a certain amount given, we would establish these homes; but we have so much to do with our churches and schools that we cannot do much ourselves, particularly as our people are of the poorer working-class. But we are able to do a certain amount, and we would do a great deal more if we had a little help from the state.

10,388. (*By Col. M'Hardy.*) The Roman Catholic visiting clergymen in Glasgow in the prisons have, as a rule, been Passionist fathers, and not the parish clergymen?—Some years ago it was found that the parish priests were unwilling to take the work at the ridiculously small salary. His Grace the Archbishop asked us to take it, but as soon as he feels he can

Father John M'Mullen. 19 Dec. 1894.

make proper arrangements again he will take up the work. We have only taken it temporarily.

10,389. There are a considerable number of prisoners Roman Catholics; out of 2500 in Scotland, there appear to be 950 Roman Catholics?—Yes; I should say in connection with that, that the tramps in Ireland, who are perhaps the hard cases in their own town, and whom the priests do not like to have about them, generally find their way to Liverpool or Glasgow. They have not all become criminals here in Glasgow, but many have been corner-boys and drunkards at home, and Glasgow and Liverpool are not to get all the discredit of these people.

10,390. It is desirable, I suppose, in order to procure the reformation of these people, to treat them as far as you can on a principle of dispersion in homes?—Certainly.

10,391. And do you think it desirable that one should try, in cases of Irishmen, for instance, who get into bad habits in Scotland, that they should be returned to their home in Ireland?—I am afraid they would find it very difficult in Ireland in the country parishes, where they usually come from. The people live much better lives there than they do here, and I am afraid that between the parish priests in Ireland and the neighbours they would not feel very much at home.

10,392. But they would be surrounded by healthy religious influences?—Yes, if you could provide work for them.

10,393. But is there not considerable scope for rough labour work in Ireland?—I think, from the amount of emigration that takes place, that the supply of labour is rather abundant. I have been round Ireland very frequently on missions to the different parishes, but I have not heard of any place where labourers were required.

Father John M'Mullen. 19 Dec. 1894.

10,394. The Roman Catholic Church at one time had a reformatory at Dalbeth?—Yes.

10,394A. And they closed that?—Yes.

10,395. In 1892?—Yes, about that time.

10,396. What means have the Roman Catholic Church in Scotland for receiving girls who are sent to a reformatory?—As far as I am aware, we have no female reformatory at the present time.

10,397. So that there is no provision made in Scotland for these girls, and they have to be sent out of the country, sometimes as far as Bristol, I think?—Yes. There are some difficulties connected with Dalbeth; but as you say you intend to visit there, the Mother Superior will be able to explain to you.

10,398. The supply, I think, of reformatory children at Dalbeth failed, owing to the lack of applications for admission. That is what is stated in the report of 1892?—Yes. We have industrial schools for both boys and girls but not a reformatory for girls. We have a boys' reformatory at Slatefield.

10,399. What means have you for looking after girls: is there one in Abercromby Street in Glasgow?—In Abercromby Street there is an industrial school.

10,400. But there is no reformatory in Scotland?—No. [The witness then withdrew.]

Dr. G. Wilson.

GEORGE R. WILSON, M.B., C.M., Physician Superintendent, Mavisbank Asylum, Polton, called in and examined.

Dr. G. R. Wilson.

10,401. (*By the Chairman.*) I understand you have a good deal of experience in connection with persons of inebriate habits that voluntarily commit themselves to your care?—I have had some experience. I have only been at Mavisbank since July, but previous to that I was at Morningside for four and a half years, and all through my life, before and during my medical course, and since my graduation, I have been associated with the treatment of drunkenness.

10,402. They don't take many voluntary persons into Morningside?—They keep down the number as far as possible. In Mavisbank I have had a good many.

10,403. How many?—About fifteen through my hands since July.

10,404. How are they sent in?—They come in voluntarily.

10,405. What does the voluntaryism amount to; do they come in at their own expense, or do they come in because of father or husband or some one else who supports them, and says, you must go in there and we shall pay for you, or you will be cut adrift altogether?—We have all three classes. We have patients—one or two, not many—who come in absolutely of their own accord, who begin to feel the habit growing too strong, and are sensible enough to know that they may get some help from seclusion.

10,406. Before we depart from them, are these people pure drunkards, or are they people who have had attacks of some form of insanity through drinking on previous occasions?—No. As a rule they have not been insane; they are simple drunkards. Then we have the other class who come in at the suggestion of their friends. There is a considerable amount of pressure put on them. Then I would put a third class who come in because it is the last thing left to them. Their friends tell them they are left to sink or swim.

10,407. Well, we shall take the case of those who come in under compulsion of their friends; how many of these have you had under your notice?—I cannot speak absolutely. I should say just now I can recollect three ladies and five gentlemen.

10,408. How long do they stay with you?—They stay varying periods—from six weeks up to six months. As a rule they don't stay out the six months.

10,409. In fact, I suppose you cannot make them come under compulsion to stay?—No; but we have a financial pull over them. We make them pay in advance, and if they are discharged they get their board returned. If they discharge themselves against the advice of the medical superintendent or of the family physician, their board is forfeited.

10,410. That is rather a financial pull upon the relatives; it does not come out of the patients' pocket?—Well, in some cases, of course, it does.

10,411. But I am talking of those who come in under the compulsion of their friends who say to them, 'You must go in or we shall let you sink or swim?'—Well, of course, the pull is largely upon the purses of their friends, but it tells upon them also. In some cases the funds are theirs to a certain extent.

10,412. I suppose your experience is of such a nature that you have not been able to trace the results of six months' seclusion at all?—No; but I know the results in some cases of persons who were at Mavisbank before my time, and had been discharged either shortly before or shortly after I went there.

10,413. And what are they?—They are mixed.

10,414. Have you got any accurate statistics about them?—No; I cannot give you the exact dates and that kind of thing.

10,415. But could you give us anything like the percentage or the exact percentage of cures at the end of a year or two years?—No; we cannot follow them up sufficiently for that.

10,416. These cases you speak of cannot be received or detained by you without the permission of the Commissioners on Lunacy?—They have to apply to the Commissioners to be admitted.

10,417. Have you a form of application?—There is no technical form. The patients simply write a letter to the Board saying they wish to come in, and asking the sanction of the Board to their admission. All these preliminaries are transacted between the patient and the Board, or the patient's friends and the Board. The patient simply comes to me with the sanction of the Board.

10,418. Do the Board ever refuse their permission?—They have never refused permission in my experience.

Dr. G. R. Wilson.

19 Dec. 1894.

10,419. Of course you agree that the lunatic asylum is not the proper place—not a desirable place for these cases?—Well, I am not so strong about that as most men are, because I see a great many disadvantages in having a house, especially a comparatively small house, completely occupied by drunkards. That is not altogether a good thing for the moral tone of the house, and I think an admixture of convalescent patients who are recovering from attacks of insanity, and who are not drunkards at all, has its advantages.

10,420. We were told by Dr. Clouston, the Medical Superintendent of Morningside, that the respectable lunatic objected to the low tone of the habitual inebriate, and was disgusted at being compelled to mix with them; and that, on the other hand, if you had many habitual drunkards or any appreciable leaven of drunkards in the asylum, these men very often spent their time plotting how to break the rules so as to get drink and so on, and exercised a demoralising influence on the patients?—I think there is a great deal to be said about that, but I have changed my opinion since going to Mavisbank. I have not found that the patients object to have voluntary dipsomaniacs as patients. I do not think that, on the whole, my alcoholic patients spoil the discipline of the house with respect to the treatment of the insane. Wherever you have these alcoholic patients they will be scheming and be difficult to manage, but I do not think the house is at all more difficult to manage with its mixed population than it would be if it were simply an inebriate establishment. Of course, it is more difficult to manage than it would be if it were simply an asylum for insane.

10,421. That was exactly Dr. Clouston's point. He looked at it purely from a lunatic's point of view, and said that from the point of view of the lunatic it was undesirable?—I fully admit that. It does make the house more difficult to manage as an asylum. But it has its advantages. In Mavisbank, for instance, you have a population of between 50 and 60 mixed of insane and alcoholic patients. Of these 50 or 60 there are ten alcoholic patients. They are, for the most part, men who are fairly intelligent. They are not demented. They are fairly active mentally, and they add greatly to the life of the place. They do a lot to cheer up the lunatics, and association with them by the lunatics is not altogether harmful.

10,422. We shall take another point. It has been urged upon us by every one who has spoken on the subject from a professional point of view that it was most important on the part of the habitual drunkard to go off work?—Yes.

10,423. What do your patients pay?—They all pay. Our lowest rate is £100 a year, and for the first quarter I always recommend the friends to pay at the £150 rate, if possible, so that the patient may have a man as an attendant to himself, so that he may have greater liberty.

10,424. You order lunatic patients to work for the good of their health, because you find it makes them quieter and makes them sleep better, makes them up better physically, and so cures them better of their disease. People regard that as obviously rational treatment. But, if you have got a man paying at the rate of £150 as an habitual drunkard, you cannot make him work, and you are deprived of the most rational treatment?—But we do make him work.

10,425. Does his friends not say, 'Well, we are paying a high rate for the man, and we do not see why he should work?'—No; the friends are very sensible and acquiesce very fully in what is done.

10,426. What do you make the men work at?—Garden work chiefly but not entirely. I have, for instance, one man working two hours regularly in the garden. I have another alcoholic patient working practically all the time of daylight at a joiner's bench. I have a third who does all sorts of engineering work about the place, and does it of his own accord. The ladies also do their kind of work. It is nearly all sewing; in the summer time we had them working in the hayfield, and also in the garden, but not in the winter.

Dr. G. R. Wilson.

19 Dec. 1894.

10,427. I suppose you got them into the hayfield as a sort of frolic almost on their part?—Yes; in fact I had to lead them myself, and they regarded it as a kind of picnic, but it had its effect no doubt, and they work in the garden quite cheerfully as a rule.

10,428. How many do you say have stayed the six months within your recollection, taking those who were in the place when you were there?—I have not had a single voluntary patient remaining out the six months since I went.

10,429. They have all forfeited?—As a matter of fact one man was discharged. His own medical man and I consulted and discharged him before. The others discharged themselves before we brought in this regulation about the money business.

10,430. Then is it your opinion that they had had long enough treatment to be all permanently cured?—Only in some cases; in the aggravated cases I certainly think not.

10,431. What detention would you consider necessary?—In aggravated cases I think you could not do much under a year. I made a mistake in saying we had no case of anyone staying six months. We have just discharged one man who has been over six months, and we call him 'discharged recovered.' I have great hopes of him if he is looked after, I think he is a very hopeful case indeed.

10,432. In your treatment do you eliminate alcohol altogether from the diet of the asylum?—Absolutely.

10,433. Do you try to persuade them to become abstainers?—Yes; but I never ask them to pledge.

10,434. Do they often pledge?—I don't know. I never ask them to pledge, but I always insist so far as I can that they shall be abstainers, and I press it upon them as strongly as I can.

10,435. We have had evidence given on behalf of various alleged cures—secret cures so far—the Tyson cure, the metabolic cure, and the gold cure; what is your opinion regarding these cures?—I disbelieve in them as cures. I think they are only methods of treatment by suggestion; I think they are, on the whole, frauds.

10,436. Well, we have another medical gentleman who proposes to give evidence on the subject of suggestion, that is, hypnotics?—Quite so, but we do not need to go the length of hypnotism. I do a good deal of treatment myself by suggestion. I use in some cases hypodermic injections.

10,437. With what object?—Telling the patient while you are doing so, that this is to take the place of alcohol in his diet; and I think that is all that is in these cures. Some patients believe it, and to a certain extent they have that advantage, but as for a specific cure I don't believe it.

10,438. Or any drug at all?—Not any drug that I am acquainted with.

10,439. In your professional experience and professional reading, there is no drug that is considered as having any specific effect upon the drink cravings?—I do not believe it.

10,440. Strychnia, you are told, is the basis of one or two of these things, but, beyond its tonic effect, I suppose you think there is nothing?—Nothing; it is just a nerve tonic.

10,441. You have told us about referring them from asylums to inebriate homes?—It is not a point I insist upon, but I do not take the objection that most men do to the mixing.

10,442. You are perfectly aware that though inebriates are received in one or two asylums we have, with the exception of yourself, always found the medical superintendents protest against the system, and unwilling as possible to have anything to do with them?—There is another side that may have something to do with that. All these asylums, at least the most of them, are large pauper asylums, and I do not know that these asylums would not be more hurt than mine by introducing inebriate patients, partly because the drunken pauper is probably a worse man to have in one's house than a drunken gentleman.

10,443. But they, of course, would never receive

voluntary inebriate paupers?—No; not paupers, but I mean the working-man class, or labouring class.

10,444. I don't know that they generally do receive many of these; it generally appears to be the richer classes that go as voluntary patients?—I have known one or two in Morningside not of the richer class, though not of the pauper class, but an intermediate class.

10,445. (*By Miss Stevenson.*) Those alcoholic patients you have had, are they generally elderly or young people?—Most of these whom I have had are over 25 and under 60.

10,446. Have you found out that there were any predisposing causes?—In some cases; not in so many as I have looked for. I don't know anything very remarkable in the way of predisposing causes.

10,447. In reference to the employment of these ladies, you say they worked in the garden. Did they do any actually necessary work, or was it simply a sort of amateur work?—It is amateur.

10,448. You have no one there who could really put them through actual work in the way of grafting, and other necessary horticultural work?—No, we have not had our ladies under skilled attendants. We have our men under skilled attendants.

10,449. Don't you think that would be a desirable thing?—Yes, certainly; if it could be done. You don't easily get gardeners who will take the pains to instruct ladies in that kind of thing.

10,450. I suppose the only way would be to have a woman who had been really trained as women now are trained at the Horticultural College at Swanley, to superintend work of that kind?—Then you would need to give her a garden of her own. You might have some difficulty in getting them to work smoothly in a large garden under a head gardener, and alongside a lot of men. You would need to have a ladies' garden and a ladies' gardener.

10,451. But I was thinking of the possibility of an Inebriate Home where this might be one of the regular employments?—Certainly; I don't think you could do better than that kind of employment, and under that kind of supervision.

10,452. Of course the class of patients you have are quite different from those in Morningside or the District Asylum?—Quite.

10,453. (*By Col. M'Hardy.*) Will you kindly tell us what were the results of the treatment by suggestion which you tried?—I think that that kind of treatment is best suited for treating not actually the drunkenness so much as some of its sensory effects. A great many of our drunken patients complain of various things which seem to them to aggravate their whole condition, and make them ill-conditioned and dissatisfied. They come to us with headaches, for instance, with diffuse pains and weakness in the legs, and that kind of things, and it is for these chiefly that I have treated them by suggestion. The galvanic battery is useful, and also this hypodermic injection is useful. When our patients come to us, especially in the first week or ten days, they feel the want of whisky. In one or two cases I have tried this hypodermic injection of a stimulant kind, which acts as a 'pick-me-up,' to use a slang phrase, and that injection, so far as I have been aware, has taken the place of whisky. When they have had it, they are more content to do without whisky, but to continue it would only be to substitute one habit for another.

10,454. So that in the cure—in the reformation—of an inebriate, some assistance in the initial stages may be obtained from some sort of drug administered somehow?—Certainly, I think so.

10,455. With regard to Morningside, you said that there were some voluntary inebriate patients there, not quite the pauper class, that they were of the working-man order?—Well, they were rather above it. I remember in fact, only two. One was a student, and the other was a skilled labourer of some kind

10,456. Do you remember how they were paid for?—They were both paid for by their friends.

10,457. Then the charge must have been low?—The intermediate rate at Morningside is £42 a year.

10,458. But were these persons' friends able to pay £42 for them?—Yes, either through their relations or their friends.

10,459. You don't know of any instance of a voluntary patient for inebriety more or less verging upon the pauper class, just above it?—I do not remember any at this moment.

10,460. There are none for whom special rates, more or less nominal, have been fixed?—There is a rate at Morningside, the ordinary £32 rate.

10,461. But nothing less than that?—No.

10,462. (*By Dr Sutherland.*) At Mavisbank do the inebriates sleep under the same roof as the insane?—Yes.

10,463. Out of your total of 60, your proportion of 15 inebriates is very considerable?—You have gone rather beyond it on both sides. You may take as our average total population 54—it is between 50 and 60; and you may take our average as 12 alcoholic patients, I should say.

10,464. Then the Board of Lunacy,—their only connection with these fifteen you have at present is that they are aware of their presence in your establishment—they have no control over them?—They have full control over them, the same as over a lunatic patient.

10,465. But how can the Board of Lunacy have control over a man or woman who is not a lunatic?—They have been given jurisdiction by law over them, to see that they are properly housed and clothed, and if the patients have any abuse to complain of they have recourse to the Commissioners of Lunacy, the same as our lunatic patients have.

10,466. But does it not strike you as strange that the Board of Lunacy should have control over a man or woman who is not a certified lunatic?—No; because the voluntary patient who puts himself under my charge declines responsibility so far. You see I have complete control over him until he discharges himself from my care, which he can do on three days' notice. But even that three days' notice is something. I can compel him absolutely in every way as I can compel a lunatic. I could use force to him; I could put him under restraint or in seclusion, the same as I can the lunatic patient.

10,467. That power of three days is vested in you by the Lunacy Board?—By the Lunacy laws.

10,468. And yet the people over whom the restraint is exercised are not lunatics?—No.

10,469. (*By the Chairman.*) The theory is that they come in under apprehension of approaching lunacy?—From some kind of mental effect which has not gone the length of being certifiable lunacy.

10,470. (*By Dr Sutherland.*) In your experience does the drunkard look upon drunkenness as carrying the same social stigma as insanity?—No; far from it.

10,471. Do you think that drunkards, assuming laws were passed to deal more effectively with them, would care to have the stigma of the lunatic asylum attaching to them,—if a special and inebriate retreat were licensed for their reception and detention?—I am convinced that if I had a separate house I would get many more patients than I do.

10,472. We have been told by the superintendent of one asylum that the habitual drunkards were usually idlers, and frequented the billiard-rooms and were generally a nuisance in the establishment. That is not your experience of them?—You get some of that kind, but my experience is more favourable than that.

10,473. I suppose you would be quite willing to admit that the mixture of lunatics and drunkards may have in some respects an unsettling effect on the former, for this reason, that the drunkard, not being insane, might suggest things to the insane, which might make their control and supervision much more difficult?—I admit that.

10,474. Is it not a fact that drunkards, as a rule, are notoriously untruthful?—There is no doubt about that. It is one of the outstanding things of their mental character.

10,475. Do you find that inebriety exists more

Dr. G. R. Wilson.

19 Dec. 1894.

among women or men?—I cannot say about that. I think it is one of the most difficult questions, because women are so secret in their drinking.

10,476. But from the fact that the nervous system of a woman and the diseases to which women are liable are somewhat different from men, do you find that at certain ages and with the existence of certain diseases, more especially uterine, inebriety is more common among women?—My impression is, that in proportion to the amount of drinking, dipsomania is relatively commoner among women than men; but taking them all over I don't know that there are more dipsomaniacs among women than men; my opinion is to the contrary.

10,477. Have you seen hypnotic suggestion used for the cure of any cases?—I have heard of it in some cases coming under the notice of other practitioners.

10,478. Is it not the case that disastrous nervous effects follow frequent inducement of the hypnotic condition in the way, for instance, it is practised in France?—It depends on the extent of the hypnotism, and the frequency of the treatment. I have known disastrous effects follow a deep hypnotism.

10,479. Would you expect any good from the mere injection of distilled water in a case of inebriety?—Certainly.

10,480. Of course they would not experience the effects that strychnia would have in their system?—Certainly not.

10,481. May we take it that the Lunacy Commissioners do exercise a supervision over inebriates, who are neither technically or legally insane, lodged in asylums?—They do certainly.

10,482. With this difference that the inebriate can demand his freedom at the end of three days?—Yes.

10,483. (*By Dr Farquharson.*) How long has Mavisbank been established?—About fifteen years.

10,484. Has it records during the whole of the period of its existence of their treatment of chronic inebriates?—Not of the results after the discharge of the patients.

10,485. You have not followed them up?—No.

10,486. What is the most prolonged period of detention or occupation that they generally carry out in voluntary cases?—Very few stay longer than three months; most of them stay that come with their board paid up.

10,487. Then the enthusiasm for cure is not very victorious?—Well we have very few who come in from the enthusiasm for cure; the majority come in under the compulsion of their friends.

10,488. Those who came in with the motive of enthusiasm, does the motive last long?—The most outstanding thing about alcoholic patients is their hopefulness, their false judgment, and inability to see their own weakness. A man who has got a fright and come in, and having been six weeks in the house, thinks himself safe, cannot be persuaded against going out and risking himself. They are very sanguine on the subject.

10,489. Then the only compulsion you can use is of a benignant kind?—Yes, but of course that does not amount to much in most cases.

10,490. But a husband may put in a wife and say, 'If you don't go in for a number of years I won't support you'?—Oh yes, there are cases of that kind.

10,491. Do you think the results would be better if you had full powers of compulsion?—Undoubtedly; I think any drunkard who wishes to be cured can be cured under the present system if his friends are properly instructed and deal fairly with him, but the majority do not realise the gravity of their position, and I think you cannot cure any considerable number of them at present. If we had compulsory powers I think we would cure a considerable number of them.

10,492. If you had compulsion, would you ask for a legal minimum of detention, say twelve months or eighteen months or two years?—No; I should rather be inclined to fix a legal maximum without further certification.

10,493. And leave the intervening periods to the discretion of the medical superintendent?—Yes, because I have come across one or two cases in which I had evidence that prolonged detention, even the length of a year would do more harm than good. That is exceptional, of course; but I have seen people who would experience as much harm by staying in a year as others would who go out too soon.

Dr. G. R. Wilson.

19 Dec. 1894.

10,494. Do you think they would suffer from a prolongation of the period?—Yes; chiefly because, in our institutions, as at present run, there is always an amount of mental inactivity and monotony in the place, and any one who has been in an asylum knows that it is impossible to make life quite so cheerful and active as a man's life is outside, so that I have sometimes thought there would be cases in which you might say to the patient that he had much better go back to his work and have his mind occupied, so long as he could do so with the help of his friends and relatives. But of course that is exceptional.

10,495. Are you pretty hopeful, that, with the powers you have indicated, you will be able to cure a large number of chronic inebriates?—Yes; very hopeful. In fact, it means a certainty in my mind. I consider drunkenness quite a curable disease, given the proper means of cure.

10,496. At all stages?—Not all stages. There are few stages at which drunkenness is not curable, but there are certain effects that you cannot cure.

10,497. Don't you think physical degeneration would prevent you curing the crave?—In some cases perhaps, but I think the notion of the crave is very much exaggerated. There is very little of that among my people.

10,498. Why do they drink if it is not a craving?—Chiefly habit.

10,499. Just a convivial habit?—More or less, convivial or careless.

10,500. Now, as regards suggestion; do you think you would have any chance of doing anything by suggestion to one of the lower educated class who has got into the drink habit?—More so, I think, than on an educated person, because the method of treatment by suggestion is based on the gullibility of the patient.

10,501. But then if, as you indicated, the effect of the suggestion and the injection combined is to diminish the craving, and the craving is a rare concomitant of the drink habit that gives a very limited range?—I do not think I used the term crave. I said that the patients felt the want of the whisky for the first few days. I don't go the length of calling it a crave. If a man is in the habit of taking six glasses of whisky a day, he naturally feels flabby for want of it, and I sometimes give the injection of strychnia and strophanthus to relieve him, and make him feel more comfortable.

10,502. Would it not be better to give him something in the stomach to make him warm and comfortable?—I think that naturally has a more comforting effect.

10,503. (*By the Chairman.*) What, roughly, is the percentage of the lunatics who have come under your view whose lunacy you would attribute to drink? Do you think that drunkenness contributes largely to the amount of insanity?—Much more than any other one cause. I went into the subject when I was writing my book, and found it was quite impossible,—at least I thought it was quite impossible—to come any way near a definite percentage, but I should say somewhere between 15 and 20 per cent. of insane persons in Scotland may have their insanity directly traced to alcoholic excess.

10,504. Will that include the number of persons whose alcoholic excesses were due to incipient insanity?—No, but it will include those whose alcoholic excesses are the result of what is called the insane predisposition. You see there is a difference between an incipient attack of insanity and a predisposition to insanity.

10,505. Then, on the subject of heredity in drunkenness, what is your opinion?—That is a most difficult question, because we really know very little about

Dr. G. R. Wilson.

19 Dec. 1894.

heredity, and we would need to define it. As to its running in families, if you will allow me to use that phrase, it runs very markedly, as markedly as any other trouble that physicians have to deal with.

10,506. In some families do you find insanity run in one branch, and drunkenness in another?—Yes.

10,506A. Do you think there is any connection between them?—Certainly.

10,507. (*By Dr. Sutherland.*) Your idea of the drink crave is that it is the want of inhibition?—Yes.

10,508. But you think the great majority may pull up if taken in the early stages?—You have always two factors in drunkenness—environment and the man's own inclination. In putting a man into an asylum you do away with the environmental factor.

10,509. In your 20 per cent. directly attributable to alcohol, you don't include those cases who are on the verge of insanity, or who are predisposed to insanity?—I do not include those who give evidence of insanity before.

10,510. With regard to the hereditary element, have you ever known of a family of publicans, both father and mother notorious drunkards, and yet no member of the family develop drunken habits?—No.

10,511. If you did know of such a case, that would rather tell against the absolute certainty which many attach to the hereditary idea?—It would tell against the popular view of heredity.

10,512. And you might find, on the other hand, the children of the most pious and virtuous people, who have no temptation to become drunkards, falling victims to drunkenness?—Yes; and that also tells against the popular view, but not, I think, the scientific view.

10,513. Kindly explain what you mean by that?—It is a most difficult technical distinction. When I say of a man that he inherits a tendency to drink, I do not mean his father and mother were necessarily drunkards. I mean that he was born with a particular, unstable kind of brain, which was in his family before him. His father and mother may not have shown it markedly, but some of his relations must have shown some such instability of brain. It may not have taken the form of drunkenness in them, but of epilepsy, insanity, or hysteria. This is a case of drunkenness, not because the man's parents were drunken, but because they had unstable brains.

10,514. Then heredity comes to this—a low-balanced brain in one or both parents?—Yes; you can't get much more out of it than that.

10,515. (*By the Chairman.*) I want to ask you about opium and ether and chloral drinking?—I have had one or two cases of other habits than the alcoholic habit, but they are comparatively rare in this country. The last patient I had was a morphia patient, by injection. That, I should say, is the commonest of these drug habits in this country.

10,516. Do you think, or is it thought among specialists, that the chloral habit is more difficult to combat than alcohol?—I think it is, on the whole, a more fascinating habit.

10,517. That is rather an important point, from this point of view, that a number of people have said to us, in connection with alcohol, the person is cured of the alcoholic habit, but he goes into environment of temptation, and old comrades want him to drink—it is a social vice. The chloral or morphia habit is a secret vice, and there is no temptation when one goes out to renew the morphia injections. It would seem from that that the old associations do not play so much a part in the relapse as the fascination of the habit?—Quite so; it is the fascination of the habit, but it acts in both ways, because most of those who are morphia maniacs can get morphia in one form or another. The last patient I had to treat was a patient that had to be taken away to practically a desert island, but she had her morphia secreted, and she became so bad that she had to be sent to an asylum.

10,518. Where did she get her quantity?—I don't know.

10,519. How much was she taking?—From fifteen to twenty grains a day.

10,520. How many ordinary mortals would that kill?—It is difficult to say, but if it were divided up amongst twenty I should not be one of the twenty.

10,521. I suppose it would certainly kill any ordinary mortal?—Yes.

10,522. Any two ordinary mortals?—I think you may say pretty certain to kill any four ordinary mortals.

10,523. And she took it without much trouble? Did it make her sleepy?—No; by the time I got her it only soothed her nerves. She was in a state of extreme nervous debility. If she went without morphia she became miserable and uncomfortable, and her skin was tender. Pressing on her limbs, for instance, gave her pain, and she had neuralgia all over. That is what I should call a crave. The morphia acted as a sedative, and removed the pains.

10,524. Did you knock her off at once?—We tapered her off.

10,525. How did you taper her off?—We gave her her own full dose of twenty grains for three days, till she got used to the place. She was a patient who used the needle. I then tried to make her substitute the needle by taking the morphia by the mouth. She rebelled against this, and said she would leave the house if we did not use the needle. We then went on gradually reducing the dose. As a matter of fact, we spread it over six weeks. She was six weeks in the place when she got her last injection. We tapered it down till she was getting water instead of any morphia. In her case also I used the same tonic as I use in the treatment of alcoholic patients,—that is, strychnia and strophanthus, instead of or along with the morphia. She had a sense of strength from that, and she thought she was getting morphia. For the last two days she thought she was getting morphia when she was not getting any. After that she never looked over her shoulder. She was two months in the institution after that, and she went away what we call cured.

10,526. Did she relapse?—She has not relapsed so far as I know, but she was a foreigner.

10,527. Where did she get the morphia?—Her husband was a doctor, and I think she must have stolen it.

10,528. Had she been long at it?—Yes.

10,529. She had never used anything else instead?—No.

10,530. Whisky would have no effect on her?—She took that too. She used considerable quantities of stimulants. She would drink six bottles of beer in a day, if she could get them, but she went off that too as she recovered.

10,530A. Chloral is stated to be a habit that has very much increased of late; have you come across any chloral drinkers?—I have never had a patient under my charge in the institution. I have had three in my comparatively short time for morphia.

10,531. Have you heard or read anything which would appear to give colour to the statement I have made?—No; on the contrary, there are certain things which go to show that chloral is not so much in use as it used to be. We have more hypnotics than we had fifteen or ten years ago. We use other things instead of chloral.

10,532. We heard of antipyrine used as a stimulant, or as a means of intoxication?—I have never had a case of that either. I have had, however, a case of cocaine habit. He was not directly under me, except on an occasion. He was a student, and took to the cocaine shortly after it became popular, and was in the imagination of medical men.

10,533. But it was very dear then—so many shillings a grain—at the time of its introduction?—It was not just at the time of its introduction, but very soon after. I do not know what quantity he used.

10,534. How did he use it?—Hypodermically: he injected it himself.

10,535. What was the effect of it; did it make him

Dr. G. E. Wilson.

19 Dec. 1894.

outrageous?—No; dazed and stupid, and presumably very comfortable, but it had considerable physical effects. It reduced his bodily strength very much, and made him weak.

10,536. Is it a fascinating habit?—Very; the effects of cocaine are very fascinating.

10,537. Did you doctor him?—No; he was a patient at Morningside, and he only came under my cognisance in that way.

10,538. Was he a voluntary patient?—Yes.

10,539. Was he knocked off or tapered?—I think he was knocked off completely. Another morphia patient whom we had before that—a lady, who, I think, had indulged for thirty years in morphia—we knocked off within five days.

10,540. I suppose if you had a lunatic with the morphia habit you would not consider her feelings in the way that you would this voluntary patient, who could leave you?—I should not knock it off again absolutely suddenly, after our experience with that woman. I should not, on the other hand, go through the trouble that we had with the other case, that took six weeks.

10,541. Had you bad effects?—Well, we thought we were going to lose the patient for about a couple of days. She seemed to us to be in a precarious state bodily, her heart failed so much.

10,542. Does morphia or opium, or any of these other drugs, give rise to anything like *delirium tremens*, involving danger to the persons themselves or the people around them?—I have never seen it or heard of it.

Dr. G. E. Wilson.

19 Dec. 1894.

10,543. You have never heard of, in any asylum in this country, or in connection with your specialty, of a patient suffering under any mania from opium?—I cannot recollect having heard of any such case.

10,544. (*By Dr. Sutherland.*) Have you heard of sulphonal or paraldehyde producing these effects?—No, not sulphonal; but I have heard of the paraldehyde habit.

10,545. Is morphinomania quite as curable as dipsomania?—It is quite as curable,—that is to say, you can break the patient more easily of the habit, but whether it is permanent is another question.

10,546. Have you much prospect of cure where morphinomania and dipsomania are combined?—Oh, yes. I think that very many of these morphia patients drink too much alcohol.

10,547. It is to relieve the depression in certain stages of the drug?—Yes. That lady we broke off has been quite cured for three years.

10,548. How did she get the knowledge of hypodermic injection?—The lady whom we tapered off hypodermically had had it prescribed for her medically, and at first she got her nurse to give it to her. Afterwards she administered it to herself. The other lady took it by the mouth. [The witness then withdrew.]

Mr. George Neilson.

MR. GEORGE NEILSON, Procurator-Fiscal of Glasgow, called in and examined.

Mr. George Neilson.

10,549. (*By the Chairman.*) You are procurator-fiscal at the police courts?—Yes.

10,550. You attend the Central Court, and act as procurator-fiscal there?—That is my usual place, although I occasionally attend all the courts.

10,551. At the other courts the police superintendent for the district usually acts as procurator-fiscal?—Yes.

10,552. And in your absence from the Central at the other courts?—The superintendent or a lieutenant acts in my stead.

10,553. What guides you in going to the other places?—Well, it is largely technical. Most cases under the Summary Jurisdiction Acts are prosecutions usually conducted by myself.

10,553A. When there was a stipendiary magistrate in Glasgow, you attached yourself to his court?—Yes.

10,554. I show you this diagram, which represents the number of arrests per thousand to the population in these towns of Scotland, England, and Ireland—apprehensions for breach of the peace, petty assaults, drunk and incapable, and drunk and disorderly. Glasgow is terribly prominent. It is 60 arrests per 1000 for the drunken offenders, as compared with 28 per 1000 in Govan, 20 per 1000 in Leith, 19 per 1000 in Aberdeen, and 21 per 1000 in Paisley. Can you give us any explanation of that?—I do not profess to be at all well versed in the statistics, and I therefore cannot offer any opinion more than that a great number of circumstances fall to be taken into account which vitiate any generalising from the mere figures. I know from my own observations that a great deal depends upon the proportion of policemen to population for one thing.

10,555. What do you mean: that the more police there are the more arrests?—Undoubtedly. I have observed that again and again.

10,556. That is so. Glasgow is the most highly policed place, but the Chief Constable of Govan tells us that Glasgow is not really so highly policed as the figures would show, because certain of the harbour police, I think he said, who are credited to Glasgow really work in a part of Govan, and if they were transferred from the nominal police force of Glasgow to Govan, that would make a considerable difference in the disparity of police force in the one place and the other?—Of course there is no comparison whatever between Govan and Glasgow in this way. I know that a considerable number of disorderly persons from Govan are to be found in Glasgow, compared with very few indeed in Govan from Glasgow. Take Saturday night, for example. Glasgow is the centre of a great population all around, which finds its chief centre of amusement there. Consequently the roll of our drunks and incapables and minor disorders in the police courts on a Monday morning is very largely recruited from the outside.

10,557. But don't you think, in its way, Edinburgh is a place that must form a centre of amusement?—It is the difference between Lanarkshire and the Lothians, which is an enormous difference. You would scarcely believe, unless you saw them, the number of people who come from Coatbridge, Airdrie, and these great mining centres round about.

10,558. And get drunk in Glasgow?—Yes.

10,559. What is your previous experience?—I have had no criminal experience, except in a small way as a private practitioner, until I was appointed fiscal three years ago in Glasgow.

10,560. Do you think the number of apprehensions has any connection with, in Glasgow, the very elaborate special Police Acts and the number of offences that they set up?—I should be inclined to think not.

10,561. In fact it cannot, in the case of these drunks, petty assaults, and drunk and incapables, which are offences all through Scotland?—Yes.

10,562. You acted under the late Stipendiary Gemmel, and you have acted in the Central, and seen a number of bailies administer justice. Was there any marked difference between his sentences and those of the citizen magistrates?—Well, Mr Gemmel was a judge in whom undoubtedly the humane instincts were very strong.

10,563. Well now, take any particular kind of case. How did he deal with drunk and incapables?—He allowed more drunks and incapables, generally, to go with an admonition than is usual at present.

10,564. What did he do in the way of fines and imprisonment for drunk and incapable?—Fines, 5s. and 7s. 6d.—very much the same as at present.

10,565. Taking the fine, is the ratio between the fine and the amount of imprisonment fixed by statute, or does it vary with the will of the magistrate?—It is fixed, or rather, more strictly speaking, it is limited

Mr. George Neilson.

19 Dec. 1894.

by statute. The Summary Jurisdiction (Scotland) Act of 1881 provides that, 'where a fine does not 'exceed 10s., the period of imprisonment shall not 'exceed seven days; exceeds 10s., but does not exceed '£1, fourteen days; exceeds £1, but does not exceed '£5, one month; exceeds £5, but does not exceed '£20, two months; exceeds £20, three months.' The imprisonment, you see, is, 'shall not exceed.'

10,566. Then you say it is not fixed by statute the amount. A man might inflict a penalty of 10s. or seven days, but one man might give 5s. or three days, and another man might give 7s. 6d. or three days, and another man might give 10s. or three days?—Yes, that is so. The period of imprisonment is limited by the Act, not fixed.

10,567. It is in the option of the magistrate, within this limit to heighten or lower the money fines, and to extend or diminish the imprisonment?—Yes.

10,568. It is customary, therefore, to have certain fixed fines and equivalent periods of imprisonment. You have, for instance, 5s. or three days?—Yes.

10,569. Which is common?—That is not by any means. I often notice a certain symmetry is observed. You have 5s. or five days, and 7s. 6d. or seven days.

10,570. But a man may reverse that?—Yes.

10,571. In prosecuting, do you bring forward or do you keep back previous convictions until after the man has been found guilty?—There is a general practice, I believe, especially in certain police courts.

10,572. You are not speaking of Glasgow?—I am speaking generally of a thing that is prevalent in Glasgow as well as elsewhere. There is a kind of general idea that where a person has been tried for being drunk, or drunk and incapable, or for having committed an assault, that the magistrate is entitled to ask, 'Has this man been here before?'—that is, after the prisoner has been found guilty. The law is extremely careful in dealing with the legal position of a prisoner in that case, that you can only aver a previous conviction after he has been convicted; and in certain types of cases, as in cases of assault, you can libel a previous conviction, but you cannot state the fact that the man has been previously convicted if you have not averred it on the face of the charge. Now that undoubtedly, as it stands just now, involves a great difficulty if the magistrate is not to be allowed to ask what previous convictions, or if there are any previous convictions, against a man. It compels the magistrate to give judgment upon an A.B. case. In the case of, for instance, drunk and incapable I have, after full consideration of this question, come to this opinion, that, as the law and as my duty, I, as procurator-fiscal, have no right to state, in prosecuting a case, anything which I would not be entitled to put a witness into the box to prove. In other words, take the case of assault where a previous conviction is not libelled. I have assumed that I have proved to the satisfaction of the magistrate that the assault was committed. The magistrate turns round and asks me, 'Has this man been previously 'convicted of assault?' or, 'Has he been convicted of 'any other offence?' My position with regard to that is this, I am not legally entitled to put a policeman, or any other person, into the box to prove that this man has been convicted either of assault or of having been drunk and incapable, and I cannot think that it is my duty or my right to make unsworn, on my own responsibility, a statement that he has been previously convicted. And for that reason I have systematically—and I believe I have the general concurrence of the assessors in the police court — discouraged, as far possible, inquiry not into character but into the question of previous convictions, except in cases in which character is a part of the case. The exception to which I refer specially is the case of prostitution, where you allege on the face of it—and you need to allege on the face of it—that the person is a prostitute; and I consider then that I am entitled to say, 'This 'person is a prostitute, because she has been convicted 'here on that charge.' I have frequently put a witness into the box to prove, not only that the person was a prostitute, but, as the best possible evidence that could be led, that she was a prostitute who had been convicted.

Mr. George Neilson.

19 Dec. 1894.

10,573. Do you give notice of previous convictions in the case of prostitution?—No.

10,574. We shall take the ordinary case of assault. In Edinburgh, the Chief Constable tells us that previous convictions were stated in proof—that is, before the verdict of guilty or not guilty had been given. As I understand, under Lord Kingsburgh's Act—on which I presume you base—the principle laid down is that previous convictions shall not be brought forward, at all events in certain cases, until it has been found whether a man is guilty or not. If he is brought guilty, these previous convictions are brought forward to enable the judge to determine his sentence. The object of withholding them beforehand is to prevent prejudice being raised by the proving of previous convictions, as bearing upon the simple matter of fact which the jury are appointed to try. As I understand, you keep back previous convictions, not only in proof, but after a man has been proved guilty. We were told that in Edinburgh the practice was to bring them forward in proof, before the verdict has been found. How can you explain to us that discrepancy?—Both things are quite conceivable, because I have personally to do both things in different cases. I might have brought you a case. There is a distinction in law laid down by the High Court in regard to these cases, but in an ordinary police case—take the case of a theft, or take the case of assault—where a charge bears that a person has committed such and such an offence, and this person has been previously convicted, forming a schedule annexed. There is a schedule containing the conviction for assault or theft, being offences of the same type as that which is charged in this case. It would be in the very teeth of the 1887 act to prove that offence, until the magistrate had found the charge proven.

10,575. Would you read us the clause in the 1887 Act which is supposed to guide this?—It is governed by section 67 of the Criminal Procedure (Scotland) Act, 1887, where, providing for the case of trial before a jury, it, by other clauses, is *ceteris paribus* to apply to cases in the police court, the previous convictions against the person accused shall not be laid before the jury, nor shall reference be made thereto in presence of the jury, before the verdict is returned.

10,576. In cases where there is no jury, the judge is the jury, and the judge finds as to matters of fact as well as of law?—That is one thing, but there is a clause that follows, and this is the clause on which every practice is founded—'Nothing herein contained 'shall prevent the Public Prosecutor from laying 'before the jury evidence of such previous convictions, 'where, by the existing law, it is competent to lead evi- 'dence of such previous convictions as evidence *in* '*causa*, in support of the substantive charge.' The meaning of that, as interpreted, is that, for instance in shebeening, you require to say, in stating a charge, that so and so has supplied liquor without a licence, and this is the second offence. The reason is that you require to set forth what the penalty is, and the penalty is determined by the question of whether or not it is the first or second or third offence. And where you have to put on the face of the charge that it is the second offence, it has been ruled by the court that it is necessary to prove, before closing the evidence for the prosecution, the two previous convictions, or the one previous conviction.

10,577. Therefore we may take it that in Glasgow, where there are no cumulative penalties, under that clause you would hold yourself precluded from mentioning previous convictions for drunkenness or any analagous offence in connection with the charge of drunk and incapable; but if you were acting in a burgh, under the Burgh Police Act, which provides a special penalty for repeated offences of drunkenness under a separate clause, you would consider yourself obliged to state convictions?—I confess my mind is not refreshed on the terms of the clause.

Mr. George Neilson.

19 Dec. 1894.

10,578. The terms of the clause are that, for three convictions of drunkenness in a given time, a man may be sentenced to 14 days, with the option of a fine, in addition to the other penalties. If you claimed that penalty you would have, under your own interpretation, to put down the previous convictions?—It is very awkward to give an opinion without having the clause before me. The cases in Glasgow that we have, in which previous convictions are proved, are mainly shebeening cases and breach of the Licensing Act. We have it also in smoke complaints.

10,579. Well, we shall go to the case of Edinburgh, where the Chief Constable told us the practice was to lead evidence as to previous conviction in proof of this very case?—I would naturally be diffident about giving an opinion upon the Edinburgh practice.

10,580. I do not wish your opinion as against his opinion. We all understand that legal interpretations differ very vastly, but I presume that from your reading of the Act one might put it in law phraseology that it was not competent to lead evidence as to previous convictions, except in cases where previous convictions are considered as part of the case?—Quite so. That is the exact statement.

10,581. And it leaves you to determine if that is part of the case, and really affords very little guidance? It gives you no peremptory order, but I should like if you could put in that decision of the Court of Session to which you referred?—I shall refer you to it. It is the Dundee case.

10,582. You are aware that the practice differs most widely throughout Scotland?—It does, I believe.

10,583. That the interpretation of that clause, as applicable to police offences, varies in almost every town?—I believe so.

10,584. Now take the case of Glasgow, where we are told about its not being the practice here to lead proof of previous convictions before the verdict has been pronounced?—That is the general practice.

10,585. Last night we visited the Northern Police Office, and the superintendent, or the lieutenant on duty, showed us police records which he said would enable him to state how often anyone had been previously convicted, and I think from what he said I gained the impression that these previous convictions were utilised in the prosecution. Is the system, as based upon your interpretation, uniform in all the police courts of Glasgow?—It is so.

10,586. I suppose you direct?—I am in frequent intercourse also with the superintendents.

10,587. You are not merely head, but you have control?—That is so.

10,588. You say that the system you have described to us is uniformly exercised over Glasgow?—Yes. I should perhaps qualify that by saying that the magistrates put us all into an awkward box by asking the question, which I consider they have no right to ask sometimes, 'Has this man been previously convicted?'

10,589. Well, we take you to say that the most frequent case in which you make an exception to that general rule is the case of prostitutes, where you libel previous convictions?—Well, I do not libel them.

10,590. But you prove them without libel?—Scarcely that even. I have done it, but not as a rule. Not actual proof of a conviction, but the fact of there having been a conviction.

10,591. I have a verbatim report of a prostitute case here, and I shall just read it to you—'Barbara 'H. was charged with importuning passengers in the 'street. (*Barbara.*) Not guilty. (*Policeman.*) Last 'night at 20 after 12 the prisoner came along the 'south side of Argyle Street: between Jamaica 'Street and Polytechnic she accosted four separate 'men. I have known her for the last two or three 'years as a prostitute. The last time she was ad- 'monished. (*Second Constable.*) I know the prisoner 'to be a prostitute. She accosted four men last night 'between Jamaica Street and Polytechnic. Was con- 'victed here before. (*Magistrate.*) Any witnesses for 'the defence?—None. (*Barbara.*) I was the worse of 'drink at the time. (*Magistrate.*) When was she here 'last? (*Officer.*) In February, when she was ad- 'monished. (*Magistrate.*) 15s. or 14 days.' Now you call that proving a previous conviction?—The point on which that turns is the technical one of what proving a conviction is. The proving of a conviction, strictly speaking, consists in putting an officer into the box with an extract of the conviction, or with the court-book before him, who swears that such and such a person has been convicted. But that particular case, like the case against a prostitute, is under section 18 of the 1892 Act, directed against every prostitute, or street walker, who loiters about and importunes. It is necessary to prove that she is a prostitute, and that is usually done by the evidence of two policemen; and I consider that no better evidence can be led to the fact that a person is a prostitute than that she has been convicted.

Mr. George Neilson.

19 Dec. 1894.

10,592. You treat her exceptionally?—No. It is more a question of character, and the question I usually ask a witness is as to what means he has of knowing that she is a prostitute, and the answer which is given, and is expected, if I know that it is the case of a person who has been convicted, is 'be- 'cause I saw her convicted.'

10,593. That is not proving convictions, but character?—Precisely.

10,594. There is another thing about loitering. I understand they are not taken up for loitering—simply for importuning?—There used to be an old idea, in the more strict interpretation of statutes, that the word 'or' was tantamount in many cases to 'and,' and the charge now in all cases is 'loitering 'about and importuning passengers.'

10,595. There is another matter in the treatment of that class of prisoners that seems, at first at all events, exceptional—namely, the proving of the importuning is done by policemen, who have not, in many cases, heard the words used, and there is never any evidence brought by the man who is importuned, who has the right to complain?—There is great latitude—rather, I should say, great divergence—of opinion amongst the different magistrates with regard to the interpretation of that clause. Mr. Gemmel himself was strict, in fact, I should say very strict in his interpretation.

10,596. How?—In that he insisted upon the proving of something more than the mere fact that the person known to be a prostitute loitered about the streets, and was seen to speak to persons. If, for instance, the evidence led showed that the prostitute laid hand upon a man, or went out of her way in order to speak to one or two passengers, or took passengers up an entry; or if the actual words were heard, as sometimes happened, although I should say that of all the prostitutes I have seen convicted, in not half-a-dozen cases have the actual words been proved. But sometimes that has been done. Mr Gemmel insisted upon something more than the mere fact of their being seen to speak to a strange man. Some of the citizen magistrates in Glasgow do the same. Some others are content with rather less evidence, and obviously, from the legal bearing of it, it seems to be a question which lies entirely in the mind of the magistrates whether the proving of loitering about and importuning for the purpose of prostitution is enough or not. Another question which bears upon that, was that Mr. Gemmel would rarely convict for loitering about during the daytime, and I have seen in the same way that most of the citizen magistrates now apply a very much sterner canon of construction to the evidence of a case where it is loitering during the day, than loitering during the night.

10,597. What penalties did Mr Gemmel usually inflict, and what do the citizen magistrates?—Well, the new Police Act enlarged the penalty from 14 to 30 days.

10,598. What was it in Mr Gemmel's time?—The limit was 14 days, until the last year of his life.

10,599. But the last year will do when he had the

same powers as the magistrates?—I do not think he imposed so frequently the heavier penalties as are imposed by the citizen magistrates.

10,600. What were his usual penalties, 10s. or 15s.?—I do not think he often went beyond £1.

10,601. With how many days?—I do not think that he ordinarily went beyond 14 days, but at this distance I cannot say exactly.

10,602. But did he often go up to 14 days?—Often not, I should say. Mr. Gemmel was anxious to give these girls a chance.

10,603. Where did he sit?—In the Central.

10,604. He was anxious to give them a chance, and he treated them leniently? Did he send off many with admonitions?—Yes.

10,605. How was the city of Glasgow as to prostitution, I mean the parade of prostitution in the streets, which, I suppose, is what the police have to concern themselves with,—was the offensive and demoralising parading of prostitution in the streets worse in Mr. Gemmel's time than with the severer penalties which are now being enforced?—I believe that the streets of Glasgow have been relatively fairly clear, and, from my own observation, I could not give you an answer to that question. I have no reason to believe that there has been any material difference.

10,606. Then, as the result of your experience, do you think that these long sentences are useful or necessary?—I have not been able to satisfy myself that sentences of any kind are doing very much good.

10,607. Have you been in Edinburgh much?—Yes.

10,608. What do you think of the streets of Edinburgh as compared with Glasgow?—Well, I should say there are far more prostitutes to be seen in Princes Street than in Glasgow.

10,609. (*By Dr. Sutherland.*) That is of the showy kind?—Yes, but that is a very general impression.

10,610. (*By the Chairman.*) Do you think the risk of a decent man being accosted, or of a lady being insulted, walking along one of the Edinburgh streets is greater than would be the risk in Glasgow?—Broadly speaking, I do not think the risk is very great in either town.

10,611. But I ask you in which it is greater?—I could not answer.

10,612. There are some magistrates, however, who never give more than 5s. or 24 hours, and dismiss a great number of the cases?—I know.

10,613. But probably you don't think, at all events, that the long sentences have any practical effect beyond the physical removal of the women from the scene of their action?—I cannot say that. I have observed no marked difference.

10,614. You talk about shebeening cases. Have you many in Glasgow?—We have a great many in the Central district of Glasgow.

10,615. I suppose it falls upon you to issue warrants for the search of these shebeens as Procurator-Fiscal?—That is a function which is very rarely required.

10,616. Well, the Police Superintendent of Greenock told us that he signed 150 warrants a week, that they lapsed in a week, but that they enabled his men to visit 150 shebeens?—Our system is quite different here. The police, generally speaking, have no difficulty in being admitted into shebeens. The shebeener, as a rule, when the police go to the door—the shebeener undoubtedly could refuse to admit him, but, as a rule, he does not do so. The constables go in, they get a statement from the man, and, of course, they see what is there. The only difference between their being there with a warrant is, that they cannot open shut and lockfast places.

10,617. But is there any exceptional power, under the Glasgow Police Act, for constables to enter shebeens?—I am not quite sure that there is any exceptional power.

10,618. They can go in, but they cannot open lockfast places?—That, however, is by permission; and that is how our system is conducted in 90 cases out of 100.

10,619. You say that they allow your men to go in?—Yes.

10,620. That surely indicates a great amount of softness, if they know that there is anything illegal going on?—But it isn't illegal for a constable to enter any house. A constable may enter my house, if I choose to let him in.

10,621. But if you happen to be engaged in an illicit occupation like a shebeener you, as a lawyer, would not let the constable in?—No.

10,622. What I wanted to know is how it was that the shebeeners were so ignorant of the law as not to know their rights in the matter. Have you many convictions of shebeeners on the evidence obtained by the voluntary admission of customers?—In the great mass of cases, the evidence in shebeening cases consists firstly in the evidence of one or more of the persons concerned. Usually speaking, we get two of the persons who are drinking. They are persuaded to come and give evidence. Sometimes, of course, they are tried for being found in shebeens, being drunk and drinking, and afterwards, when the charge is brought against the keeper of the house, these persons come forward and tell that they went up to the house at such and such a time, and bought liquor from such and such a person; and they are very frequently in the house at the time the police go up.

10,623. Are these unfortunate men first sentenced to a fine or imprisonment, and then made turn witness?—Very frequently.

10,624. Do they expect any release?—That is the other side. But the fact that a man is to give evidence for me in a shebeening case is no reason why I should ask the magistrate to let him off. I do not think it is sound morals to do so.

10,625. Do you know how many shebeens are considered to exist?—No. I am not well versed in the statistical side of the question.

10,626. Here is the clause of the Burghs Police Act dealing with habitual drunkards. Look at it and say, if you were in a burgh, whether you would not consider it necessary to prove previous convictions, under your own interpretation of it?—I do not hesitate to say that in dealing with a previous conviction, under section 382 of the Burghs Police Act, if I were interpreting it in Glasgow, I should certainly not prove previous conviction until after conviction on the specific charge.

10,626A. But you would prove it then?—Yes.

10,627. Then you have three modes of dealing—(1) not proving the previous conviction till after conviction on the specific charge; (2) not proving convictions at all; and (3) proving convictions before the conviction on the specific charge?—Yes.

10,628. And there is a considerable variety of practice in all these details among the different towns?—I believe so; but these things only come before me when they are reported in the High Court proceedings.

10,629. In the Sheriff Court do you know if the same interpretation is placed upon that clause of Lord Kingsburgh's Act?—I understand that in the Sheriff court the same interpretation is given. For instance, if they have cases of previous conviction, they are only proved after the conviction on the specific charge.

10,630. On breaches of the peace and assaults in the county, in Lanarkshire I mean?—It depends. Some of them are brought before the justices, and the serious cases go before the sheriffs.

10,631. The petty ones go before the justices?—Yes.

10,632. Sitting in Glasgow?—They sit in different parts. The Lanarkshire cases are brought into Glasgow as the general centre.

10,633. For instance, in Perth, the Perthshire petty offences were brought before the sheriff-substitutes, whereas the Perth city cases were disposed of before the police magistrates of the burgh?—I do not think that is the method here, but I am not familiar with the practice.

Mr. George Neilson.

19 Dec. 1894.

10,634. The stipendiary magistrate in Glasgow must have known the habitual criminals better than the citizen magistrates?—It is the one great advantage in having a stipendiary magistrate.

10,635. But if you found yourself debarred from proving previous convictions, if the stipendiary knows the people, is not that driving a coach and four through the law?—Under the same principle the assessors, more or less, know the offenders.

10,636. But the assessors secretly impart their knowledge to the men on the bench?—I suppose they do, although it is not for me to say.

10,637. In connection with dealing with the habitual criminal is there any way which suggests itself to you as a method by which their number might be lessened, and a proportion of them, at all events, reformed?—I am afraid, although I have thought a good deal about the subject, I cannot say that I have been able to commit myself to any form of treatment.

10,638. We shall take another specific case—that is, the case of juvenile offences. Have you much to do with that?—We have a good many cases.

10,639. How are they generally dealt with?—First offences almost invariably are dismissed with an admonition.

10,640. And for the second?—Mr Gemmel used in certain cases occasionally to order the whip, but there has been no case of whipping since. The citizen magistrates have got an objection, apparently on principle, to whipping at all, and there certainly has been no case of whipping in the Central Police Court since.

10,641. Would you give your own opinion? Are you in favour of Mr Gemmel's or the citizen magistrates' practice?—I am not very clear on the subject. There are many cases in which one felt that it was no use sending a boy to prison, and that a whipping was really the best thing for him. But, on the other hand, the subject of whipping is surrounded with so many peculiarities, that one hesitates to say distinctly what one's preference would be.

10,642. In connection with the whip, you would not made any recommendation as to any extension of the Act by which whipping might be given as an alternative?—I do not think so.

10,643. How would you treat girls?—Girls, of course, have never been whipped.

10,644. The girls are not whipped, and it is still more undesirable to send them to prison if you can help it, than when it is boys?—Of course boys are frequently brought up for offences against public order—that is to say, in the way of throwing stones at constables, and little things of that kind, where the element of mischief enters into it. Girls do not come before us in that connection.

10,645. We saw two young girls in the Glasgow Prison, one of whom was in for the third time. They were then in for a charge of malicious mischief, which consisted of what might have been libelled as wilful fire-raising. They set fire to a show, and caused some damage. One of the girls had been twice in prison that year before. She had been in, I think she said, for disorderly conduct, running about and larking wild on the street. She was about fifteen or sixteen years of age. What about that?—Well, I am happy to say that is very exceptional for girls.

10,646. Here we had a case of two girls, one of whom, as I said, had been in twice before, as it was described to us, for being boisterous, and no doubt a nuisance in the streets, but not for any immoral conduct.—My experience is that conduct of that kind on the part of girls is decidedly exceptional.

10,647. Now we came across a boy. I forget what he was sent to prison for. He had been in, I think, two or three times before, once for kicking a football, which had landed against some woman, and dirtied her. Are there many of these football cases sent to prison?—Very seldom sent to prison, because the fine imposed is usually a very nominal one.

10,648. What do you call nominal?—Well, I have seen a fine of 1s., or of 2s. 6d. It is seldom that more than 2s. 6d. is imposed upon lads for playing football. Indeed, as a rule, the magistrates are not willing to convict, unless there is a very decided case of persistency and obstruction, and nuisance to the public.

Mr. George Neilson.

19 Dec. 1894.

10,649. Do not you think if a boy or girl of that class gets into prison it is very apt to do away with all the terrors that had existed in their minds as to the mystery of punishment in prison, and make them reckless in going back?—I am afraid that nothing that I have seen leads me to attach any great hope of the effect of imprisonment.

10,650. Do not you think that such a petty thing as kicking a football, or riotous conduct, could be dealt with by a boy or girl being relegated to the parents, and the parents being told that if they gave them a parental chastisement no further punishment would be inflicted?—That is done, I suspect, in the greater number of cases, and, personally, I fully share the opinion which you have indicated. Still there are cases of bad boys.

10,651. Now I want to have your own opinion on the subject of the policy of pledges. There, again, the practice varies very greatly throughout Scotland. We will take the case of a drunk and incapable, or a petty assault, or any case of that kind. He is let out on a pledge of, say 7s. 6d. He gives what name he likes, and if he is unknown to the police that name is accepted, and he makes off, and is never heard of, and there is no more trouble taken about him, unless he turns up. Payment of the pledge is in fact held by the police as having purged the offence. In Edinburgh we were told that if a man was let off on pledge it was regarded as bail for his appearance, and if he did not appear the bail was forfeited, and he was cited to appear afterwards, and that the forfeiture of the pledge was regarded as a punishment for non-appearance, and not as purging the offence?—I think that your statement entirely mis-states the actual character of the pledge in Glasgow. If a man gives 7s. 6d. in Glasgow, it is the pledge that he will appear the next morning for trial, and he is called next morning, and if he is not there the pledge is there, and then forfeited, so that if there is any difference in the practice in Edinburgh it is only a difference in procedure. The fact is the same—the pledge is not to purge the offence.

10,652. But the pledge is forfeited in consequence of his non-appearance, and not as a fine for his offence. The offence remains, and what goes on in Edinburgh is, they proceed to cite to bring the man up, and then they fine him for his offence, not counting the forfeiture as any expiation, but here you take no further trouble in the matter?—In the majority of cases we do not. Sometimes, although the pledge is forfeited, a warrant is granted for the apprehension of the man.

10,653. Can you tell us how many cases in Glasgow last year were brought up thus?—Scarcely any. I could not distinctly say.

10,654. Would there be ten?—I do not think there would be.

10,655. Then we may practically leave that out of the question, so that I think my statement of the difference between the two is practically accurate?—Except in its terms. The pledge is not taken by the police except as a pledge for the man's appearance, and it is forfeited by the magistrate for non-appearance.

10,656. And then the matter is allowed to drop, whereas it is only the first stage of the proceedings of the public prosecutor in Edinburgh?—Yes.

10,657. Now, this system is a very old system in Glasgow and all over Scotland, and I see you are in no way responsible for it, but you have shown yourself to be a man of subtle legal mind. What is your idea as to the strict legality of these diverse practices, or the policy of the diverse practices in all such instances as I have mentioned?—Well, the simplicity of working is very strongly on the side of Glasgow.

10,658. I suppose that is the chief practical recommendation?—That is quite evident. As regards the ethical view of the case, there is perhaps a great deal

Mr. George Neilson. 19 Dec. 1894.

to be said against it. On the other hand, these pledges are modified according to the offence. For a bad assault a man will lodge a pledge of even £5. The thing is graded, so that an attempt is made to have the pledge something approximately representing the fine which the magistrate would have imposed if he had tried the case.

10,659. In fact, they make it a little higher generally?—Yes.

10,660. But that makes the police lieutenant who receives the charge the judge as to the proper penalty on the assumption of guilt, whereas, in the other case, it leaves the whole business to the magistrate after hearing evidence?—Yes.

10,661. We have been told that it has this advantage, that it enables a number of people to escape the degradation of appearing before the police magistrate, but it has the theoretical disadvantage of dealing differently with the rich, who pay 7s. 6d., and the poor, who don't?—It does decidedly make a difference.

10,662. Do you let out, for instance, a Saturday drunk? Do you exact the same pledge as in the case of another fellow?—I think the Saturday night pledge is similar. In some cases they pledge down as low as 2s. 6d. and 5s.

10,663. In what office do they do that?—I have seen exceptional cases in the Central of 2s. 6d., but they are exceptional; 5s. and 7s. 6d. are the normal pledges.

10,664. I suppose it would greatly increase the trouble of the police to get up a case?—No doubt.

10,665. Would you give us the number of people let out on pledges in Glasgow?—11,612.

10,666. Pledges and bail bonds forfeited; there are very few bail bonds?—Very few.

10,667. I suppose 100 would cover them, and the rest be pledges?—Yes.

10,668. There is a pretty considerable revenue made out of pledges?—A large revenue.

10,669. What would you consider the equity of this? This revenue out of the pledges may be regarded as an inducement to pick up pledgable looking people? It has been represented to us as being a temptation to the town, as being a means of revenue?—It is infinitesimal, I think.

10,670. Suppose we were to recommend the establishment of adult reformatories, which have been proposed to us, for the treatment of these habitual criminals, would it not be a very equitable thing to recommend that support should be drawn from the pledge fund to which they have contributed probably very largely in their career?—Well, there are a great many conditions attaching to the answer to that question.

10,671. But you don't think the magistrates would like to part with the pledge fund?—These are financial considerations with which I have nothing to do; but there is the element that the pledges are given as a contribution at present for the maintenance, directly or indirectly, of the police force.

10,672. You think any encroachment upon the money received from pledges would be viewed with extreme jealousy by those who have to apply the funds at the present moment?—I have no authority to speak on their behalf, but I expect that would be narrowly looked into.

10,673. But, from the outside point of view, do you think the public would not regard the appropriation of specific funds of that sort with more equanimity than the levying of a rate for the special purpose of carrying out of any reformatory institution?—Personally speaking, it is to me a question that is now presenting itself for the first time. I do feel, however, that the proceeds of the police courts in Glasgow would fitly enough be applied in part to any institution which was for the treatment of the offenders in Glasgow.

10,674. There is another point about these pledges. They vary greatly in different places. I think it was in Dundee since the adoption of the clause regarding drunks in this Burghs Police Act which gave them additional powers. They have raised the pledge to 10s., so that the pledge, being drunk and incapable, is 10s. now. Here it is 7s. 6d. I think it is 10s. in Aberdeen. The average pledge in Aberdeen was higher than here. It was 10s., and in some places it was as low as 5s. That is more or less an equitable thing, but I suppose not more than the sentences resulting from the different views taken by different magistrates?—No. I suppose you are aware that the pledges are one of the surest signs of the condition of trade in a place like Glasgow. In good seasons there are far more pledges than in bad seasons, because there is more money. On the other hand, the thing works out so that there are in good seasons fewer people relatively going to prison, because more fines are paid.

10,675. On the other hand, the apprehensions are enormous?—Yes, the apprehensions are more, because there is more money to spend on drink.

10,676. The instructions to the police, we understand, are given by the Chief Constable, with little or no suggestion on the part of the magistrates in the different localities?—I understand the magistrates have nothing directly to do with the instructions to the police. The police instruction book is issued by the Chief Constable, and it is part of the discipline of the police for each superintendent to have constant and habitual meetings with the officers under him, at which the instructions are reiterated and amplified verbally.

10,677. This we find from different instructions in certain cases. Take the case of Govan. The Chief Constable told us that he had given very different instructions in regard to certain cases from what prevailed in the time of his predecessor, and that had a marked effect in reducing the number of apprehensions. The practice varies all over Scotland. Do you think that anything could be done by entrusting to the Inspector of Constabulary say, some general supervision of the instructions, so that you might pick up what was considered good, or wrought well in one district, and recommend its application in other districts?—I should think probably a good deal of good might be done in that way. In Glasgow there is a printed book of instructions very carefully prepared, containing practically a synopsis of the Police Act, and giving general instructions for the methods of the police in special cases, very carefully prepared, and a very serviceable book; but, although that might do for Glasgow, the conditions are different. We are dealing with special statutes and regulations, which are quite different from what they would be over Scotland generally.

10,678. Every Chief Constable appears to have a book. I do not know whether every member of the force has it. Ought not all instructions to embody the law on different points?—Well, I should certainly say that a general revision by some competent superior would be of great advantage.

10,679. For instance, as to the method of dealing with such petty offences as arise out of drunkenness?—Yes, it would tend, I should think, to reduce that evil of which you speak, namely, the great disparity in treatment.

10,680. Do you see any way of meeting the disparity of treatment which exists previous to trial. For instance, in one case you have every prisoner who pleads not guilty remanded for a day, thus breaking into the second day for his trial?—We have not that in Glasgow. Every man who pleads guilty is not remanded in Glasgow.

10,680A. No, but it does exist in some places, some are remanded for two days. There is no disparity in many towns. A prisoner remanded is sent to a comparatively comfortable prison. In Glasgow you remand them for 48 hours to the police cell?—Yes.

10,681. Well, that is a very great difference in punishment to a man who ultimately gets a very small sentence or a fine?—That is so, although perhaps no greater than the difference of prisons.

10,682. The difference of prisons? What do you mean?—That is to say, a man in the Glasgow police

Mr. George Neilson.

19 Dec. 1894.

cells may be a great deal better; it may be even by the difference of the cell in which he is kept.

10,683. But the prisons are all under one uniform authority, and you have a minimum standard of comfort in the prisons which you lack in the cells. There is a uniformity of treatment of untried prisoners in prisons which is lacking in police cells. Do you think there could be nothing done to assimilate the treatment of untried prisoners?—In Glasgow, of course, we have rather exceptional conditions. It materially adds to the difficulty and the risks of the administration of justice if prisoners have to be conveyed to and from the prison. There have been a number of cases of men escaping during the passage to the prison, and every passage of that kind adds to the risk of escape. On the score of convenience it is certainly preferable that the man should be in the cells.

10,684. On the other hand, the untried prisoner in the cell has got to lie on a plank bed, and he has got no cover?—That is a thing that would be capable of easy amendment by the altered conditions of the police office.

10,685. Do you think it would be well to have one authority who would try and make the conditions of the untried prisoner, who presumably is not guilty, similarly bearable, as is done in the case of the prisoners by the Prison Commissioners?—I am not aware of any special reason for interfering, but certainly the question seems to be one for inquiry.

10,686. You want to keep the man safe and well?—Yes.

10,687. I do not know whether you ever have a second or a third prisoner put in the cell with a remanded prisoner?—I do not think it is usual with remanded prisoners, but we have had sometimes on a crowded night more than one prisoner in a cell overnight.

10,688. And you have had fatal accidents?—Not in my time, but there have been accidents which have resulted from that.

10,689. But, independent of accidents, it is a very horrible and undesirable thing for a man to be locked up from the Saturday night till the Monday morning with a ruffian or disorderly companion?—That is so.

10,690. You have nothing to say as to any suggestion as to the reformation of this matter?—No.

10,691. Do you believe in progressively accumulative penalties?—I have not seen any sufficient return from them to lead me to that view. One point that strikes one having so many cases as come necessarily under my eye, is the extraordinary absence of the slightest feeling of shame in a man about being drunk. You get 1000 cases of men who are charged with being drunk, and I do not think there is above 2 per cent. that ever dream of pleading not guilty.

10,692. But, don't the most of the shamefaced lot get off on pledge?—Well, I suspect there is something in that. Possibly they do, but I deal only with those who are before us. A great many of the pledged ones come back in the hope of getting the 7s. 6d. reduced to 5s. It is a clear sign of that absence of shame of which I speak.

10,693. But there are still a considerable percentage of the newer offenders who will offer anything on their persons in pledge?—Yes; but men charged with assault, with riot, or using abusive language, will at once say that they were drunk; but they draw the line at having been riotous, or having used abusive language, or having committed an assault. To say they were drunk seems to them to be no shame whatever.

10,694. About the abusive language. Is the language on which a person would be arrested desperately bad? I suppose it is chiefly women who are taken up for that?—Both men and women. The practice in the Central Court—I am not minutely acquainted with the other courts—is this: before I ask the court to commit, I make a point of its being a case in which a person has been practically abusive without provocation, where the language is gross in its character, where the language has been shouted out so that it could be heard a considerable distance off, and where it was, as I have said, gross.

Mr. George Neilson.

19 Dec. 1894.

10,695. These are not cases where a person arrested has used obscene and abusive language to the policeman?—In all these cases my whole influence has been against obtaining a conviction.

10,696. But are you not autocratic in that matter?—But the facts do not come fully out until the examination of the witness.

10,697. Does the charge not specify that?—The words of the Act are 'Used abusive language.'

10,698. And cannot you at the last moment withdraw the charge?—Yes. At the same time, when laying the case before the magistrate, whilst I frequently withdraw charges, there are many cases in which possibly the magistrate might be of a different opinion from myself, and it savours of a want of respect to the Bench to take up a high hand in dealing with these things.

10,699. Is not the Advocate-Depute who prosecutes before the Court of Justiciary entitled to withdraw or modify his charge at any stage of the proceedings?—Quite so; and I do that at all stages; but there are many cases which are so near the boundary line that I think it better to leave it to the discretion of the magistrate.

10,700. You will have two women fighting, and they will use abusive language. You might libel them either for abusive language or assault?—For being 'riotous and disorderly' is the usual form. There are practically never convictions for merely using opprobrious epithets in such cases.

10,701. Are the cases that are arrested and libelled as abusive not drunk people who shouted abusive language in the streets?—Yes.

10,702. Or will the complaint be entertained by a policeman, or some person that So-and-so shouted such-and-such an expression?—Sometimes it is a case where a private complainer comes—where there has been some standing feud, and one woman follows another and overwhelms her with epithets of abuse. That is one kind that sometimes happens.

10,703. But you think that is dealt with mildly?—I have great faith in the administration of the Police Act generally by the citizen magistrates.

10,704. You think it comes up to the stipendiary?—Well, I would not say that. You get from continuity of one man the steadiness of one mind applied to the same type of cases occurring again and again, and you get a man above all who knows the prisoners by head-mark, so that you get a regular system of punishment which, at least, is a better attempt towards a system than you can get from the accidental magistrate who is here to-day and away to-morrow.

10,705. As to procedure in case of our attempting to deal with habitual offenders by sending them to a reformatory. This procedure has been suggested: after a certain number of convictions within a time, or a certain number within a longer time, that the police—and I suppose you are the official who would have to deal with such cases—might remand the case to the sheriff as guilty, we will say, of riotousness or drunkenness and disorderliness, and being a habitual offender. The habitual nature of the offence would require to be proved by the sheriff, and if the sheriff held him to be a habitual offender, he might inflict the statutory penalty for the offence, which would require to be altered to any extent he choses, and, after imprisonment for the offence, order the prisoner to be removed to a sort of adult reformatory, and detained for a certain time. Would that mechanism to your mind be practicable?—Yes, and indeed it would be much preferable to a magistrate being expected to deal off-hand with the matter.

10,706. You could not entrust the magistrate with such powers?—I should say the sheriff was the obvious man.

10,707. I mean the machinery would work well enough?—Yes; the machinery would work in this way:—Suppose a man is brought up for being drunk, and suppose he is convicted, the magistrate, instead of

Mr. George Neilson.

19 Dec. 1894.

passing sentence on him, would remit him. I would suggest that there should be provision made for the averment to be on the charge that the man had been, say, six times committed during a certain period, perhaps three months, and in that case the magistrate, after trying him and finding him guilty of being drunk on this particular occasion, might remit him to be dealt with on what would be another charge. And I understand you to mean that there would still be a necessity on the sheriff's part to inquire into the case.

10,708. So that the man who was accidentally drunk would not be sent off. We have been told of the good working man, the model father of a family, the zealous church attender, who gets drunk every Saturday night, who might by accident fall into the hands of the police?—That would safeguard that.

10,709. So that there would be no fear of any elder or other individual having an injury done to him? You talk of the magistrate trying the man: could the magistrate find him guilty of the particular charge and order him to be dealt with on the sheriff's discretion as a habitual offender without sentencing him for the offence?—Oh yes. We have very much the same procedure already. A man may be tried for assault, which may, before the case is finished, be turned into a charge of murder. The trial is then at once stopped, even although the man was on the verge of being sentenced; in fact if he has been sentenced, he can be sent off to be tried for what is virtually the same act—that is a charge which was an assault, but is now a murder. But in this case you are trying a man for being drunk to-day, but you remit him to the sheriff to be dealt with for being a habitual drunkard. In other words, it seems to me to fit in with the general analogy of a man being dealt with as insane.

10,710. I perhaps did not explain. It would not do to let off the habitual offender, brought up on a charge of assault—it would not do to let him off the punishment for the assault and send him directly to a reformatory where we wish to disassociate the criminal element as far as possible from the element of punishment, and substitute reform as in the case of a reformatory?—No.

10,711. And in order to do that, it would be necessary to preserve the power of punishing for the individual act; and the punishment would require to be modified to this extent that it should not be by fine, because if a man was allowed to pay 15s. and then go to a reformatory institution, whereas if you give him thirty days and then order him to be sent to an adult reformatory and detained for a certain time—you follow me?—In that case the remit would practically be a remit from the magistrate for sentence, with power to the sheriff to inquire into the acts, and if he thought fit, instead of sending him to prison, to send him to an adult reformatory.

10,712. It would be analogous to your ordinary procedure?—Yes; it would fit quite well into it.

10,713. (*By Dr. Farquharson.*) What is the precise definition of a shebeen?—A shebeen is a house in which there is more or less habitual sale of liquor without licence.

10,714. Do you find that cases of drunkenness that come from shebeen drinking are more riotous and more difficult than those from the public-house?—They are later at night, and they are on the Sundays; but the degree is too fine to draw.

10,715. Is it your belief that the quality of the liquid sold in the shebeens is worse than in the public-house?—Undoubtedly.

10,716. And from that you would conclude that the person would be more riotous?—That there would be more rapid drunkenness rather than more riotousness.

10,717. A smaller quantity would go further?—Yes.

10,718. About loitering and importuning on the streets, I suppose the magistrates do not convict on the first offence, do they?—The magistrates convict on the first offence, simply registering the conviction and admonishing.

10,719. (*By the Chairman.*) Then, who gives evidence as to previous convictions?—The prosecutor usually puts the question directly or indirectly. There is in his hands always a note of previous convictions, and he asks the witness if there is any previous conviction against her.

Mr. George Neilson.

19 Dec. 1894.

10,720. But does not that lead to this: that, if you don't ask about a previous conviction, the magistrate concludes that there is none?—It does not work out in that way.

10,721. (*By Dr. Farquharson.*) And how does the police get their evidence in the case of a first conviction?—In Glasgow the constables are put in plain clothes, and they are out in the street watching; and both in plain clothes and in uniform, when on duty, they have seen the girls going about and they know sometimes where they live. They also see them out at very late hours, and find them sometimes in suspicious circumstances.

10,722. But, suppose a newcomer to Glasgow, how do you get a conviction?—Sometimes cases are brought to the Police Office, and the lieutenant inquires into it and dismisses it at the counter, because of the very fact that they are not known.

10,723. The police were seldom or never able to hear the words used to the men?—I have had probably three cases, certainly not many more in which the officers stated that they had heard the words used.

10,724. So that it is a case of inference from previous character?—Yes, coupled with the circumstances and the acts.

10,725. Do the men who are importuned ever appear?—They are frequently asked to come, but they invariably refuse. I should say I never knew of a case of a man coming as a witness against a woman, but I have seen a man coming for the woman.

10,726. (*By Dr. Sutherland.*) If you cite, cannot you compel them to come?—Yes, if you know the man, but as a general rule you don't know him, and if you ask him he probably gives you a false address.

10,727. (*By the Chairman.*) The police warn the woman before running her in?—As a rule, a woman is spoken to by an officer before being run in.

10,728. (*By Dr. Sutherland.*) Are you aware that of hundreds of samples of shebeen whisky analysed at Somerset House, and presented to the Playfair Commission that sat on this subject, in no case was there found any deleterious ingredient in such whisky?—I am not aware. My opinion is founded upon the statement of the people who have got the whisky in shebeens, who have very often said in evidence that the whisky was bad. This is my whole experience.

10,729. Have you seen the experiences of the Amateur Vagrant; he describes the whisky as exceedingly bad, just as you say?—Yes.

10,730. In regard to the inquiry regarding drunkards, why should it not take place before the stipendiary as well as before the sheriff?—I do not know there is any absolute reason why it should not be before the stipendiary or the sheriff, but the one thing that is necessary, and which Sir Charles Cameron's questions, I take it, were directed towards, was a process which would insure the utmost care in the matter; and I rather take it the sheriff who has the analogous cases of insanity to deal with would be better than to have citizen magistrates, sitting only at intervals.

10,731. But the man who becomes a stipendiary is, I should think, as qualified for his position as a sheriff is for his. He is a trained lawyer?—Yes, quite so.

10,732. So that, on the whole, the inquiry might be conducted before a stipendiary?—I do not think a clear line need be drawn.

10,733. (*By the Chairman.*) But sheriffs are to be found all through Scotland, whereas stipendiaries are very rare?—Yes; the sheriffs would be better on that account.

10,734. How many stipendiaries are there in Scotland?—There is just one.

10,735. But where is there a stipendiary magistrate at present?—There is none in Glasgow at present,

Mr. George Neilson.

19 Dec. 1894.

and that is the only place which has had one in Scotland.

10,736. (*By Col. M'Hardy.*) I think you said that a large number of the cases of apprehensions ended in forfeiture of pledges?—Yes.

10,737. Something like 12,000 cases in the year?—Yes.

10,738. Does your duty lie in any way in the administration of this system of pledges?—To this extent, that in a doubtful question the lieutenant will consult me as to the pledge to be taken.

10,739. Does he send for you at night?—No; I have never been sent for at night in a question of that kind.

10,740. But, as a matter of fact, does your jurisdiction extend to the supervision of these pledges?—I believe that my direction with regard to any pledge would have to be followed.

10,741. (*By the Chairman.*) Can you give us the clause that deals with pledges?—I shall send a copy of the clauses to you.

10,742. (*By Col. M'Hardy.*) When an offence has been committed, and it is bailable, and therefore can be dealt with under this system of pledges, whether in every case the person arrested gets an opportunity of procuring bail, does that lie within your province?—I believe that in all cases in which bail would be accepted the person gets that opportunity, but I am not present when that is done.

10,743. But I think you said you could issue instructions in regard to pledges?—Yes.

10,744. What opportunity would you give a man to obtain bail when he did not happen to have it in his possession?—The friends are sent to. A man gives a friend's address who will stand bail for him, and if the man is found or comes for him and gives the bail, as a rule there is no difficulty.

10,745. You said he would be sent for?—I understand so.

10,746. When you bring a case before the court in the morning, do you satisfy yourself there are reasonable grounds for the charge?—I have to trust to the care of those who have acted under me. There are an average, I suppose, of about sixty cases, and it is impossible to inquire into every case.

10,747. So that, it may be, there may be an improper detention of a person occasionally from time to time, and an improper charge made against him?—There may.

10,748. There is no way, I suppose, in easily preventing such a thing occurring?—It is impossible. In the first instance, almost everything depends on the officer who apprehends the man. After that a more or less careful inquiry is made at the bar by the lieutenant, but often under conditions not very favourable.

10,749. Could you have no control, as being the ultimate prosecutor, as to how the information should be taken,—that is, in a convenient way, and under convenient conditions?—I am not sure that I have any control over that, under the existing Act.

10,750. Not under the existing Act; but you occupy a very close position to the constable who arrests. You stand immediately behind him, and practically work with him, I suppose? A first charge is made against the man in the charge-room, and I suppose therefore the conditions should be, as far as possible, the best under which a charge could be taken down?—As far as possible.

10,751. And, from what you have already said, you are not quite certain that these conditions are quite fulfilled in your Central establishment?—I am quite certain from past experience that in the great mass of cases the information is taken most competently and carefully. But, on the other hand, it is equally certain that there are a number of cases which would have been better not booked at all.

10,751A. But then there is so much tumult in the charge-room that what is being said by the different persons speaking cannot be distinctly heard?—That sometimes happens, but it is not often.

10,751B. You are satisfied that it is not a common thing?—Yes.

10,752. But you may have heard of it occurring at times?—Sometimes the place is almost stormed.

10,753. And it would be desirable that that should not be the case?—It would be desirable that the information should be taken very quietly.

10,754. (*By Miss Stevenson.*) I should like to understand more clearly the difference you make between those cases of offences brought before the police court, where you allowed previous character to influence you in the penalty you asked for. I understand you to say that, in cases where previous convictions should be adduced to influence the decision of the magistrate, you would prefer that that evidence should be sworn evidence, except in certain cases; and the case you adduced was that of a woman brought into the office for the police offence of loitering and importuning?—I have not made what I said sufficiently clear. It is all sworn evidence.

10,755. What I understood you to say was that you would prefer not to adduce evidence of previous convictions, unless you could put some of the witnesses in the box to produce evidence of these previous convictions?—As a matter of fact I never do so.

10,756. Except where previous character would influence you?—What I said was that in one particular case, that of the prostitute, that where the character required to be proved before you could establish the charge that is being laid before the court, that that was a case in which, in my opinion, and in our practice, it was lawful to refer to previous convictions before the verdict was given.

10,757. You make an exception. In the case where there was a previous conviction you would say that her having been previously convicted would now make her be characterised as belonging to that class?—Yes.

10,758. Is it not the case that in the Glasgow Police Court a lot of women are brought in at one time and tried individually, but while they are all in the court?—Sometimes three or four.

10,759. Is it not possible the policemen may become familiar with these women simply from seeing them in the Police Court, and not on the streets?—It is certain the policemen must be familiarised with the faces of women who are prostitutes from seeing them there.

10,760. Would it not be juster that these people should be brought in separately?—The mere fact of their not being in the court would not lessen the danger to which you refer, inasmuch as the policemen would still see the prisoners in course of being tried.

10,761. Then a poor woman, if once convicted, is characterised as a prostitute, and that will always tell against her in every future appearance in the Police Court?—It may tell against her in any future charge in the Police Court for importuning.

10,762. And that is an exceptional case in regard to police offences; in fact there is no other case in which an offender is taken up on suspicion of committing the offence without actual evidence that she has done it; that suspicion being confirmed by the knowledge of her supposed previous character?—The prostitute is not taken up on suspicion. The prostitute is brought before the bar, charged and believed to have committed the offence.

10,763. Yes; but there is no actual evidence except that of the policemen that she was seen in suspicious circumstances?—There is the evidence of the policemen that she is a prostitute, and that she did certain things, which are—loitering and importuning.

10,764. And that is the only police case where previous character comes into account?—There is the case of the thief where previous convictions hold. The thief, under the 1892 Act, the known thief found loitering with intent to steal.

10,765. Did I understand you to say that in cases like that you prefer not to take previous convictions, unless you can have them sworn to?—Where the averment is that a person is of a particular character, it is lawful to prove that such persons are of that particular

Mr. George Neilson.

19 Dec. 1894.

character by reference to the convictions which they have already undergone for that particular offence.

10,766. By simply looking at the conviction book, and without sworn evidence?—No, no, not that; but by the evidence of the officials who speak to the character of the persons, and who incidentally allude in their evidence to the fact that in addition to their knowledge of the person's character they know and have seen her convicted, just as in the same way in the case under the Further Powers Act, where the allegation is that a person is a thief, and that that person was found in such and such a street with intent to steal. In that case it is the custom to put in the officers to prove that they know this particular person to be a thief. The question is next asked, 'How do you know the person to be a thief?' and the answer is that they have been again and again convicted. Just in the same way we again take evidence in a case where the allegation of a person's occupation or character enters into the charge. When you charge a person as being the holder of a licence for the sale of liquor you require to prove that he is a publican.

10,767. Then in what cases would you not accept previous convictions without being sworn evidence?—I accept no evidence except sworn evidence.

Mr. George Neilson.

19 Dec. 1894.

10,768. I cannot see the distinction?—The evidence is sworn in all cases. The distinction which I draw is this:—In the case of theft the charge bears that John Smith stole a hat; that he had been previously convicted on such and such a day. After the magistrate has held it proved that John Smith stole the hat and before he sentences him I say, 'There is a previous conviction to prove here,' and then there is put into the witness-box an officer to prove that on a particular day this man was convicted of a particular offence, and either an extract of the conviction or a court book is put in to prove the fact of the conviction.

10,769. And what is the difference between that case and the case of the woman brought in for the offence mentioned?—In one case you have got to prove the conviction, in the other case you have a witness speaking merely to the question of character, who adduces his knowledge of conviction as a part, and a most important and convincing part, of his evidence to that effect. [The witness then withdrew.]

Mr. J. G. Temple.

MR. JAMES G. TEMPLE, Jun., Newspaper Reporter, Glasgow, called in and examined.

Mr. J. G. Temple.

10,770. (*By the Chairman.*) As a newspaper reporter you have had considerable experience of the working of the police courts?—Yes.

10,771. And, on my suggestion, you paid attention to certain points with a view to giving the Committee accurate information on them?—I did.

10,772. You have got some preliminary notes of your general experience, and you think that the sentences inflicted by different magistrates vary very considerably?—Very much.

10,773. That, in the case of drunks, the temperance magistrates are the severest?—Yes.

10,774. You say that about Christmas time the sentence very often given is fourteen days?—Yes, with the option of a fine, that is very common; but that sentence is given for the express purpose of keeping in those persons over the New Year holidays.

10,775. Did you ever hear a sentence given of fourteen days without the option of a fine?—No.

10,776. It is incompetent?—In all drunk cases, I understand, you must give the prisoner the option of a fine. But what I want to bring out is this, that the magistrate, if the prisoner is a habitual drunk, gives the person fourteen days, so that he or she may be kept over the holiday period of Christmas and New Year. He fixes the fine usually at 10s. 6d., I think, and he knows from the class of person before him that he or she will not be able to pay the amount of money, and that the prisoner will have to go to jail for the fourteen days.

10,777. You say in your statement that this sentence is generally passed upon women?—Yes.

10,778. You have not seen it in the case of men?—I do not remember.

10,779. Do you think that drink is increasing among women?—Among young women I think it is.

10,780. And you say you have frequently seen young girls of sixteen years charged with being drunk?—Yes.

10,781. Have you noticed that the girls of the class who are habitual offenders are very small for their age, and look very young?—Yes, very young and very thin, and some very ill-fed.

10,782. But might you not consider these girls were much younger than they really were?—They look very young, but men get prematurely old. A man at forty will look sixty.

10,783. You say the magistrates do not convict first offenders?—They do not.

10,784. You say these girls when asked where they got liquor, always said, 'Frae anither lassie'?—Yes.

10,785. Do you think that is true?—I cannot say. I only take down what I hear.

10,786. And you say that magistrates often attempt to deal with them?—Yes, by sending them to some mission laundry.

10,787. As a rule, you say you seldom see a girl charged with being drunk who lives with her parents?—That is so.

10,787A. And that the girls who are brought in for drunkenness are generally on the street sometime before they began drinking?—Yes.

10,788. Do you mean even these young girls are actually on the street?—I cannot say whether these young girls are actually on the street, but they fall into drink about sixteen.

10,789. You think that the vendors of evening papers and matches very often become prostitutes?—What I would say is, that in localities such as Charing Cross, Glasgow, the poor children there who vend evening papers are children, I would think, of even respectable working people; but the children who vend matches, and boys especially who vend shirt links outside railway stations, as a rule, you will find are children of very poor persons.

10,790. Then, I suppose, you approve of the move of the magistrates to license these young people?—I think it is a good idea to license such children.

10,791. And provide those who have no regular home to go to with a home?—Quite so.

10,792. You say that at the police court many of the men are so thoroughly habituated to the place that they do not appear to trouble themselves?—Do not appear to put themselves the least about.

10,793. They don't even take the trouble to answer guilty or not guilty?—Well, that applies not so much to the men as to the women who are habitually brought before the court. I notice they stand half round to say 'Guilty,' in a manner which indicates that they are anxious to get away at once. They know there is no use of pleading not guilty.

10,794. When they ask for a chance they generally allege some physical weakness—erysipelas, you say?—Yes, I have noticed this; and amongst the men, and a goodly number of women also, there is a complaint about their eyes, and they produce a soiled piece of paper, which they say is a line to admit them into either the Royal or the Eye Infirmary, and that they are under the doctor's care for the eyes and erysipelas.

10,795. And the old soldiers generally have sunstrokes?—In nearly every case a reserve soldier who is brought up for being drunk, states that he had taken very little liquor, and that it was owing to his having sunstroke in India that resulted in his getting drunk very quickly.

10,796. You say the class of women who turn up in

the police courts have a sickening and offensive smell?—Yes, especially those with children.

10,797. And I suppose their night in the Police Court has not improved their condition?—I do not know. So far as I understand, the cells are exceedingly clean, and washed out every morning.

10,798. Yes, but the inmates are not?—No.

10,799. You have been struck with the gradually deteriorating appearance of the women who are brought up for prostitution?—Yes, you easily notice that. The woman who is brought up at court for the first time for prostitution is usually well-dressed, and with every subsequent appearance she becomes more degraded in her appearance.

10,800. But, do you find many of the well-dressed and apparently well-off prostitutes brought up?—It is only rarely.

10,801. I suppose if they drink much or incline to be disorderly, they probably would not be well-dressed or well-off?—No.

10,802. We have been told by women in prison for solicitation, and in other evidence of that class, that they were not guilty of the offence on the occasion on which they were run in, but that they were known to the police, and run in on every occasion, and that it was hopeless to hope to get off, and that they generally pleaded guilty?—My experience was different from what you say. I understand from what you say that they had pleaded guilty to the magistrates. My experience is that in very few cases do they plead guilty. I took the trouble to go along to the police office, and was allowed to turn up the Court-book, and I have statistics which show those who pleaded and those who pleaded not guilty.

10,803. You took down a number of names with the 'plead'?—I looked over the Court-book of the Glasgow Central Police Court for the month of October last, from the first of the month to the 18th, and I found that of the unfortunate women who had been brought up before the court, 30 had pleaded not guilty, and 14 only had pleaded guilty. But I have found in other courts that, where women were charged with prostitution, if they saw the magistrate had been lenient to the first they pleaded guilty, so that they might get a chance of getting off. I cannot say who was the magistrate sitting at that particular time. He might have been a lenient or a severe one.

10,804. You do not record the penalty?—It is usually 15s. or 14 days, and in very exceptional cases two guineas or 30 days.

10,805. You think the cases of 30 days are very exceptional?—So far as I have seen. I can only speak of my own experience. I do not always sit at the court. I only wait until I have got what I want from a newspaper point of view.

10,806. You have furnished me with the verbatim notes of a case of prostitution which I want to ask you about, because we have it in the notes of the procurator-fiscal?—Yes.

10,807. But you say that the police who gave evidence in this case appeared to give their evidence in such a way as to suggest that they had consulted together?—It is almost a facsimile.

10,808. And that is constantly the case?—Almost without exception.

10,809. You took a note of the evidence of the policemen in the case of the woman Barbara H.?—Yes.

10,810. And the general result of your observation of the police evidence in such a case was that it was almost identical?—Yes.

10,811. At my request you visited the police office, so as to take notes which would enable us to place on record the method of handling the petty offenders, and especially at the Central Police Office?—Yes.

10,812. You went there on Saturday 8th?—Yes, of this present month.

10,813. And between a quarter-past 10 and 11 o'clock eight persons were brought in?—Yes. Two of these were accused of being simply drunk and incapable, one being a man with a pin-leg, and the other a young woman rather stylishly dressed. The man was helpless, while the woman was crying, laughing, and 'slavering.' She could speak, for, when asked her name, she replied—'I'm Flora Macdonald!' Of course the lieutenant would not accept that, and she was sent up thé hoist and kept in a cell till she felt disposed to tell her correct name.

10,814. Did they bother themselves about the right name?—No. It was like a case that occurred some time ago in another office, where a man gave the name of 'Charles Stewart Parnell.' They knew that wasn't his right name, just as they knew 'Flora Macdonald' wasn't her right name.

10,815. It was a sacred name?—Yes.

10,816. There were no 'dead or cold drunks' brought in while you were there?—No. On a wet Saturday night I have found from past experience you get more 'dead and cold drunks' than when the weather is good.

10,817. Will you explain to the Committee how these 'dead or cold drunks' are dealt with?—I chanced to be in the Central Police Office on a wet Saturday night when one or two of these particular drunks were brought in. They are usually brought in a barrow to the police court, taken off the barrow and just dragged in to the front of the bar, where the lieutenant or the officer in charge goes round and pulls their ear to see if it is possible to waken them. If he finds he cannot get any life into them at all, they are sent up to the casualty room, where they are examined by the doctor and watched until they become sober enough to give their name and address.

10,818. They have a special room separated by gauze, so that he may watch them that nothing occurs to them?—Yes, I believe so, separated by iron bars.

10,819. (*By Dr Sutherland.*) You have not seen the barred chamber?—No.

10,820. (*By the Chairman.*) You saw several cases of assault. You say that, while watching, two young men came to the bar and offered 30s., you think, to get a friend out, but the lieutenant would not take it?—No. He whistled up to the turnkey and asked if that man was able enough to be allowed out on pledge, and the answer he got was 'No; he's 'still mad with drink.'

10,821. And the lieutenant very properly refused to take the pledge?—Yes.

10,822. But at this point they thought you were staying too long, and told you that, without express permission of the Superintendent, you could not take any notes?—Yes.

10,823. That is not important, as we visited the police station ourselves?—Yes.

10,824. From the times you have been in the police office, do you think the people who are brought in are all people who require to be brought in?—On the average, say 9 out of 10, or 19 out of 20 cases.

10,825. Do you think they are cases which should be cleared off the streets, or do you think they appear to be cases that, so far as the order of the streets was concerned, might have been left to stagger away home?—I can only speak of what I have seen in court.

10,826. About the police office?—I would not like to give an opinion about that.

10,827. Also on my suggestion you spent a forenoon, on December 18th, at the Central Police Court, and took full notes of the procedure?—Yes. I remained there from 11.5 to 12.5.

10,828. You took a pen and ink photograph of what occurred?—Yes, and I found that from 11.5 to 11.40 there were, in that short space of time, 58 cases disposed of.

10,829. But I suppose a great majority of these pleaded guilty or were pledged?—There were 13 pledged out. That is, they did not appear. Their pledges were forfeited. Then there were six men who were taken up in a batch and let away.

10,830. You have got the names here, but it is not necessary that we should pillory these men by putting their names down, but to show the care with which

Mr. J. G. Temple.

19 Dec. 1894.

you have done the thing. It will let us know that you went thoroughly into the matter?—Six were taken up in a batch and let away, the magistrate considering that they had been punished enough through being confined from Saturday till Monday morning. These men were charged with being drunk.

10,831. Who was the judge?—Bailie Martin.

10,832. But Bailie Martin takes rather a lenient view of drunks?—His popular sentence, if I remember correctly, is 2s. 6d. or three days.

10,833. Will you go on?—There were next six men, drunk cases, who were similarly dealt with. Then there were seven men who had each left 7s. 6d. as a pledge, and had the money forfeited, as they did not appear when their names were called. Other five men who had been pledged out had their bail money forfeited.

10,834. Do they bring the men and women up at the same time?—No; the men first, and women afterwards. As to the women, six were placed in a batch, and were let off. Then came the stylishly-dressed woman, who on Saturday night had given the name of 'Flora 'Macdonald.' She was charged with being drunk and incapable. Her proper name was Helen N——. Here is what took place:—'Helen—I took too much drink, 'and I'm guilty. I was here a month ago. I went 'through to Edinburgh, but returned on the Monday 'night. Magistrate—Have you been here before? 'Helen—Yes, once before. Magistrate—Five shillings 'or four days.'

10,835. Now, you will kindly note that the persons who were brought up in batches had just as bad records as Helen N——, the stylishly-dressed woman, and yet they got off and she didn't?—I asked the fiscal why this was so, and he replied, 'We take the 'worst cases separately.' Now, I saw that woman brought in myself to the police office, and I would say that she was pretty drunk, but she was not 'cold,' or incapable of taking care of herself. She was not so bad as that.

10,836. Did she know that she was giving a wrong name in the police office?—Yes, she knew that. And yet, while they got off, she got 5s. or four days, although she seemed to have been sufficiently punished.

10,837. (*By Col. M'Hardy.*) What was the end; did she pay the fine?—I can't say.

10,838. (*By the Chairman.*) But, according to this, she was charged a month ago, and she said that she had been once there before, and if there had been any contradiction of that you would have noted it?—I would. I took a *verbatim* note.

10,839. She admitted being once there, and no more?—The only unfair feature about her case was that these women who were let off in a batch had not the question put to them, 'Were you here before?'

10,840. And this suggests to you the question of whether there was any record kept in such cases?—Yes.

10,841. We have had evidence given by the procurator-fiscal that in such cases he would consider it contrary to the spirit of the recent Act—in fact, the letter of the recent Act—to mention previous convictions at all, either in the proof or after the person had been found guilty before he was sentenced.—With regard to that, I was in the court last Monday, and I was very much struck to hear a new magistrate, who made his first appearance there, ask whether a prisoner 'had been here before,' and Mr Neilson, for the first time ever I had heard him, said that he had been informed that he was not to tell any antecedents, if he hadn't proof for it regarding the prisoner, and therefore the magistrate did not get the information he wanted last Monday.

10,842. But the magistrate had always previously been told it?—Yes, in past years, in a general way. Such as, 'Oh, yes; we know Maggie; she has often 'been here.'

10,843. (*By Professor Dove Wilson.*) Are the persons who tell these things upon oath?—No. It is the fiscal.

10,844. (*By Dr Sutherland.*) Does the assessor speak?—The assessor rarely opens his mouth, unless he is cross-examining a witness for the defence.

10,845. Has he communication with the bench?—He sits beside the magistrate.

10,846. (*By the Chairman.*) Another batch of women came then?—Yes; they were taken up in a row, and they all got off, the magistrate saying, 'You have 'been here since Saturday; go, and do not come back 'again.'

10,847. No moral advice given?—No moral advice given.

10,848. Come to the next cases?—Agnes R——, drunk and incapable. She admitted she had been 'up' before, and was fined 5s. or four days. Mary H—— said she was before the court twelve months ago, and asked for a chance. She had been drunk and incapable, and was sentenced to 5s. or four days. Then came Mary J——, fined in 10s. 6d. or eight days for being drunk. She had been up before. Next Mary G—— admitted she had been drunk, and said it was seven weeks since she had last been in a court. Her sentence was 10s. 6d. or fourteen days.

10,849. How did all these previous convictions come out? Was it on the admission themselves?—Yes.

10,850. Were they asked anything about the matter?—They were simply asked the question, 'Were you here before?' and the answer was 'Yes.' I always find, and have been astonished at it, that prisoners tell the truth.

10,851. But it seems a very absurd and subtle definition to say that previous convictions must not be given in evidence, and then to allow a prisoner to be asked about them, without the chance of contradiction if he or she tells a lie?—Yes.

10,852. (*By Dr Sutherland.*) Do they not tell the truth because they are so well known?—I really think they tell the truth as any ordinary person would tell the truth.

10,853. (*By the Chairman.*) Then you came to the disorderly cases; were they taken in a batch?—No. They never take disorderlies in a batch.

10,854. Were they mixed up with the drunks?—They finish the drunks before going on to the disorderlies.

10,855. Just give us a few specimens.—When one watches the disorderly cases he is surprised at the sentences. Here is one man, John K——, who pleads guilty to being riotous and disorderly, and the sentence is 7s. 6d. or five days.

10,856. That is the same as a drunk and incapable?—This man had been riotous and disorderly. He had been more than drunk, and yet he is fined 7s. 6d. or five days, whereas I have seen some magistrates, like Bailie Pettigrew, give a man 7s. 6d. or five days for being simply drunk.

10,857. Then the next case?—George R——; he got the same. Then, in regard to the assault cases, a very common experience is that where a man has been assaulting a wife she does not turn up, in order to defeat the ends of justice. But if a policeman thinks the assault is a very bad one, the fiscal asks for a continuation, and it is granted. I have two cases, Dennis G—— and James F——, who were discharged on account of there being no evidence.

10,858. Was the accusation against these two for beating their wives—were they their wives?—I could not say that. Then Charles C—— and Robert C——, who had been fighting, and had been up six months before, were fined 10s. 6d. or eight days.

10,859. How did you get that information?—That came out from the prisoners. They admitted it on being asked, but, if a case goes to trial, the fiscal, after the evidence has been led, says to the magistrate, 'Have you made up your mind?' and the magistrate says 'Yes, the man is guilty.' Then an officer steps into the box, and takes the oath, and, turning up a book, swears how many times this man has been up before, and the magistrate in that way can deal with a prisoner severely, taking into consideration his previous convictions.

Mr. J. G. Temple.

19 Dec. 1894.

10,860. Yes, but that we were told was confined to certain classes of cases—assaults, I think, are under a certain statute?—Yes. Then came James D——, charged with assault, and fined 7s. 6d. or five days; Peter M——, for being riotous, got 7s. 6d. or five days; then Mary Brown, for being riotous, and who had been up a long time ago, got 10s. 6d. or eight days.

10,861. Mary would have to go to prison?—These poor people cannot pay the fine. The next case was Jane S. K——, who was pledged out.

10,862. She forfeited her pledge?—Yes. That makes thirteen within an hour who forfeited their pledge. Mary D——, for using bad language, got 10s. 6d. or eight days.

10,863. Now, is the language for which so many people are brought up in Glasgow, does it appear to warrant such a severe sentence as in this case, which virtually amounts to eight days' imprisonment, for I suppose Mary would not pay?—I think often the bad language is caused by the policeman threatening to take them in, and they pass swearing remarks to the policeman, and then that rouses him, and then he says 'Come on; a bad language case.'

10,864. I suppose it must rouse Mary also?—Yes. In these cases you very seldom get a witness to come and say that the person had been using bad language. It is just as in prostitution cases. I never saw a civilian come and give evidence.

10,865. I was under the impression that it was quite the contrary with cases of using bad language. I understood that such a serious penalty would not be inflicted for using bad language against a policeman, and that it would be proved by independent witnesses?—Very rarely that.

10,866. Was the language used in this case remarkably bad?—It never came out. I think the woman must have pleaded guilty.

10,867. (*By Dr. Sutherland.*) Would the language be stated on the charge sheet?—No, just 'using bad 'language.'

10,868. (*By the Chairman.*) Would she get eight days for pleading guilty to a charge of bad language, the nature of which never came out?—If she admitted it she would.

10,869. It would take a good deal of bad language to warrant a person getting eight days?—I certainly think a person would require to use a good deal of bad language for a sentence of that kind.

10,870. Well, go on?—Mary M—— was charged with being riotous. She had been up twelve months ago, and the penalty was 7s. 6d. or five days. Then Mary M'G——. This case went to trial, and took some little time, perhaps ten minutes, to dispose of. This was a case that I noticed on the Saturday night. She struck a woman with a tumbler on the head, and cut it very badly. The woman who was injured got the wound dressed early in the night, but came back about eleven o'clock streaming with blood, and the officer in charge said to me, 'There is no doubt that 'woman has had another fill-up of drink, or the wound 'would not have burst out again.' The woman who assaulted her was sentenced to sixty days' imprisonment, without the option of a fine. The wound was on the head. The next case, I think, was Charles T——, who was fined 10s. 6d. or eight days for using bad language. He had been up before.

10,871. You did not notice whether he pleaded guilty or not?—He must have pleaded guilty. Margaret C—— pleaded not guilty to riotous behaviour, but on evidence was convicted, and fined 10s. 6d. or fourteen days. I have noticed that some magistrates, if their time has been taken up, and some trouble has been taken to bring in witnesses, they are sometimes severer than if a person has pleaded guilty right off. Rose C—— was sentenced to 10s. 6d. or fourteen days, the magistrate remarking to her, 'This will keep you over the New Year.'

10,872. There is no secret about keeping them over the New Year?—No. Sarah T—— is the next case. She had only one leg, and had been cursing and swearing. She pleaded not guilty, but got 10s. 6d. or eight days.

Mr. J. G. Temple.

19 Dec. 1894.

10,873. Was it sufficiently strong?—I think if I remember rightly this was the woman who spoke in a perfect whisper, and the magistrate expressed his astonishment that a woman like her could swear, but the evidence came out that she really had been swearing.

10,874. There are swears and swears, and an eight days' swear would require to be a very stiff one; was it such blasphemous and abusive language as would demoralise those who heard it?—I give you the particulars. After she had spoken in a whisper in reply to the charge, the following dialogue took place:—'Magistrate—What does she say? Whisp—whisp—'whisp. Magistrate—Not hearing a word. Police-'man—She gets off often by speaking this way. A 'Second Policeman—She was cursing and swearing in 'the Trongate at ten minutes to six on Sunday morn-'ing. A Third Policeman—I told her to go down 'King Street, and for that advice she directed me to 'h——. (Laughter.) Sarah—I was waiting till the 'religious tent should open, where I would get some-'thing to eat. Magistrate—Waiting till the tent 'should open! Why, you are usually waiting till 'the Central Police Court should open! (Laughter.) 'I let you away the last time. Sarah—I was afore 'the doctor, who said I was awfu' bad. Magistrate—'The doctor's book shows that there is nothing wrong 'with you. 10s. 6d. or eight days.'

10,875. What I want to know is, whether the magistrate takes the trouble to get the exact words? I mean to say, here is an offence being committed which he has considered merited eight days' imprisonment, for I presume it would come to that. While there is a good deal of the use of profane language, and especially among the less cultured class, there is very often strong and abusive language, interlarded with oaths and other profanities—all that is very bad—but what I should like to know is the precise heinousness of the offence that is visited with eight days' imprisonment?—I have often found that the prisoners had no idea what they had said. If they asked the policemen, the prisoner got off usually, for the policemen's evidence did not coincide; and usually you will find that when a person has been charged with cursing and swearing, and it goes to trial, the policemen, as regards what the prisoner has said, differ very much.

10,876. I suppose it is only on the evidence of two policemen that they are convicted?—Yes.

10,877. And the person who is sworn at, if an outsider, does he come?—No; it doesn't seem to injure him.

10,878. Does it coincide with your evidence that in a case where a policeman was the object of the abusive or cursing language, that the charge was either withdrawn, or an endeavour made to get a light sentence; and that it was only in a case where some neighbour woman was the object of the offensive vituperation that heavy sentences was pressed. That doesn't concur with your experience?—When a woman has been charged with using very abusive language, it is generally a woman who appears against her, because she has been insinuating that this person in the witness-box has been of ill-fame; and she has come more to get out her spleen upon her by appearing in Court than anything else.

10,879. But the cases which you frequently come across—those were all cases where the policeman was the prosecutor, and where the evidence was entirely that of policemen?—In the case I have instanced the evidence was of policemen.

10,880. Give us your other cases?—All these cases were disposed of by 11.40, including Elizabeth H., who was fined 7s. 6d. or five days for being riotous. Then three young men were charged with stealing a ham, and their case lasted from 11.40 to 12.5. These men were convicted, and that made up the hour.

10,881. So that you had 58 cases within the space of 35 minutes, and three more, which made up the hour?—Yes.

Mr. J. G. Temple.

19 Dec. 1894.

10,882. That is 61 cases in an hour?—Yes, including the theft case which lasted nearly half-an-hour.

10,883. (*By Col. M'Hardy.*) That is not deducting forfeitures?—No, it is including them.

10,884. And there were some dozen?—Yes, 13; but as much time as the person took up who pleaded guilty was taken up by the calling for prisoners, the signing of names, and the entering of the matter in the book by the magistrate.

10,885. (*By Prof. Dove Wilson.*) In the case of persons who were brought up for being drunk and incapable, am I right in stating that these were always police offences?—Always.

10,886. Is the fact of whether the person has been up before brought out with a view to influencing the sentence?—Well, the magistrate will ask the prisoner, or the fiscal very often will say, 'Maggie (or "Jessie" or "Jock") is an old customer,' and he sometimes increases the sentence very much, and keeps her over the New Year by giving her a substantial fine or fourteen days.

10,887. In the case of persons brought up for loitering and importuning, is the case that you gave us a typical one?—Yes; one of the ordinary cases.

10,887A. Is there any further evidence of loitering or importuning ever given than that she accosted men?—The expression used is that she accosted a man at such and such a corner, or in such and such a place.

10,888. And that is all the evidence that is given?—No; the fiscal asks the question first, 'How long 'have you known this woman as a prostitute,' and the constable says what he knows.

10,889. What I mean is, is the accosting all the evidence that is given of loitering and importuning?—Yes.

10,890. Are the police ever asked how they know the woman to be a prostitute?—They just ask 'How 'long have you known her to be a prostitute.' One policeman will say, 'I have known her for two years,' and another perhaps will say 'for three years;' and another case may come up and he will ask, 'How long 'have you known this woman,' and the answer will be 'two months,' and the next constable will say 'I 'have known her for eighteen months.'

Mr. J. G. Temple.

19 Dec. 1894.

10,891. Is time ever given to any of the convicted persons to pay their fines?—I cannot say that, not being connected with the police force.

10,892. You would hear the sentence?—Yes; and I have often heard them, if they had no friends in court, saying that they would like some one to call at so-and-so's, where money could be had to get them out.

10,893. Is any condition ever put into the sentence that the persons shall have a certain time to pay?—Never.

10,893A. (*By Dr Sutherland.*) Who proves the previous convictions in the Court?—When it is a case of assault it is always the officer in court who proves the conviction, after the magistrate has been satisfied of the prisoner's guilt; or if it is a case of theft, it will be a detective officer.

10,894. How does he identify the prisoner?—I do not know.

10,895. In the Circuit Court the detective officer is put in to prove previous convictions?—After an assault case is finished, and the magistrate is convinced that the party at the bar is guilty, the fiscal says, 'Wait a moment,' and an officer, who is permanently in the court, enters the box and takes the oath, and turning up a book which has the leaf folded down, turns up a summons, and says 'this prisoner here was 'convicted on such and such a day.'

10,896. He was present and saw her convicted?—That never comes out.

10,897. As a matter of fact he was present?—He ought to have been, but that never comes out.

10,898. (*By Prof. Dove Wilson.*) In the Circuit Court he is always asked?—Yes.

10,899. (*By the Chairman.*) These convictions might have taken place in other courts, not the Central, so that the conviction would be recorded against John Smith or whoever he might be?—I am not so sure of that; I think every court's records stand by themselves.

10,900. (*By Col. M'Hardy.*) But they all admit it in these cases you have given us?—Quite so. [The witness then withdrew.]

Dr. A. J. Currie.

A. J. CURRIE, M.D. (Cin. O.), F.G.S.E., called in and examined.*

Dr. A. J. Currie.

10,901. (*By the Chairman.*) You are the Superintendent of the Glasgow Institute for the treatment of Inebriety?—Yes, I hold that appointment.

10,902. The Institute is in George Street?—Yes.

10,903. And you are M.D. of Cincinnati (Ohio)?—Yes.

10,904. And what do the letters F.G.S.E. stand for?—Fellow of the Geological Society of Edinburgh.

10,905. Would you please give us the history of this Institute for the treatment of Inebriety; it was founded in connection with some cure?—It was opened first of all as the "Metabolic Institute" by some well-known local gentleman. The special treatment I believe, as laid down by formula, was originally the property of Americans.

10,906. But what is it called?—That treatment you refer to was called the 'metabolic' treatment.

10,907. We have been told about that; that is the thing that Mr King has been connected with?—Yes. He has taken an active part in connection with it.

10,908. He told us about it. How did you become connected with it?—First of all through an advertisement in the *Glasgow Herald*, asking me to meet a Mr Coykendall, an American, in St. Enoch's Hotel. I met him there and he showed me letters, &c., from Mr J. Y. King, and several well-known gentlemen in Glasgow, setting forth that they had taken up the matter favourably. Concerning their acquaintance with the value of the treatment, I was personally assured by Mr Johnstone, J.P., and Mr J. Y. King as to what these gentlemen knew about the matter, and had an opportunity of seeing some cases dealt with in Glasgow, prior to taking the matter up in America. Mr. Coykendall had to go back to America. I did so after weeks' careful consideration.

10,909. When was this?—In the month of September 1892.

10,910. That treatment we understand consists of?—Hypodermic injection of a fluid with the administration of tonics.

10,911. The composition of the fluid is kept secret, but we were told strychnia enters into it. Besides the injection there is some other fluid taken by the mouth?—A tonic is usually given.

10,912. At the same time?—Not always.

10,913. And that is done how often?—Four times a day for twenty-one days usually.

10,914. During the treatment the patient cannot attend to work?—Oh yes; if the occupation is light he can attend to business as usual.

10,915. If not?—It is better to take a rest.

10,916. You have the names of a committee here: is Mr King on it?—No. It is only about three months ago these gentlemen, whom Mr King is associated with, consented to the formation of a working committee.

10,917. Who is the inventor of the 'metabolic' treatment?—The first name that I know that has been associated with it is Coykendall. There are several

* Dr Currie, considers the "Metabolic Treatment" merely a very useful agent in the curative treatment of certain forms of Inebriety, and lays no claim to any special merit or originality. Neither has he brought forward any *wonderful* cases that he has cured. He has but endeavoured to deal with the treatment of Inebriety in a spirit of scientific enquiry and research.

Dr. A. J. Currie.

19 Dec. 1894.

brothers in that family—two doctors, and a lawyer, and a fourth, I believe.

10,918. How long has it been in use in America?—From a little pamphlet which I received, the treatment, I understand, had been carried on in America for four years before I heard of it.

10,919. And what result is alleged in that pamphlet?—The very best.

10,920. Now you have had two years' experience here of it?—Fully.

10,921. And up to October of this year you have treated, I understand, 47 cases?—Excuse me; 47 poor class cases were dealt with as Institute cases.

10,922. How many cases have been dealt with by you since the opening of the Institute?—I cannot give you the exact number, perhaps about 100. The Institute in George Street has nothing to do with private cases. The George Street cases have been principally very poor people.

10,923. What is your allegation as to the results in the private cases?—Better than in the poor cases.

10,924. And in the cases here that you have dealt with in George Street?—There has been a period of abstinence following the treatment in every case; sometimes from the period of treatment till now, sometimes the period of abstinence has been very short.

10,925. Do you allow the patient to drink, or place any restriction on drinking?—When they commence, they are invariably led to understand they are quite at liberty to take what they feel they cannot do without; and when they feel they have no desire for liquor they must leave it alone.

10,926. Does the absence of desire in this treatment amount to aversion?—In some cases, the treatment seems to be followed by what I may call a positive loathing; but to my mind, that is merely owing to some of them realising to what position drink and drinking has brought them to.

10,927. They object to it more on moral than physical grounds?—I believe so. Many speak very strongly about the extraordinary loathing, but, so far as I have been able to see, that is the reason.

10,928. We were told, in regard to the 'Tyson' cure that one patient could not bear the smell of whisky, and another that it tasted to him most disgusting?—I have met some cases that have gone through the metabolic treatment that have expressed such a feeling.

10,929. Because in that case it would be easy enough to test it upon people who are not habitually drunkards, to see if you could get them brought round to dislike drink also?—Yes.

10,930. What is the cost of your remedy? We were told that the original cost of the 'Tyson' cure was £10?—The amount fixed before I had anything to do with the metabolic treatment was twenty guineas, and it has remained at that since; but cases dealt with in George Street have been treated in a monetary way on their merits. Fully a third paid nothing, and some paid very small amounts.

10,931. Have you had any specimen cases as was the case in Dundee?—No public exhibitions of any kind. Cases have been taken up as test cases for the satisfaction of gentlemen, privately; but I have always had a decided aversion to taking any part in public exhibitions of the kind.

10,932. In this list which I have in my hand, you have a very miscellaneous collection of professions in your record. You have specimens of a great number of trades—four clerks, three commercial travellers, two painters, and two physicians: were they Glasgow physicians?—One in Glasgow, and one close by.

10,933. Registered physicians?—One a member of the College of Physicians of Edinburgh, and the other a member of the Faculty, and M.D. of Glasgow.

10,934. In their cases, has the cure proved efficacious?—Yes; but in neither case have they remained total abstainers, although both were total abstainers for a time.

10,935. These gentlemen were treated by this George Street Institute as poor cases?—They were not able to pay a regular fee.

Dr. A. J. Currie.

19 Dec. 1894.

10,936. They took the pledge?—Yes, after the close of the treatment. They promised to abstain from all intoxicating liquors.

10,937. But if they did that they have broken their pledge?—Yes. When they and I were satisfied they had no desire for drink, they signed the pledge: it has been the rule to invite people to sign the pledge.

10,938. Mr. King, I think, said there was some special arrangement for the treatment of philanthropic cases?—That may be.

10,939. You do not know?—That would be under the monetary arrangement that was entered into by Mr Jas. Johnston, J.P., and Mr A. M. Brown of Gryffe Castle with Mr Coykendall. They, for the promise of £300, £100 was paid in advance, got the privilege of putting this treatment within the reach of the poor. Mr King acted as legal agent in the matter.

10,940. Mr King told us that he was hoping to get authority to make public the nature of the remedy. I presume you have no authority to do so?—Mr King, probably, would explain my peculiar position in that matter.

10,941. Do you know it?—Oh, yes.

10,942. Do you make the remedy here?—I can hardly say that I make the remedies. I put the several ingredients together.

10,943. You compound it on this side?—Quite so; but I get some of the ingredients from the other side, because I am not able to get them in Glasgow conveniently.

10,944. How long have any of your cures lasted?—There is a two and a half years' history of the treatment, so far as I know, in Glasgow, and cases have been dealt with since then.

10,945. Do you mean renewed?—They have been useful members of society since the date of treatment. Prior to that, they were altogether a drag on every one connected with them.

10,946. (*By Dr Sutherland.*) All of them?—Oh, no; but many of those who have gone to the Institute have been in desperate circumstances before they found their way there.

10,947. Have you had in the Institute any police court drunkards?—Several, I believe, but I have no accurate information.

10,948. And you have never had any test cases. You told us that certain test cases were brought before you; you have never had any of these test cases from the police court, who have been repeatedly convicted?—Several of them have been repeatedly convicted, how often I do not know.

10,949. You do not know the details?—No.

10,949A. (*By Col. M'Hardy*). How long does the treatment last?—Not more than three weeks has been required in any case so far.

10,950. And there is no further treatment?—We let them understand that there is no likelihood of a second treatment.

10,951. And do you leave the person treated in the same environment as you found that person?—With poor people it is difficult to get them away from their friends, but we strongly recommend a change of surroundings sometimes.

10,952. But if the environment is bad, and they go back to it, do they not go back to their old ways?—Some have gone back to liquor.

10,953. What proportion have gone back in that case?—I should say, roughly, a third. I have had no opportunity of making myself acquainted, although I endeavour to make it a practice to communicate with those who have been in George Street, but in some cases I have lost trace of them altogether.

10,954. Have the majority of the cases treated, had in the condition of treatment a change of environment?—No. Taking the pledge, that is insisted upon in some cases, towards the close of treatment is advisable. We believe in building up as many barriers as we can.

10,955. And you have been successful in two-thirds of the cases where the individuals were living in a depraved state of society?—There has been a period of total abstinence, in every case, for a greater or less period.

10,956. Yes; but has there been what we should honestly call a cure?—I never use the word 'cure' coupled with this treatment.

10,957. You said you had experience of a case of two and a half years; is that a case where the environment is bad?—Very bad, staying in one of the worst part of Glasgow. They were submitted by Mr Johnston, one of the local justices of the peace. Mr King knows of them. There was one lapse in connection with them. They have a boy, and, in February 1893, when the electric light was introduced first, that little boy was run over by a car, and the father saw the boy being picked up and conveyed to the hospital.

10,958. Yes, I think we have heard that story.

10,959. (*By Dr. Sutherland.*) Are you formed into a limited liability company or anything of that sort?—No, that was not considered necessary.

10,960. Do other people derive profit as well as you?—No; but I do not derive the profits in a pecuniary way. The loss pecuniarily I hold is greater than profit.

10,961. But, if you treat the better class people, what do they pay?—Twenty guineas.

10,962. And the medicines?—I do not vend medicines; it is a course of treatment.

10,963. Have you not fifty-three cases at twenty guineas a head?—They have not all paid that. The amount has been very much modified in certain cases.

10,964. Was Dr Alexander Nairne associated with you?—Yes.

10,965. Why did he leave you?—Our partnership was interfered with by the action of the General Medical Council.

10,966. Did he make a statement before the General Medical Council disparaging the treatment?—All I know is what I read in the newspapers at the time, and there were certain statements there about the treatment by him.

10,967. He had been nine months associated with you, and there was no cause for him to make disparaging remarks about your methods when he was before the General Medical Council?—No, everything to the contrary.

10,968. Even although he was forced by the Council to sever his connection with you?—No.

10,969–70. Yet all the same, he did so. Now I understand that the metabolic treatment suggests a change in the tissues of the body?—Metabolism simply implies a change.

10,971. Your medicine is said to have the effect of changing the tissues?—The treatment has been productive of change, as far as I could see. I do not adhere to the formulæ that were put into my hands at the outset, but there are some cases that I did adhere to them.

10,972. I do not know much about the treatment you adopt, but I assume you know that alcohol, continued over a long period, produces disastrous effects upon the brain and other tissues?—Yes.

10,973. Do you mean to inform the Committee that you have discovered a remedy which will remove the structural changes in the tissues and restore them to the normal state?—To some extent, but I make no pretensions to originality. It won't bring back the brain to the condition it was in before commencing drinking; but so far as I have been able to find, with adherence to total abstinence, there has been no recurrence of what is commonly called 'the drink craving.'

10,974. Then the inference is that your specific remedy brings the tissues to their normal state again?—This treatment does to some extent.

10,975. As a medical man, do you believe there is any drug in heaven or in earth that will alter the cirrhosed liver, or the kidneys of a drunkard?—A good deal may be done to help the condition of that man.

10,976. Where the normal cells of these organs have been replaced by new and adventitious fibrous tissue, do you believe any drug will bring it back to its normal condition?—Not to the condition it was originally.

10,977. Will your medicine replace the fibrous tissues which has taken the place of the normal cells with something else?—The treatment helps nature to do the best it can.

10,978. Supposing I tried your medicine, is it necessary for me to tell those drunkards in Glasgow among the poorer classes that they are undergoing your treatment?—I don't see how they can undergo it without being aware of it.

10,979. Must they know that it is a special remedy?—That has not been done; they know they are going through the treatment.

10,980. Supposing you give me the hypodermic medicine, and the tonic, and I used them, would you expect that in my hands the same result would follow as in yours?—Two or three cases were dealt with before I had any connection with the treatment, by local medical practitioners, and good results were not attained, through negligence it was thought.

10,981. In regard to the Keeley and Tyson cures, and other nostrums of that kind, we are told it is necessary that the individuals under treatment should know that they are being treated in a special way; is that necessary with your alleged cure, or would it be enough if any medical practitioner faithfully carried out the treatment? Would it fulfil the same purpose?—The patient who is under treatment must know, I would think, what is being done if he is asked to attend and be treated four times daily.

10,982. Take a prisoner who is in my hands for thirty days for habitual inebriety—I give him tonics—they do him no permanent good, as they only serve to strengthen him to indulge his craving when he gets his liberty. If I were to give him your medicine, is it necessary to give him this special form of treatment?—No, four times daily is not a hard and fast line in every case.

10,983. Then if you were to supply me with the material you use, you would naturally expect that I would get good results?—Yes, I would expect so; but whether I am in a position to put the remedies in your hands or not, I cannot say, as I would require to obtain legal advice.

10,984. Mr King said so?—I had to sign a declaration you know before details of formula, &c., were placed in my hands.

10,985. Is it necessary for the patient to know that he is undergoing that specific and special treatment?—I believe the treatment is physical and not faith-healing. In that case, with a correct diagnosis, simply the application of the proper remedies is sufficient, no matter by whom, so far as I can judge. I never had an opportunity of taking up a case and carrying out the treatment without acquainting them of the fact.

10,986. They have come and told you that they have been in the hands of private practitioners, and you say, 'I am going to subject you to a process which 'will cure you.' Do you believe that?—I say it will help them; I never say 'cure' them.

10,987. You are taking safe ground, I can see.—I never use the word 'cure.'

10,988. You are aware that in rational therapeutics it is not necessary for a patient to know what he is getting to produce the desired effect?—Of course.

10,989. Do you know if in America there are any institutions where your method is being used?—There were eight or nine metabolic institutions in America, according to the circular put into my hands.

10,990. Would you furnish me with the names of the institutions where this system has been practised for some time?—Mr King would be better able to give you all information about that matter. I think there is one at Cedar Rapids, in the State of Iowa, where one of the Coykendalls was; another at Burlington; and another at Tennessee.

Dr. A. Currie.

19 Dec. 1894.

10,991. Supposing I told you of a doctor in Glasgow who had four dipsomaniacs who consulted you, would you mind telling me whether your treatment has been successful in their cases if I sent you the names?—Yes, I will have no hesitation in giving my opinion.

10,992. Why do you limit your treatment to four times a day?—Four times has been found the best arrangement, but there are some business men who cannot come so often.

10,993. Why do you fix on four times?—That rule was laid down before I had anything to do with it, and I have not improved upon it.

10,994. But is there not some rational reason for adopting four times?—The medicine is given according to the severity of the disease.

10,995. Do you give it according to the physical and mental deterioration present?—Yes, that is so.

10,996. If that is the case, would you not expect that in a moderate drinker—an abstemious man in short—a small dose now and again would have the effect of curing him of any desire to drink at all?—The doses are altered according to the requirements, or what are thought to be the requirements. The doses are very small indeed. Owing to the mode of administration, the solutions are very strong, and the doses are very small.

10,997. But you give them in small or large doses, in proportion to the degree of inebriety?—And sometimes one remedy is used, and sometimes another. The different ingredients are changed according to the cases.

10,998. (*By Dr Farquharson.*) Are your views on the tissue changes, as effected by your remedy, purely theoretical?—Theoretical, I should say, from what I have read and heard.

10,999. They are not founded on any chemical or microscopical or physiological examination?—My opinion has been principally based on practical results.

11,000. I only wish to know whether there is any scientific basis, or whether they are just founded on theory?—It acts directly on the nerve centres.

11,001. That may be a valuable statement as expressing your opinion, but is it founded upon scientific principles?—I believe investigations went on for four years, and they are referred to in that same little pamphlet before alluded to. It might be advisable to get hold of it. The brothers Coykendall, in conjunction with a chemist, had been carrying on a series of investigations for four years before anything was done in a public way.

11,002. Is the remedy composed of any drugs which are known singly to affect those changes on the human tissues?—Yes.

11,003. And are there any scientific facts that we could read connected with them?—I am afraid I cannot give you a satisfactory answer to that question. I do not think I would be at liberty to mention the particular ingredients.

11,004. That would imply disclosure of the ingredients. We have been told that one of the ingredients is strychnia?—In some cases strychnia is very good.

11,005. But that destroys any scientific basis?—I have no doubt that Messrs Coykendall, in America, could be persuaded to divulge what knowledge they have for a monetary consideration.

11,006. Does it contain alcohol?—No, it does not.

11,007. In the tonic?—There is a small proportion of alcohol in some of the tonics, but in the remedies proper there is no alcohol.

11,008. You as a medical man have watched the effect of this treatment on patients. Does it produce an immediate effect or otherwise?—In some cases the effect appears to be immediate. In other cases they go on drinking, if they are inclined to drink at the outset for days, tapering off gradually.

11,009. Does it produce nausea or sickness?—When there has been very heavy drinking immediately before treatment, there is sometimes very much nausea or sickness; but when there has been moderate drinking, sometimes there is a slight degree, and sometimes none. With total abstinence from drink or periodical drinking there is no sickness.

Dr. A. J. Currie.

19 Dec. 1894.

11,010. Do you ever suspend the remedy after a time before completion of treatment?—In some cases.

11,011. Do you think the very fact of inserting an instrument into a patient and injecting something would have a certain effect on his moral nature?—It may have.

11,012. Then you don't exclude altogether the moral effect of the treatment?—Moral treatment is not an integral part of the 'metabolic treatment.'

11,013. Call it mental treatment, if you like that phrase better. I should think it is an important element in it, if there is anything in it at all?—Of course, moral suasion is decidedly necessary in some cases, *plus* physical treatment. Metabolic treatment alone is not sufficient in some cases.

11,014. (*By Dr Sutherland.*) Is there any poisonous substance among the ingredients?—Perfectly safe in competent hands.

11,015. (*By Dr Farquharson.*) Dr Nairne was obliged to give up his connection with you by the General Medical Council. Your people in America are not so particular on these points then. You are a qualified medical man?—Every State in America has its own regulations. My degree is American.

11,016. Have they no discipline for their graduates on that point?—The members of the profession are not disciplined as they are in Great Britain by its Medical Council.

11,017. Did you get your degree by examination?—Yes, after a course of training. I had a course of medical training here of four years before that.

11,018. Are you an American by birth?—No, I was born in Glasgow.

11,019. Was it not rather unpatriotic of you to go to America to get your degree?—I left Scotland to better my circumstances.

11,020. And you then took the opportunity of taking your degree?—Yes.

11,021. Quite so. I think you said you were quite satisfied in regard to the habits of those people on this list of yours that they were really bad cases?—Ample evidence had been afforded.

11,021a. How long after the beginning of the treatment did these various persons sign the certificate?—After the close of the treatment.

11,022. After the treatment had thoroughly cured them, how long was that?—In no case has that certificate or document been signed until after the close of the treatment, sometimes not for months after.

11,023. You mean at the end of the course of treatment which lasts?—For three weeks or twenty-one days.

11,024. But do not you think it is rash to say they are cured after three weeks?—A fresh start appears to be given.

11,025. Do you not think it is rash to say after two months that they are cured of inebriety?—If placed on a safe platform, it rests with them to remain there.

11,026. You are not prepared to go beyond the point it has reached?—No.

11,027. (*By Dr Sutherland.*) Where there have been the remarkable changes you speak of in a general way produced in the tissues, would you not have expected something like a lasting benefit?—With total abstinence after treatment we have not been able to find that there has been the slightest recurrence of the drink craving.

11,028. Do you mean to say that structural changes produced by drinking have been rectified by a couple of months of abstinence?—I make no statement concerning two months. But I only said that some of the people signed a declaration two months after treatment, but there are a number of people who have for twelve months or eighteen months been abstainers, and before time of treatment they had been continually or periodically drinkers. [The witness then withdrew.]

Mr. Andrew Wallace. 19 Dec. 1894.

MR. ANDREW WALLACE, Inspector of Poor for Govan Parish, called in and examined.

Mr. Andrew Wallace. 19 Dec. 1894.

11,029. (*By the Chairman.*) You have been an Inspector of Poor in Scotland for the last twenty-eight years, and you have been Inspector to Govan Combination Parochial Board for the last twenty-two and a half years?—Yes.

11,030. You think pauperism is not increasing?—The pauperism of the Govan parish, as well as of Scotland generally, has not increased during the last twenty years in proportion to the increase of the population, but has considerably decreased.

11,031. Then, as regards lunatics?—There has been a very large increase in the number of the lunatic poor.

11,031A. Would you please state the total number of paupers in Scotland in 1893, and their ratio to the population?—92,004, or in the ratio of 23 per 1000.

11,032. And that shows a decrease of 8 per 1000 as contrasted with?—1874.

11,033. Will you give the ratio of the Govan parish?—6003 in 1893, including dependents.

11,034. The proportion?—In the proportion of 21 per 1000.

11,035. That is considerably under the national percentage?—2 per 1000.

11,036. You attribute the decrease to the strict administration of the Poor Law, and to the growth of charities, which relieve you of much work which would otherwise fall on the parish?—Yes.

11,037. You mention Quarrier's Homes, and other institutions, as good for children, and the multiplication of infirmaries and hospitals relieving you of the care of a good number of such poor?—Yes.

11,038. Do you say a very large percentage of the lunacy is attributable to drunkenness?—About 40 per cent. That is a very moderate estimate I think of the pauper lunacy occasioned by drink.

11,039. That is directly, is it; now what do you consider the amount of the indirect pauper lunacy?—I should say nearly 10 per cent. is caused indirectly, but in order not to be outside of the mark, I have put the cases, direct and indirect, at 40 per cent.

11,040. And you are justified in your opinion by the ratio of female to male population.—Partly so.

11,041. You think the females drink more heavily?—No; but I think they are driven to it by the bad usage of drunken husbands.

11,042. And you put them down as indirectly?—Yes.

11,043. And they are more numerous than the males?—In the ratio of 60 to 52.

11,044. Briefly, are your ideas on that point that upwards of 40 per cent. of pauper lunacy is caused directly or indirectly from drinking, while no other cause is responsible for more than 15 per cent.? What is the next cause?—Heredity.

11,045. Including direct and indirect cases, you think drinking causes?—I have put it at 40 per cent., but I might put it at 50 per cent., and I think I would be under the mark there too.

11,046. You have some statistics here as to the number of dependents who have been deserted by husbands and fathers, and their cost to the parish?—We have in the Govan poorhouse at present 33 deserted wives, with 44 dependent children—77 in all; and if you calculate the cost of their board and maintenance at 4s. per week, which is a moderate estimate, it gives us an annual outlay of £800.

11,047. That does not exhaust the cost?—On the outdoor roll we have 49 deserted wives, with 109 dependents, and, calculating their aliment at the rate of 2s. per week, it comes to £820 for the year.

11,048. And then there is the expense for the deserted children?—We have at present on our rolls 110 deserted children, who are either boarded in the country or with relatives, or remain in the poorhouse, and, stating the average cost of their maintenance at 4s. per week, it gives per annum £1200.

11,049. Does it cost you as much to keep a child as an adult?—When we board the children out we give 2s. 6d. to 3s. a week for them, and provide them with clothing and school-books.

11,050. Under these three items, which you consider are caused by misconduct, mainly intemperance, you have 334 persons chargeable to the parish at an annual charge of what?—£2820.

11,051. Besides this, you have got 100 children separated from their parents, in many instances because the latter are in prison?—Yes, and some in the infirmaries, and others in the asylum.

11,052. And you think that a third of these parents have been placed in this condition through drink?—Yes. That gives us 33 more paupers, at an annual cost of £350, making a grand total of 378 paupers, at an annual cost of £3170.

11,053. You have gone minutely into it, and calculated what was the cost incurred by your parish in respect of children and women thrown on your hands through their husbands or parents being imprisoned—will you please let us have that?—I have submitted a statement, of which I will now give you an abstract. The number of people who were chargeable to the parish during the previous five months up to this date, on account of their husbands and parents being in prison, I find was as follows:—There were 30 adults and 115 children—total 145, who have been chargeable to the parish for longer or shorter periods, and the cost up to this time is £102, 6s.; and as several of the cases are still chargeable, owing to some having got six months' imprisonment, I am sure that before they are off the roll it will be upwards of £200. These are mere casual cases of short terms of imprisonment. There are some cases where they get seven years, and so forth, and these will be on the roll till their parents come out of prison.

11,054. Your yearly estimate for supporting the dependents of these petty offenders amounts to?—£500 or £600.

11,055. And that does not include some expenses incurred on account of persons undergoing long sentences?—No.

11,056. Now, you applied your figures to Scotland?—To the whole parish, and then to Scotland, and my estimate is that we have 2436 people on the rolls, outdoor and indoor, in Govan parish on that basis, which is a moderate basis, who are brought to us, directly or indirectly, chiefly through intemperance. It is the great cause of pauperism; and, applying the same thing to Scotland, we have 36,800 paupers through the same cause, at a cost, roughly, of £350,000.

11,057. You think that the only way to deal with this great evil is to stop it at the fountain-head, and put down the drink traffic?—Yes.

11,058. Of course that is beyond our remit. As to corrective measures you recommend an amendment of the Habitual Drunkards Act. What is the extent of your amendment?—I think the Act should be made compulsory—that when a person has been proved to be a habitual drunkard he should not have it in his option to refuse to be placed under restraint. He should be compulsorily put under restraint. An amended Act should be passed giving powers to the sheriff, on the application of the Fiscal or the Inspector of Poor—where the dependents have become chargeable to the parish—or the nearest relative, and, after due enquiry, to order the offender to be confined in a retreat at his or her own expense, if in funds, or in prison, or in a workhouse, or other institution, where the offender would require to work for his or her maintenance.

11,059. You use the word workhouse. Is that synonymous with poorhouse?—No, our place is not a workhouse. I think the institution should be more under the police than under the parochial authorities.

11,060. You propose a fresh institution. At whose expense?—At the expense of the country.

11,061. You have shown that the present system entails much expense on the Parochial Boards.

Mr. Andrew Wallace. 19 Dec. 1894.

Would you suggest that the parochial funds should pay for it?—I think it should be the police funds, because a lot of them are just now kept in prison.

11,062. We find that everyone wants some one else to find the funds?—I am dealing with the delinquents.

11,063. But have you not a lot of people who oscillate between the prison and the poorhouse?—Yes; and then when parents desert their children and allow them to become chargeable to the parish, they should not be allowed to claim them back again unless they pay the cost of their maintenance while so chargeable, and unless they can satisfy the Sheriff that they are suitable persons to take charge of these children.

11,063A. But is not that the law now?—It is the law as between two parents, but I do not know that it is the law to Parochial Boards.

11,064. (*By Miss Stevenson.*) Under the Custody of Children Act, the Parochial Board, I believe, can keep the child if the parent can be proved to be an improper guardian?—Not in Scotland.

11,065. By the Act of 1891 or 1892, was there not that power given?—I know there was an Act, but I do not know that it gives that power.

11,066. Do you think you should have that power?—Yes, but I think the Board should also have power to dispense with these conditions if they are satisfied that the parents have merely been temporarily misconducting themselves, and would be quite suitable for guardians afterwards.

11,067. (*By the Chairman.*) You do not advocate long sentences for petty offenders?—No.

11,068. But in cases when they require to be protected from drink, you think that they should be confined and employed?—Yes, and made to be as remunerative as possible by placing the men on small farm colonies, which might be formed in various parts of the country, and made to work at reclaiming the land.

Mr. Andrew Wallace. 19 Dec. 1894.

11,069. What would you do with women?—Women might be employed in useful work.

11,070. Washing, we know, and millinery, sewing, knitting, and so on. Have you any other suggestion for getting work for women?—We make them make all the female clothing in the poorhouse, and they wash the clothes.

11,071–2. But everywhere women are set to washing. But if you had colonies you would have to get something else for women to do?—I think women could be trained to do a great many more things than men.

11,073–5. Suppose you were installed as manager of a female colony—put aside the washing and the sewing, and the knitting, and the cooking, and the making of their own clothes—what else would you suggest to make it self-supporting?—In the Smyllum Institution at Lanark, I have seen women, trained by ladies do fancy carving work, and make inkstands and ornaments of various kinds.

11,076–8. You are, I see, very strongly in favour of substituting the lash for imprisonment?—Yes; I think where a person has been very frequently imprisoned, nothing but the lash will do for him.

11,079–80. And you think that the public-house regulations should be more strictly carried out?—Yes; much more strictly enforced than at present.

11,081–2. And you are in favour of earlier closing?—Yes.

11,083. (*By Col. M'Hardy.*) What would you do with people who were not able-bodied?—People who are not able-bodied would become chargeable to the parish.

11,084–5. I see you have about 60 or 70 committed to the poorhouse or prison, and they would be treated in the same way?—Yes; we would keep them. [The witness then withdrew.]

[ADJOURNED.]

TWENTY-SECOND DAY.

Glasgow, Thursday, 20th December 1894.

PRESENT:—

SIR CHARLES CAMERON, BART., M.P. (*Chairman.*)
COL. A. B. M'HARDY, R.E.
DR FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr J. F. SUTHERLAND.
Miss F. C. STEVENSON.

Dr. Alexander Nairne. 20 Dec. 1894.

ALEXANDER NAIRNE, L.R.C.P. & S., Glasgow, called in and examined.

Dr. Alexander Nairne. 20 Dec. 1894.

11,086. (*By the Chairman.*) I understand that you were associated with Dr Currie who gave evidence here in connection with what is termed the 'metabolic' treatment of drunkenness?—Yes.

11,087. And that you severed your connection with Dr. Currie under circumstances which I should be obliged if you would state to the Committee?—I was ordered by the General Medical Council to appear before them on a charge of infamous conduct, in a professional respect, by associating with Dr Currie in this treatment for inebriety.

11,088. And when you came before the General Medical Council, I understand you made some statement regarding the treatment?—Yes. I said that what I had seen of the treatment was good, as far as it went.

11,089. What did you see of the treatment?—I saw that it was perhaps one of the best remedies for the thing that I have known for picking up a fellow after a spree. I was only associated for perhaps about five months altogether, but I saw two or three men on the borders of *delirium tremens*, and in a week after having been seen, or almost four or five days, they were well.

11,090. Would you please explain to the Committee in what the treatment consists? Of course we understand the nature of the application is a secret, but you might explain the way in which it is administered?—I do not know what the thing is that is used. To me it appeared, I suppose, a compound of strychnia, morphia, and cocaine. I should think it was that from the effects. Of course it is administered four times a day.

11,091. And some was taken by the mouth?—A simple tonic.

11,092. And this treatment is kept up for 21 days?—Yes.

11,093. According to Dr Currie, there is no charge made for drugs, but a charge for the course of treatment; is that so?—I presume that includes drugs.

11,094. You do not know anything about the

present financial arrangements. Did you leave your association with Dr Currie and the treatment solely through the attitude of the General Medical Council?—My own college first, and, if it had not been for that, I would have gone on, because I thought the institution was doing good.

11,095. The institution does not appear to have treated very many. (*Dr Sutherland.*) 50 paying and 57 non-paying.

11,096. What is the principle of the treatment?—It is not well-known. Of course this is not a cure. It is only a remedy for the results of intemperance.

11,097. And it does not profess to create a disgust at stimulants?—No, I do not think it does. My experience was that in a few months a man was just as he was before.

11,098. But during treatment?—It does produce antipathy to drink after a day or two.

11,099. And has that ever been tested in the case of a man who is not an habitual drunkard but a moderate drinker?—Yes, and it has temporarily produced a disgust.

11,100. But, suppose a man were to take a little strychnia, with morphia and cocaine, would you as a medical man expect that that would create an antipathy on the part of the moderate drinker, a person who is not in the habit of having wine, beer, or whisky?—If I administered it four times a day, and used an emetic.

11,101. Is there an emetic in that?—It is not a single drug; it is a compound. My impression is when a man is very bad and inclined to drink they administer an emetic for that.

11,102. (*By Dr Farquharson.*) You were told the composition?—No.

11,103. Does Dr Currie know the composition?—Yes. He says he has improved on it.

11,104. Do you accept the theory produced by Dr Currie that this remedy makes some physical change in the composition of the tissues?—It must do so; it is an alterative.

11,105. Do alteratives change the tissues of the body? Is that the reading you have of the word 'metabolic,' as applied to the cure?—Change.

11,106. What do you say is the meaning of the term 'metabolic'?—Change and nothing else.

11,107. But is this change—is this theory of the action of this remedy purely speculative or founded upon any scientific basis of fact?—I do not know. I only know what I have seen.

11,108. But, as a medical man of training have you formed no theory yourself as to the way in which this so-called cure acts on the human constitution?—Simply as an alterative.

11,109. Of course that is a recognised medical phrase, but a rather vague one, as we know?—Yes.

11,110. Would you consider the whole effect of the drug was physical, or is a mental impression made on the patient?—Entirely physical. My opinion is simply that there is a certain psychological influence in the personal administration of all medicines.

11,111. Nothing in what is called sensation or expectation?—There is something in the treatment you see of a patient four times a day; and it has a powerful effect.

11,112. Would you expect the same result from treatment by ordinary drugs?—Yes, if you saw and treated the patient four times a day.

11,113. Would you be confident of permanent cure or temporary cure?—Only temporary. It will give a man a new start; it will make him better in a few days, and he will be right in his mind and dependent upon his own mental stability.

11,114. But you do not think by these means you can give a man permanent advantage?—No.

11,115. (*By Dr Sutherland.*) This secret medicine you say is an alterative medicine?—Yes.

11,116. That is to say, it corrects the morbid condition of the organs resulting from inebriety, and eliminates the alcoholic poison from the system?—Yes, I think it does.

11,117. Do you know of any alterative in the pharmacopœias of Britain or America which brings back to their normal state say, the cirrhosed liver of a drunkard in which the liver cells are supplanted by an adventitious fibrous tissue?—Blue-pill, for example, is said to do so.

11,118. Changes the fibrous tissue formed in the liver, and restores the hepatic cells which have been destroyed?—So it is said.

11,119. Can you give us a scientific reference to verify that, or could you tell the Committee of any other therapeutic agent which has the effect of removing pathological products formed in the viscera at the expense of the normal tissues?—Anti-toxin.

11,120. Anti-toxin, as you may be aware, is given to counteract the effect of the specific poison of diphtheria?—It is said to remove a diphtheritic patch.

11,121. But that patch is merely an outward manifestation on the throat—of the specific bacillus poison in the blood?—I suppose that is an alterative if it does so. It is a complete alterative of the blood.

11,122. It is merely a new and foreign constituent of the blood which this anti-toxin counteracts. Do you think there is any analogy whatever between the anti-toxin treatment of diphtheria, and any therapeutic remedy given, it is claimed, to remove the new tissue formed in the liver, kidneys, and brains of drunkards at the expense of the normal cells?—Not with our present knowledge.

11,123. Suppose I got this medicine, and experimented on half a dozen notorious drunkards, and gave them the medicine as I give medicine to any other patient, would you expect the same result as you get. Please understand the patient would not know that the nature of the medicine he was taking was this so-called drink cure?—No. It is my impression that the knowledge has something to do with it.

11,124. Have you yourself applied the remedies?—No.

11,125. You have never been allowed to apply them?—No.

11,126. You are aware that tartar emetic has been so far successful in creating a disgust for alcohol, and long before ever American doctors came across to this country?—Yes.

11,127. You informed the Chairman that you knew of many cases where a person had been drinking, and appeared very shaky and in bad condition, and that after four or five days' treatment he got well?—That is correct. That is within my own experience.

11,128. But, from the system of treatment usually followed in this country in such cures, the same results are got in the same time?—Oh no. A very bad case of alcoholism you will not have well in a fortnight or three weeks.

11,129. But cases of *delirium tremens* in Gartnavel or in the home, after five or six days' treatment, get better?—But these were men who were almost insane. I remember one man could not answer a straightforward question.

11,130. What does that indicate?—That he is untruthful. It shows the condition of his mind, that he would go round instead of straightforwardly.

11,131. So that there would be no use my giving it in the guise of an ordinary tonic, to get good out of —Yes. It would test the value of it as a drug.

11,132. But you informed us that if it was to do much good it would be necessary to know this cure was being taken?—Because it enhances its value.

11,133. So that there is something in the suggestion that he is getting this special remedy?—In all medicines it is the case.

11,134. By no means. As a medical man, do you think any pronouncement as to the efficacy of a drug is of the least value where, first of all, the nature of the medicine is not known, where the physiological effects are not stated, where the pathological condition calling for treatment, and where the results of the treatment are not given on scientific lines?—It is of actual value: that I have seen; that I know.

11,135. But if it has got an actual value, why cannot its effect, like say those of blue pill, be expressed on

Dr. Alexander Nairne.

20 Dec. 1894.

scientific lines? You have given certain pathological conditions which can be expressed, and you have given certain remedies, and if with the treatment you are able to show beneficial results, why cannot the accurate scientific facts be stated?—Because the inventor chooses to keep it a secret. He will not sell it.

11,136. But, allow if you like, the inventor to keep the medicine a secret, is there any reason whatever why he should not state the pathological conditions he finds, and the changes effected by the medicine in the tissues of the body as revealed by physical signs, &c.?—There is no reason why he should not.

11,137. But you know quite well that is not done?—No.

11,138. It is only expressed in the ordinary every-day language that So-and-so has been cured?—Yes.

11,139. Do you know of any other medicine prescribed by any medical man in this or any other country, where it is necessary to know the nature of the remedy a person is taking to produce a change in the tissues?—In some cases it is necessary they should know; in some it is not.

11,140. Can you tell me any single remedy in the British Pharmacopœia in which it is necessary to know the nature of the medicine the patient is taking, in order that that medicine may produce certain changes in the physical condition of the body?—A purgative, for example.

11,141. To know the effect of the medicine?—If you tell a man he is taking magnesia it will have a purgative effect.

11,142. Not necessarily. If he gets a purgative dose it will purge him, whether he knows or not what it is?—It may not.

11,143. Then, obviously it is not a purgative if it does not produce a purgative effect? It isn't a purgative to that individual?—[No reply.]

11,144. Allow me to give you the instance of a dilated heart. You know the effect of digitalis on such a heart; is it necessary for the patient to know that he is getting digitalis to remedy his condition?—It is wiser, but not necessary.

Dr. Alexander Nairne.

20 Dec. 1894.

11,145. Supposing you had two people who had dilated hearts—one a medical man who knows he is getting digitalis, and the other an ill-informed man, and both take the same remedy, the one knowing what he is taking and the other not, is not the result the same in both cases?—No. It is not the same.

11,146. That is to say, digitalis as a therapeutic remedy requires the knowledge of the individual swallowing it to produce its effect?—It has some greater effect on the patient who knows he is taking it for that purpose.

11,147. The same would, I suppose, hold good of a poisonous dose of morphia. Can you refer us to a single scientific reference in this country that would bear out that view that you have given to the Committee now?—I could not at the moment.

11,148. (*By the Chairman.*) Have you any knowledge of any of the other remedies for the treatment of inebriety?—No, except the ordinary medical treatment—bromide, and so forth.

11,149. I mean any of the secret remedies, the Tyson cure, &c.?—No. This is the only one I had anything to do with.

11,150. I understood you had made some statement to the British Medical Council about the 'metabolic' cure?—That was the only statement I had made—that I had seen the good of it.

11,151. At what date did you make that statement?—June of this year, of 1894.

11,152. About what time, in what month?—It was the beginning of June. [The witness then withdrew.]

Mr. John Lawson.

MR. JOHN LAWSON, Superintendent of Discharged Prisoners' Aid Society, called in and examined.

Mr. John Lawson.

11,153. (*By the Chairman*). You are Superintendent of the Glasgow Discharged Prisoners' Aid Society?—Yes.

11,154. You come personally into contact with each prisoner?—Yes.

11,155. How many prisoners did you deal with in the course of last year?—In the year 1893 there were advised to us from Barlinnie 11,317 male prisoners, and of these 6855 came to us.

11,156. Have you the figures for this year?—In 1894 we have had for the ten months, that is up to the end of October, advised to us 9473, of whom 5453 came to us and had breakfast, that is to say, we received the latter number into our rooms.

11,157. You talk of advised; do they advise you of all prisoners to be discharged?—Yes, every day.

11,158. But they do not all come to you?—No. We prepare to give them all their breakfast, but a number have their wives waiting for them and other friends, and they do not come to us. Only about two-thirds come to us.

11,159. Then would you please tell us what you do?—We receive the prisoners. Two men go to the prison gate, where they are discharged. The men are brought in from Barlinnie and are discharged within the quadrangle of Duke Street Prison.

11,160. But, before we go further, you have a woman from Duke Street who takes charge of the females. These figures deal only with the men?—Yes. I can only speak definitely about the men. Mrs. Elder takes charge of the women.

11,161. But you have the same machinery?—Yes.

11,162. Doesn't the Discharged Prisoners' Aid Society do that?—Yes, but the females are under the charge of a lady.

11,163. Have you her statistics?—I have not.

11,164. Then explain to us what you do?—The prisoners go to Duke Street, and I send up two men, and each prisoner is offered a ticket with a different colour for each day, so that a man cannot come the next day for his breakfast. They come round with these tickets, and we can tell where a fellow has sold his ticket by the changes in the colour. The man who does this work is an old convict himself.

11,165. Setting a thief to catch a thief is your policy; is he a good man?—A first-rate man. He has been five years with us.

11,166. When do the prisoners come out?—Between 8.30 and 9.15.

11,167. Do you think it would be any improvement to let them out before the public-houses are open?—I may say when I began to insist that men who smelt of liquor should not get their breakfast, it had a wonderful effect, and I find now that not a man comes to us with the smell of drink upon him.

11,168. Then you think they would rather have their breakfast than the drink? That holds good at least with 6855 out of 11,317?—That is so.

11,169. Do you think it would be an improvement if they were landed at a time when the public-houses were not open to receive them, for instance at seven o'clock, an hour before the public-houses are open?—I do not think it would do any good. I think those who do not come to us are taken away by their friends, rather than go into the public-house.

11,170. Then you do not think that many of them are met by dissolute friends who take them to the nearest public-house?—Some of them, but not many. There are a number of decent men who get into prison, and who are met by their friends and at once taken away with them.

11,171. Taking your 6855 or 5453 of this year, what did you do with them?—First of all there were in 1894 this year 4642 drunks, that is to say, men who had from 3 to 30 days in prison.

11,172. But these do not all come to you?—Yes, I am giving you the numbers up to October 1894.

11,173. And of these 4642 were drunks?—Drunks—men who were under short sentences, who were either in prison for simple drunkenness or assaults. I

Mr. John Lawson.

20 Dec. 1894.

have 927 or 75 per cent. of those who came to us in 1894, who were in for being drunk, and 9½ per cent. were for theft.

11,174. Well, now about the drunks, what further proceedings do you take?—I see each man and speak to him, and learn his history as far as I can. Then, before I arrange to get him work, if he has a wife I send for her. I find, after a good deal of experience, that it is a good thing to see the wives, because I find it is not much good unless you get a man's wife to back you up: or, if he has a daughter, that is, if he is a widower, the same thing may hold good; or a father or mother if he is a young man. I do the best I can to turn them inside out, and see if it is safe to recommend them, and either I or my assistant places the man in work.

11,175. What sort of work?—All kinds, but it is mostly labouring work.

11,176. Doesn't a serious offence affect a man when he goes to work?—That was the case at first, but it doesn't do so now.

11,177. I want to differentiate between prisoners. Employers won't trouble much about a man who has simply got a few days for drunkenness or for a drunken assault, but do they not hesitate about a thief?—We proceed this way. I go myself first. I know many Glasgow employers of labour well, and I arrange with the employer to give work to our men. They refer us invariably to their foremen, and I think that is the best part of it. We have got these foremen to take us up most thoroughly. Generally, foremen have been workmen themselves, and have risen from the ranks, and in some cases are better than the employers. They are sorry for these men, and they have helped us marvellously. We have done good to these foremen by giving them an interest in the men.

11,178. Do you find many of the drunks coming back to you?—If a man has disappointed us twice after giving him work, unless there are very strong reasons to the contrary, we do not give him work again.

11,179. Take a man who has been in for being drunk three times, who probably will have lost his situation, and who has threatened to become a regular habitual—that is the class we are particularly interested in; you can do nothing for him? You must keep up your character?—We would spoil our influence if we sent these men. We would lose our own character.

11,180. Then, practically, for these habituals, your Society does not exist? It does not deal with them?—No, but there are a great many of that class you know who are five or six times in prison, and——

11,181. There are many people who are five or six times in prison in the course of three or four or five or six years?—In one year.

11,182. Yes, I know that, but would you refuse work to a man who had been in prison five or six times in as many years?—No.

11,183. It is a fellow who is several times in prison in one year that you refuse?—Yes, twice or three times a year.

11,184. What do you do with the 9½ per cent. of thieves?—We have a good deal more talk with them when they come out, because they generally have been 6 months, or 12 months, or 18 months or more, and their gratuities are given to me. They are entitled, if they behave themselves, to a shilling a month when in prison, and that is sent to me if the sum exceeds four shillings; and I pay as much as a couple of pounds or so to some of them.

11,185. You are entitled to retain a considerable portion of it at your discretion?—I invariably give them a small portion at a time, and that gives me a hold over them, because, if they do not work, they do not get their gratuity when they wish it.

11,186. But, apart from the gratuity, where or how do you get them placed in work?—In various ways,—foundries, locomotive shops, ship-building yards, and as masons' labourers.

11,187. As labourers?—They are mostly all labourers.

11,188. But do not you find a strong prejudice on the part of employers and of foremen against men who have been in for theft?—Well, we do not just tell the whole story. We do not enumerate the thefts. We judge of the man by our examination of him.

Mr. John Lawson.

20 Dec. 1894.

11,189. You are notoriously connected with this institution. The first thing a foreman will ask you is 'What was this man in prison for?'—He does not do that.

11,190. But, if it has only been for drink, you tell him, don't you, and, if you do not, he will take it for something worse?—They are not so particular as that. We are so well-known that when we offer a man they take him.

11,191. Do you find many of them coming back?—Not many. They do not come back. They may go wrong, but they do not come back to us. Up to 1894 for that year, we placed in work 410 men for the ten months.

11,192. Of all classes?—Yes; and we have provided with clothes to enable them to enter upon their work, 403.

11,193. You say, to enable them to enter upon their work, but it doesn't follow they got work?—We have actually placed in work 403 who are provided with clothes. They get perhaps a shirt, or a pair of boots, or some other article. Then, of those, 29 only turned out unsatisfactorily.

11,194. Out of 813?—Yes, and in addition to that, we had 60 convicts in 1893, of whom 55 were placed, and 5 were bad. That is all. We can be sure of that.

11,195. Because they have to report under ticket-of-leave?—Yes. We have far more satisfaction in dealing with convicts than the others.

11,196. You have a bigger gratuity, and they are under ticket-of-leave?—Not so much as that they are soured by the long imprisonment, and anxious at the first blush to lead a better life, and if a man has got £4 or £5 to get, he will call upon us four or five or more times.

11,197. Their tickets-of-leave will extend over a period of 15 months; during that 15 months you know about them, and you mean that only 5 out of 60 went bad out of that number?—Yes.

11,198. You have accounted for 463 out of 5500. That leaves roughly about 5000 who came to you to breakfast, whom you have not accounted for?—In 1893 there were 6800 altogether.

11,199. What are these last figures?—For 1893.

11,200. And the 410?—For 1894.

11,201. We will take the 410 and 403 that you have found work and clothes for respectively; that makes 813, and I suppose you would have about 60 convicts besides?—No. For the 10 months of 1894 we had 72 convicts, and of these we have, up till now, placed 58 in work and 12 of them have turned out bad.

11,202. That is a much bigger percentage than last year?—Yes.

11,203. You have disposed this year of 885— or, say 900,—out of 5453 who came to you for breakfast; that would leave, roughly speaking, 4500—that is deducting, say 900 from the 5400?—For 1894.

11,204. What do you do about them?—Nothing. They do not want anything. I do not suppose we have above four or five every morning who want work. A man is working on the underground railway, or some other job, where he gets his pay every day, and has just been on the booze since Saturday; and he gets his job when he goes back again.

11,205. He only wants to start with his breakfast?—Yes.

11,206. The Government gives you half the amount of your disbursements in respect to any prisoner up to the sum of £2, that is to say, the Government will not give you more than £2?—More than £1.

11,207. Would you state the maximum amount you can recover from the Government up to a given maximum? Would you please state the maximum contribution of the Government?—£1. If I expend £2 we get £1.

11,208. Then as to your other sources of revenue?—Subscriptions.

11,209. And, besides that you have the gratuities

which are given to the prisoners?—Yes, but the gratuities, we only hand them away.

11,210. And you do not deduct off that any expenditure?—None whatever, because I get them back from the governor of the prison.

11,211. You do not debit them with any expenditure you may make. They do not contribute to your finances in the very least?—No.

11,212. About these breakfasts for the 5400, do you recover any part of that from the Government?—No, none. That is taken out of our own expenditure.

11,213. What amount requires to be make up by subscriptions?—About £600 a year.

11,214. We were told in Edinburgh that they endeavour to send away their prisoners as far as possible. They would send a man to London, or Inverness, or this place or that, if he was willing to go, and if there was any excuse for sending him; and that that was a charge, a proportion of which they could recover from the Government. Do you do much of that?—No. I prefer—unless a man has a letter from his friends saying there is work ready for him—not to send him away. There are lots of fellows say they can get work at Inverness or other places, but, unless we are pretty sure that the man does really want and will get work, we would not send him there.

11,215. Do you knock about among the prisoners afterwards, especially among the convicts?—Yes. I go and see them in their own houses.

11,216. But you will be rather well known to all the criminal classes, and doesn't your visit do a man's house injury, as it indicates that he has been through your hands?—I only know one case where a man has been four times in penal servitude, aggregating 35 years.

11,217. The convict complains that the police know him, and he says that his visits to the police office militate against his reception into the general bulk of the population, stigmatising him as a thief and as an improper character. Don't you find that your own visits—you being known as connected with the Prisoners' Aid Society—affect him and let out among his neighbours what he was?—No. I was going to instance that one case. It is down in St Margaret's Place. It is a man who was 35 years in penal servitude, and I go to see him. It was a sad case. I got his wife and him to become teetotalers, and I have called on them once every two months, and only in one instance during these last five years have I seen him drunk, and he is in the place where I put him in July 1889.

11,218. What sort of work can you get for the ex-convict?—This man is in a shipbuilding yard at labouring work. They are mostly all labourers.

11,219. But there are men convicts clerks or commission agents?— I cannot do anything for these.

11,220. You must turn them into labourers?—Oh no.

11,221. We have been told that they cannot do labouring work?—We can just speak as kindly as possible to them. I have got one or two of them into public works and into a friend's office, just to give them a chance.

11,222. Do they complain to you that the police supervision to which they are subjected renders it difficult for them to keep their places? Do convicts complain?—The supervision simply is the fact of calling on the first Monday of each month at the police office. I sent, at Col. M'Hardy's suggestion—he wanted us to take an interest in boys—I sent some 40 or 50 to Arran to do farming work, and I have been vexed there at the police going to visit them, as it has damaged them.

11,223. You speak of boys—juvenile prisoners?—Yes, and they turned out remarkably well.

11,224. They were friendless? You could deal with them as you liked?—Well, if they had a mother or father we saw them and got their consent to send them.

11,225. Well, with their consent, you could have sent them to Canada or to Mr Quarrier in the case of young ones?—Yes. However, these boys have turned out remarkably well.

11,226. When we were in visiting the prisons again and again we have been told, especially by prisoners, that when they came out they had always lots of people to give them drink; that even if they had no money they could get drink, and we found in police offices and in prisons people who had been discharged from the prison, say to-day, and were taken up for being drunk before the afternoon?—Yes, I believe that is the case.

11,227. Do you find many rough and dissolute looking characters waiting the arrival of the prison vans?—Oh yes.

11,228. Is there anything you can suggest dealing with them?—Well, they wait especially for those who are to get gratuities, because they want a share of it.

11,229. In those cases they do not come to you?—They do come, but I do not give them the whole of the gratuity.

11,230. All gratuities come to you?— Yes, above 4s., but there are a great many below.

11,231. Do they all come to you?—No, just those above that amount.

11,232. Then every man who has been in for over four months, and has gratuity comes to you; and what do you do?—I say to him that he should go and look for work, that he had better do for himself, that if he doesn't succeed I will give him a line, and, in the meantime, I will give him 1s. or 1s. 6d., and tell him to come back to-morrow. If he gets work I give him his gratuity.

11,233. Where will that fellow sleep?—Burns' Model Lodging-house is the great place for them.

11,234. And at the Model, as he will call it, he will find a lot of very questionable friends, and he will have temptation to resume his old habits?—No doubt of that.

11,235. Then he will go back to you for the rest of his money?—Yes.

11,236. What powers have you to withhold it?—I assume a good deal. I do not give the money if they come under the influence of drink.

11,237. But you are under certain rules as to giving out the gratuity?—No. It is left very much to myself by the Commissioners.

11,238. What is your usual rule? How long may you be before you pay out the 4s. gratuity?—Perhaps fully a week, in three payments.

11,239. Do many of the fellows come and demand their gratuity while in drink?—Yes, and not only so, but they come with their professed wife, because they know I insist on having their wives if they have a wife.

11,240. And they sometimes bring up a wife?—Yes, a woman who has no more to do with them than I.

11,241. And in Burns' Model Lodging-house they will be put up to your arrangements?—Yes.

11,242. But don't you think the congregation of such men, in places where they will meet men of their own kidney, is bad for them, and is likely to lead them into a relapse?—What are they to do.

11,243. The only question is whether you could not have some sort of place where you could get them secreted?—I have a dormitory, but it gives us an immense deal of trouble.

11,244. How?—Because they sometimes come in tipsy, and do not behave themselves, although we take the very best of them only in.

11,245. Do you work at all with these labour shelters of the Charity Organisation Society?—Yes. I am a member of the Council. It is not time yet to judge of its results.

11,246. They have just begun?—Yes, and it is only wood-chopping they have there; men do not like that, and they cannot make much at it.

11,247. We were told that they could earn up to 2s. or 2s. 6d. a day?—It is very doubtful, and, if so, it is after long practice. I have heard Mr Strang saying that to us. It is simply a test of the men to break sticks, and now their test is to break stones.

11,248. Well, lots of the convicts will be good hands at that?—I would not send a convict to break stones, unless he was a very bad fellow.

11,249. But a man who had been in the habit of

breaking stones, say at Peterhead, every day, might earn a fair amount?—Yes. 2s. 6d. to 3s. 6d. breaking stones; but men are exceedingly averse to breaking stones. It is very hard work.

11,250. Do you find them fastidious in the employment they will accept?—Sometimes; not generally.

11,251. You say you have only a general knowledge about the women's work?—Women only come to me who have to get gratuities.

11,252. They have to come to you?—Yes, for the last six months. Up till that time they were paid by Mrs Elder, the lady who takes charge of receiving female prisoners from Duke Street. I know she was frightened, as they were coarse, wild women who would insist upon receiving the whole gratuity at once, and she had not nerve enough to refuse; and that was how I took over the work.

11,253. What do you do with them?—They are more frightened of me.

11,254. You do not get work for them?—I send them out to the Shelter at Whitevale, but that class is so bad they do not mean to work. They are much worse than the men.

11,255. But what we have found is that many women who had been discharged prisoners go into places where they had got to work for a couple of years with no reward, except their outfit and food, and had never left?—That is in the Shelter. I only get the women who were for months in prison, and to whom gratuities are due.

11,256. And the women months in prison are worse than prostitutes do you think?—They are mostly prostitutes.

11,257. But their offences must have been worse than prostitution?—A great many of them are of that kind. A married woman came to me the other day who had been importuning with the consent of her husband.

11,258. She was imprisoned with the consent of her husband?—No. She was importuning with the consent of her husband, and she got into prison.

11,259. I suppose you have a number of cases of that sort?—No. I cannot say that. I only meet with the women who have to get gratuities.

11,260. But the highest importuning sentence is 30 days?—This woman got a note to me from the chaplain, Mr Alexander, and he asked me to give her some help.

11,261. And what did you do?—I gave her an order for 1s. 6d. for provisions, and then I gave her a second order for the same, because her husband and she were in absolute need. I did not give her money.

11,262. You have done nothing, however, to try and get work for her?—I do not get work for the women.

11,263. Do you think the organisation for assisting the women is anything like so good as that for assisting the men in Glasgow? I mean the Charitable Organisation?—I cannot say that.

11,264. Is anything done for women convicts?—I get women convicts from Perth. They are all sent to me who have to get gratuities above 4s. They generally have pounds to get.

11,265. Notwithstanding the hopeful results of your working with male convicts, you do not try to do anything for the females, beyond dealing out their gratuities?—A man cannot get female work very easily.

11,266. Do you know what Mrs. Elder does?—She takes them to the various institutions or the Shelter.

11,267. You spoke of sending a man to the Charity Organisation only as a test, and the analogy of that in dealing with females is to send them to a Shelter?—Well, it is not a test sending them to a Shelter, because they are to be there for two years and get their living.

11,268. If they choose to leave before the couple of years they get nothing?—Oh yes, their outfit at the end of the time, but nothing before. They earn something also.

11,269. With which the expense of their outfit is charged?—I cannot speak about that.

11,270. Do you know anything about the working of Prisoners' Aid Societies in other places?—No, I do not.

11,271. We have found that in many places an objection exists to this Government action of receiving the gratuities of prisoners, and of the Government control; at all events in respect to a certain portion of the operations of the Society which it involves. Can you tell us what the objection can be? Have you found any drawback in any way with the Government system of assisting prisoners?—I have always got what I laid out without any difficulty or trouble.

11,272. And you do not understand why a system which works very well with you should not work well in Perth, Greenock, or Edinburgh?—I do not see there should be any difficulty.

11,273. (*By Miss Stevenson.*) You said there was greater difficulty apparently in finding work for the women than for the men. Is that due to the character of the women?—I do not profess to get work for women.

11,274. You do not know about the women?—No.

11,275. Do you find that those men for whom you find work come to you repeatedly when they come out of prison; or have you any limit to the number of times you have a discharged prisoner?—If he disappoints me twice, or perhaps three times, we won't, for our own sakes, send him into work again, because we lose our influence if we send inefficient men into work. The employers just say you sent us so-and-so, and we cannot take any more of them.

11,276. (*By Col. M'Hardy.*) Although you have been in more immediate charge of the male department of the Discharged Prisoners' Aid Society, you are aware that a good deal has been done by the chaplain and various other persons in helping females?—I have no doubt of that.

11,277. Tell me an instance in which it has been so?—You know the chaplain of Duke Street as well as the chaplain of Barlinnie send me the recommendation. It is at their instance.

11,278. In the event of your receiving a recommendation from the chaplain or ladies in charge of the female side of the Discharged Prisoners' Aid Society for funds to send a girl to her home in the country, I suppose you would give her funds?—Well, I would inquire particularly into it before doing so.

11,279. And if you found the conditions satisfactory you would be ready, I presume, to do so?—Yes.

11,280. You said you had difficulty in managing the Home that you have at present, where there is accommodation for some dozen prisoners; but are you not now working out a scheme for starting a Home of that very kind?—Yes.

11,281. Which you intend to build somewhere near the prison?—Opposite the Royal Infirmary, the last site on the north-east side of the Square.

11,282. You propose to have accommodation for how many persons?—25.

11,283. And who do you intend these persons shall be?—We select those we think the best,—bachelors, of course. We need not take married men, but bachelors or widowers or men who have no home of their own.

11,284. And you keep them when they find work?—We keep them until they are in work, and they remain with us for six months. We have some men now with us for four months, but we like to get rid of them to make room for others.

11,285. In regard to your powers over the gratuity which is handed to you for disbursement to the best advantage for the prisoner, you have been instructed that it is to be given entirely according to your own judgment, and that in your own opinion it is not for the interest of the prisoner that it should be sent at all; that it is simply to be returned to the prison?—Yes, but I have only had two cases of that kind during all my work, and these took place last month.

11,286. (*By the Chairman.*) Take these 12 convicts who went back out of 72 in last year; did they get all their gratuities before they went to the bad?—Yes.

Mr. John Lawson. 20 Dec. 1894.

11,287. (*By Col. M'Hardy.*) The figures which you gave in regard to convicts were very hopeful, but the general statistics hardly support such a strong effect of reformation. It would appear from the statistics that a very considerable number of men on licence break down?—I do not get all the men who are out, because they get gratuities from the Governor at Peterhead himself.

11,288. Not if they are coming to Glasgow?—Yes, they sometimes wish to get it.

11,289. But I do not think they do get it?—Latterly it has been refused.

11,290. At any rate for months you have had every gratuity that came?—Yes.

11,291. But I think there is general consent in Glasgow that for the last two or three years there has been an immense improvement in the working of the Discharged Prisoners' Aid Society, and that the results have been extremely successful so far as such a Society can expect its results to be successful?—I should say so, certainly. I do not know what was done with these men before at all.

11,292. (*By Professor Dove Wilson.*) Do many persons apply to you who are not able to get work?—Not many. One came this morning whom I sent to the poorhouse.

11,293. Are you able to do anything for people in the way of getting them light work?—We must just give them the work we can find; there is no such thing as light work.

11,294. Have you many boys applying to you?—Not a great many. We sent, as I have said, 40 boys last year to Arran, but there were far more than that came out.

11,295. What is the youngest, can you remember, that you have ever had applying to you?—I have seen a boy come at 12 or 13 years of age; that is the youngest. *Mr. John Lawson.* 20 Dec. 1894.

11,296. Have you many cases like that?—Very few; 16 is about the youngest.

11,297. Then, what can you do for a boy of 12 or 13? Can you do anything?—He is too young to go anywhere. I send for his parents, if he has a father, or I try to get him into Mr Quarrier's in other cases.

11,298. (*By Dr Farquharson.*) I think you have told us that a considerable number of prisoners are desirous of getting some honest occupation?—Some are really anxious.

11,299. And you do not find much difficulty on the part of employers in taking them?—No.

11,300. Nor on the part of workmen?—Working men are not particular. They do not inquire much. We have never found a single case where a foreman told that a man was a convict.

11,301. But, suppose the foreman told the workmen do you think they would object?—I cannot remember any case of that kind.

11,302. But do not the workmen always want, like schoolboys, to find all about them? Don't they ask them questions as to where they come from?—We cannot say. There have been no difficulties from that source.

11,303. Have there been any difficulties from the outside—honest men who cannot get work, thinking it rather hard that you should give work to these other men?—That is often said to us. I simply say I cannot help it. I am here to get work for discharged prisoners. [The witness then withdrew.]

Mr. Donald Sutherland.

MR. DONALD SUTHERLAND, Chief Constable of Paisley, called in and examined. *Mr. Donald Sutherland.*

11,304. (*By the Chairman.*) You are Chief Constable of Paisley?—I am.

11,305. How long have you occupied that position?—22 years, but, between the Poor Law and the Police, I have been in Paisley 37 years.

11,306. You were an officer in connection with the Parochial Board?—Yes, in the Abbey Parish, Paisley.

11,307. I find the number of your arrests per thousand for breaches of the peace, drunk and incapables and drunk and disorderlies is 21, and in Glasgow it is 60?—Yes.

11,308. Is that because the population of Paisley is so very superior?—There is no doubt of that. We boast of that. A better behaved community I do not think there is in Scotland.

11,309. What is the population?—It is about 70,000.

11,310. Do you think it is as good as Leith?—Much better, because Leith is a shipping port.

11,311. And you think it is markedly better?—There is 70,000 of a population, and we have not a man or woman living in Paisley who makes his or her livelihood by theft alone.

11,312. I suppose there are a good many people in Leith who follow that mode of life?—Yes.

11,313. And yet there are fewer arrests in Leith than in Paisley, in proportion to the population?—Is that so?

11,314. What do you think that is due to; a different system of administration?—I could not say the cause.

11,315. Do you attribute entirely the difference between the 21 per thousand in Paisley and 60 per thousand in Glasgow, to the difference of the population or of the systems adopted by the Chief Constables in each place?—The different character of the population. We know every person in Paisley; in Glasgow every person almost is a stranger to the other.

11,316. What do you do with drunks in Paisley?—Prior to the passing of this last Act of Parliament, our powers were limited. It was only five shillings or 24 hours then, and it was not worth while paying the fare of a man or woman to Glasgow, and a cab from the station to Duke Street, to get them washed and turned out next morning.

11,317. And so, what did you do?—Turned them out when they were sober, or, if we could get 5s. out of them, we took it.

11,318. You took all you could get? You did not try fining them?—It was no use.

11,319. You now have, I suppose, adopted the clause dealing with that matter from the Burghs Police (Scotland) Act?—Yes.

11,320. Which gives you power to impose a 40s. fine or 30 days' imprisonment?—Yes.

11,321. And which gives you, in the case of repeated offenders, power to send them 14 days to prison without any option?—We do that now in Paisley.

11,322. Have your magistrates ever availed themselves of the extra power of treating habitual offenders by giving them 14 days in addition, without the option of a fine?—They have given them 30 days since the passing of that Act.

11,323. The Act contains two clauses for drunkenness. The magistrate can impose a fine not exceeding 40s. or 30 days' imprisonment, but then, by a subsequent clause, in the case of a person who has been convicted, I think three times, for drunkenness within a given period, the magistrate can, in addition to this penalty I have mentioned, impose 14 days' imprisonment without any option?—We have never gone that far, but they have got 30 days.

11,324. What is the usual run of sentences on drunk and incapables in Paisley?—14s. or 10 days, I think, or thereabouts.

11,325. Do you mean to say that that is the usual thing? You say 14s. or 10 days for drunk and incapables?—Yes.

11,326. That is the biggest average penalty that we have yet come across. You are sure of your figure?—A good deal depends upon the character of the offender. If it is an habitual offender, as in the case of one woman whom I could mention, who received sentence of 30 days.

11,327. But the ordinary drunk and incapable, the decent, respectable, church-going drunk and incapable?

Mr. Donald Sutherland. 20 Dec. 1894.

—He will not come before the court at all. He forfeits his pledge.

11,328. What does he forfeit?—Perhaps 7s. 6d.

11,329. Well then, it would be much better to forfeit 7s. 6d. than pay a 14s. fine?—We do not take a man before the court if we can help it, because the man might be, and his family also, ruined, if it was found that he came before the police court. We study these things in Paisley.

11,330. You had last year 922 apprehensions in Paisley for drunkenness, drunk and incapable and disorderly conduct?—Yes.

11,331. What became of them can you tell us?—The majority of them would get out free. There is no doubt of that.

11,332. When did you adopt the Police Act, I mean the latest Act?—In 1892, when it was passed.

11,333. But Paisley was excluded from the Police Act of 1892?—Had you power to adopt clauses?—Paisley was not excluded; it was Greenock.

11,334. Then you came under its operation immediately it was passed? Therefore 1893 saw it in operation?—Yes.

11,335. And in 1893, when it was in operation, you arrested 922 drunks when you had these stringent powers to deal with them. A large number of them would get off on pledge, and what was your customary pledge?—5s. 6d. and 7s. 6d.

11,336. Then the customary sentence cannot be more than that, because you regulate your pledges by what is the probable sentence?—It depends upon what they have got in their possession.

11,337. But if a fellow has £1 in his possession?—I would make it 10s. It all depends upon circumstances.

11,338. Have you many men who have given pledges going up for trial in the expectation of getting something of it back?—Yes, and some would rather go to jail than leave a pledge.

11,339. Then that, of course, argues short sentences?—Yes.

11,340. I think you must have misunderstood what I wanted? Who are the different magistrates?—They are a changing body every year.

11,341. But this year?—The senior magistrate is Bailie Robertson.

11,342. What is his usual sentence for a drunk and incapable?—It is very seldom a drunk is brought before him.

11,343. What did you do with the 922 you arrested last year?—The drunk and incapables in 1893 were 712 males and 210 females. There were convictions and admonitions and pledges for that lot last year, numbering 293 males and 15 females—308 in all.

11,344. What became of the other 624?—Turned adrift when they got sober. They were not worth taking before the court.

11,345. And there were no pledges in their case, no pledges to leave?—No.

11,346. I suppose that would include all the drunk and incapables, unless old offenders?—All without exception.

11,347. So that the only fellows who came up in this batch were the disorderlies?—Yes.

11,348. You are not able to tell how many of these 308 were cases of pledges forfeited?—Not separately. They were admonished by the magistrate and the pledges forfeited.

11,349. Your magistrates do not appear, in the case of incapables, to have done anything to avail themselves of the powers of the Burgh Police Act?—Those habitual ones that we know, it is no use talking to them—we bring them before the magistrate.

11,350. Even if they are only incapable?—Yes. Suppose they have not a farthing in the world and never had, we bring them up, just to show them we can put a stop to this sort of thing.

11,351. You have not got the number of convictions out of these 308 cases?—No.

11,352. You can only give us the figure for the three things, convicted, admonished, and pledges?—Yes.

11,353. You have told us you have known a sentence of 30 days?—Yes. Mr. Donald Sutherland. 20 Dec. 1894.

11,354. Was that for disorderly conduct?—Simply drunk and incapable, because she had been 10 times in this year. Her name was Sarah B——.

11,355. When did she get the 30 days?—I could not tell the date.

11,356. Has she been up since she got the sentence?—Yes. I have the particulars of a case here. Agnes M—— (37) is a companion of B——'s. During the current year she has been 15 times apprehended. On six of these occasions she was liberated when sober; on five occasions she was admonished by the magistrates; and for the remaining four times she was sent to prison for 130 days. During the past 17 years she has been 180 times apprehended, and, in the aggregate, was sent 2938 days to prison, or a yearly average of 173 days, or an average of 16 days for each time apprehended. This woman has made several attempts to reform, and on several occasions became an inmate of various institutions where she conducted herself well but no sooner did she return to town than she fell into her former courses. I have gone myself and got her into a public work, but it was no use. By Saturday night she was off again.

11,357. In her career in the prison was she under the *régime* where you could only inflict 5s. or 24 hours, so that, according, to her sentences, she must have been in for some serious offence?—Breaches of the peace chiefly.

11,358. No theft or prostitution?—Just breaches of the peace and drunkenness.

11,359. All the previous imprisonments she has got before 1892 must have been breaches of the peace?—Nothing else. We would not send her to prison for simple drunkenness.

11,360. We find that in 1885, when you were under the old Act, you had only 796 arrests, whereas in 1893 you had 922. That would not seem to indicate that the greater power given to your magistrates had had no deterrent effect on drunkenness; that your magistrates practically did nothing when they had any power beyond 5s. or 24 hours, that they did not exercise it; that they do nothing in the case of drunkenness, unless accompanied by violence. There were fewer arrests made I find than there were in 1893 when they had very severe punishments?—We are going up in population, about 1000 a year in population.

11,361. But the increase in arrests seems to be greater than the population?—The population 24, and arrests 21 I find, over a certain period.

11,362. But have the increased powers had a deterrent effect? There should have been a diminution?—Of the people apprehended?

11,363. Of the people who incur the risk of coming before the magistrate?—Well, we do not bring a lot of these useless people before the magistrates at all.

11,363A. Then give me your opinion of the matter—whether the very much more plenary powers that are in use, that are in your hands since 1892,—whether that has had any effect in checking drunkenness and disorderly conduct? There were 1841 in 1891, and they had fallen 1467 in 1893?—A good deal depends upon the state of trade.

11,364. There was a very dull time in 1893?—Yes. That was sufficient to account for them. When money is plentiful the police have to work the harder.

11,365. We find authorities here and there wanting more powers to do this and that. In Paisley you have got more powers, and do you think the possession of these greater powers has decreased the number of drunkards who come into the policemen's hand?—I do not think so.

11,366. And, as a matter of fact, you have never exercised the special section of the 1892 Act which gives this extra power of imprisonment without the option of a fine in the case of third offenders within a given time?—Not as a rule.

11,367. But you never have had a case in Paisley, apart from this woman, who had been in prison for 2983 days?—This is the worst female we have had to deal with. She has got the most severe sentences.

Mr. Donald Sutherland.

20 Dec. 1894.

11,368. And that was 30 days?—Yes, 30 days. She got the maximum.

11,369. Have you much to do with beggars?—A good deal. We are so near Glasgow.

11,370. Do you ever deal with beggars as vagrants, or only as beggars?—We have some difficulty with them in this way. When a servant girl opens the door to a man, and the police know he is begging, the policeman will go to the door and ask the servant to come as a witness; but her mistress will not allow her, and we can do nothing.

11,371. What are your instructions to the men about the drunks? As you dismiss so many of them when they get sober your instructions to the men will be to assist them home, whenever they can do so, and not to take them up if they can help it?—Yes.

11,372. You appear to treat the drunks very leniently. Do you tell the constables if they see a man in the street under the influence of liquor to assist him to the street where he lives?—They will take him to the police office, because very often the wife will say 'We will have no peace in this house 'to-night; he is better with you.' If he is a respectable man the police direct him home, but a man who will not be quiet they won't take him home but to the police office.

11,373. When you find two men squabbling and fighting in the street, do they try to make it a charge, or do they simply stop it?—If they can stop it they do so, and send one man one way and the other another way.

11,374. And do they follow them?—Yes, so as to see that they are separated. We try to make as few cases as we can, because there is very often very little in such matters.

11,375. In other words, you administer your police force with the idea that you won't take a man to the police office unless there is some substantial reason for it?—Yes, that is the last resource.

11,376. That system would be made a very great difference upon if another Chief Constable came in and adopted another view even in Paisley, that is, if your successor adopted a contrary view, and ordered every drunk man to be taken up and every man who was using abusive language or squabbling, your arrests would rise very rapidly?—Yes.

11,377. Although the state of the population would still be the same?—Yes, that might be.

11,378. But, so far as your system goes, Paisley is a perfectly orderly town, and you think will compare very favourably with Glasgow or Govan or any of these other places?—Better than either of them.

11,379. When you get a beggar into court what is the sentence?—It is pretty severe. It is imprisonment only. I have seen them get as high as 30 days.

11,380. First offenders?—Yes; when they are masterful they are often very insolent.

11,381. But take the case of a man who is selling boot-laces and begging pennies, asking the people for pity's sake to give him something?—I would do nothing with him, if he did not make himself a nuisance.

11,382. Now, as to prostitution. Your offence, I suppose, is loitering and importuning, with the knowledge on the part of the police that the person is a prostitute?—We have only six or seven in Paisley. There is not a brothel in Paisley.

11,383. I see you have no arrests for prostitution?—No, none.

11,384. According to this, you have not had an arrest for prostitution in Paisley since 1875?—We have only six or seven, and they are either loitering about at the Sandkey or stairheads, or the police office. They go up to the police office and get shelter. I think there are only three of them out of prison just now.

11,385. But they do not appear to be arrested for prostitution? What have they been arrested for?—Just drunkenness.

11,386. And it is in this case they get the extra stiff sentences?—If the night is cold we allow them to be in the police office, and we often give them coffee and bread.

11,387. In most manufacturing towns, such as say Dundee, there appears to be a large amount of prostitution?—They are a far superior class in Paisley than in Dundee, where there are too many from the other side of the water.

Mr. Donald Sutherland.

20 Dec. 1894.

11,388. Does this indicate a better state of morality in Paisley?—I say there is not another town except Paisley in Scotland which has no brothels.

11,389. We were talking about the arrests of prostitutes?—We have only six or seven of them.

11,390. They never interfere with any person?—No, never.

11,391. And your men have no instructions to run them in?—No, they do not require it.

11,392. How is it that women from Glasgow who get 30 days complain that the police know them and are always running them down. Do these women not trouble you?—The only time they come to Paisley is at the time of the races. There is no place in Paisley where they could get a night's lodging.

11,393. Do you ever take any action against publicans for supplying liquor to drunk men?—Yes.

11,394. How many cases last year?—I think there has been only one these last five years. The publicans in Paisley are very careful, because they have been reduced by 33 or 34, and the population has gone up from 47,000 to 70,000.

11,395. The Chief Constable of Greenock took it as a general rule that every drunk arrested after half-past 11 might be assumed to have finished his intoxication in a shebeen. He told us that he signed weekly 150 warrants, authorising his men to search shebeens, the warrants only holding good for a week. Have you anything of that kind?—We had two shebeening cases within the last fortnight.

11,396. Do you sign warrants?—Not in that way.

11,397. In Greenock they have a Local Act?—Yes.

11,398. And in Glasgow?—Yes.

11,399. It was explained to us that there was no warrant, and that shebeeners let them in, but that they had no power to open lockfast places?—When we are satisfied of the repute of the place, and that it is a shebeen where we will get a quantity of liquor above a gallon, or will find some people drinking there, a sergeant or an officer goes before a magistrate, states the information that he has got about the place, and on oath says that he believes it to be correct. The magistrate signs the warrant, and, armed with it, he can go at any hour of the day or night for the next two months and search that house.

11,400. Are you Procurator Fiscal of the Police Court?—No.

11,401. Perhaps you can tell us, in the case of drunkenness and petty offences, are previous convictions for offences charged or set forth in proof, or are they held back until the prisoner has been found guilty?—Before.

11,402. (*By Professor Dove Wilson*). In the case of habitual drunkards being brought up under section 381 of the Burgh Police Act, how does the magistrates come to know that they are habituals?—For instance the fiscal states that, and has the previous complaint there, but, as a rule, a drunk pleads guilty.

11,403. And you are speaking just now of section 381?—Yes.

11,404. (*By Dr Sutherland*). But, if they don't plead guilty, the previous convictions are libelled and stated before they are convicted?—Yes.

11,405. How many people have been apprehended for the first time in Paisley during the year?—186.

11,406. You have only 186 apprehended oftener than once, which means in Paisley that 90 per cent. are sufficiently deterred by one apprehension?—That is so.

11,407. (*By Col. M'Hardy*). You have very much fewer constables per 100 or per 1000 of your population than they have in Glasgow?—Just about half the number. In Glasgow they have 1 to 500, and in Paisley we have 1 to 1000 odds.

11,407A. It is 1016?—Yes.

11,408. The Inspector of Constabulary is not quite satisfied with the number of constables you have,

Mr. Donald Sutherland. 20 Dec. 1894.

though?—We increased the force last year, or the year before, by 2.

11,409. And is he quite satisfied now?—I expect so, but he comes to inspect us on the 15th of next month.

11,410. But, writing in March last, he has included Paisley in the list of places that should have more constables?—Yes.

11,411. But you are satisfied that you keep peace and order in the community with the number you have?—Yes, we bear favourable comparison with any town in Scotland.

11,412. If by any means you got your constabulary doubled as in Glasgow, what effect would that have on arrests, do you think?—There might be more arrests, but not for any serious crime.

11,413. Exactly, but for small offences you would expect the number to increase with the number of constables. That is the general rule in all police returns?—Yes.

11,414. Do you find that this lenient treatment which you give to the cases of drunkenness leads to any complaints by the people of the town to the effect that you deal too leniently with them, and that people who offend against statistics are let off without being punished?—Never heard any complaint to that effect.

11,415. You don't think that this lenient treatment does in any way lead to an increase in the number of cases?—No.

11,416. (*By Miss Stevenson.*) Do you consider the general respectability and good behaviour of the Paisley people is due to the fact that it is very largely an artisan population, and, as a rule, have good employment with good remuneration?—Yes; and for a number of years it was a weaving population, and they were more intelligent than most workmen, and that has done good to the town.

11,417. And for the same reason you can account for the absence of that unfortunate class that goes so largely to swell the police returns from other places. Mill girls as a body are respectable, and are able to maintain themselves comfortably by their work?—Yes, and their parents are respectable as well. They make good wages, from 12s. to £1 per week in these mills, and in each of the mills in Paisley they employ about 5000.

11,418. It is a remarkable thing in a town the size of Paisley to see the entire absence of the class of that sort?—Yes.

Mr. Donald Sutherland. 20 Dec. 1894.

11,419. (*By the Chairman.*) What does the amount of your pledges come to in Paisley?—In 1893 fines recovered amounted to £106, 6s., and pledges forfeited to £185, 5s.,—total £291, 11s.; fines not recovered, £69, 3s.; total amount of fines imposed and pledges forfeited, £360, 14s.

11,420. The fines not recovered are those people who go to prison?—Yes.

11,421. You don't make such a good thing out of pledges as in Glasgow?—No, Glasgow fines £2 when we fine 2s. 6d.

11,422. But pledges?—We don't take such heavy pledges.

11,423. In Glasgow the amount of pledges and fines, I think, is £12,500, and with you, what is the amount of pledges and fines?—The pledges are £185, 5s., and the fines recovered £106, 6s.

11,424. And Glasgow is ten times the size of Paisley, so that at the same proportion, Glasgow's fines and pledges should only amount to £2850 instead of £13,500?—They have different classes to deal with in Glasgow.

11,425. (*By Col. M'Hardy.*) Do your disorderly people go into Glasgow and then fall upon the Glasgow courts?—I think we get more Glasgow ones than they get Paisley ones.

11,426. The Chief Constable of Glasgow told us that the reason why there were so many arrests there, was that the surrounding towns poured a somewhat turbulent population into Glasgow, and that in that way they got 'foreign' prisoners?—They may get them from the mining districts in Lanarkshire, but not from Paisley.

11,427. You think you get more from Glasgow than they get from Paisley?—Yes, the Sunday traffic brings a great many out.

11,428. You were connected with the Parochial Board at one time?—Yes, for 12 years.

11,429. You know the habitual offenders. Do they often come upon the parish?—No, it is the last resort with them when they apply to the parish, because when they do so they have to go into the poorhouse, and they don't like that, as they lose their liberty. [The witness then withdrew.]

Chief-Constable Fraser.

MR. JAMES FRASER, Chief Constable of Argyllshire, called in and examined.

Chief-Constable Fraser.

11,430. (*By the Chairman.*) You are Chief Constable of Argyllshire?—Yes.

11,431. How long have you occupied that position?—Five years.

11,432. And your previous experience?—Connected for 30 years with the Police Force of Argyll.

11,433. How do you deal with your drunk and incapable cases in Argyllshire?—They are only tried in the burghs.

11,434. Not in the counties?—No. With the exception of a few cases which may be tried before the Justices under the Public House Acts.

11,435. Unless it is an assault or something serious?—Yes, or disorderly conduct.

11,436. In connection with Argyllshire, there are a great number of vagrants and gipsies, I understand?—Yes, but I believe not so many as in neighbouring counties.

11,437. Have you any bye-laws of the County Council dealing with them?—No, there were bye-laws prepared by the County Council about a year and a half ago, but when they were sent up to the Secretary for Scotland he would not approve of them.

11,438. Can you let me have the Vagrancy Bye-law?—Yes.

11,439–40. Did he disapprove of the whole thing, or only of the bye-law?—He suggested that there should be general laws passed for all Scotland.

11,441. Would you please read the clauses applying to vagrancy which were drawn up by your County Council?—The Circular was entitled 'Bye-laws for the 'Prevention of Vagrancy and for the Prevention and 'Suppression of Nuisances within the County of Argyll 'made at the Meeting at Dunoon on 3rd May, 1893, in 'terms of section 57 of the Local Government (Scotland) 'Act, 1889.' Clauses dealing with vagrancy are, 6, 7, 8, and are as follows:—'(6) Any street musician or 'singer or other person who continues to sound or play 'any musical instrument or sing in the neighbourhood 'of any inhabited house after having been required 'by an inmate of such house, or by any officer of police, 'to depart, shall be guilty of an offence punishable as 'hereinafter provided. (7) All persons found begging 'or exposing wounds or deformities, or exposing children 'of tender age to the inclemency of the weather, or 'placing themselves or otherwise acting so as to induce, 'or for the purpose of inducing, the giving of alms, 'shall be guilty of an offence as hereinafter provided. '(8) Parents of young persons or other relations to whose 'control they are subject, by whom they have been sent 'or suffered to go out to beg, and also any other persons 'by whom such young persons have been so sent out 'to beg, shall be guilty of an offence as hereinafter 'provided.'

11,442. These were made offences punishable by, I think, any penalty up to £5. There is another bye-law dealing with beggars and others. You might read it?—It is No. 12, and is as follows:—'It shall be 'lawful for any constable to apprehend and bring 'before the sheriff, or any two justices of the peace, all 'such beggars and tinkers, men, women, or children 'strolling or wandering, or seeking relief, or found lying

Chief-Constable Fraser.

20 Dec. 1894.

'in any outhouse, stair, close or area, or other place 'within the county, without lawful permission, and it 'shall be lawful for the sheriff or justices to direct and 'cause all such persons as may not at the time be convicted of begging as hereafter provided, to be handed 'over to the Inspector of Poor or other official of the 'parish within which such person shall have been found, 'in order that their claim as paupers may be investigated and disposed of according to law.

11,443. These bye-laws were adopted on the 3rd May 1893, and, on the 31st August 1893, you received a communication from the Secretary for Scotland regarding them?—Yes. A communication was received by the County Clerk.

11,444. That communication referred, did it not, to a decision which was given in the High Court of Justiciary on the 14th July 1892, which declared a bye-law made by the County Council of Midlothian, in the exercise of their powers under section 57 of the Local Government (Scotland) Act, to be *ultra vires?*—Yes.

11,445. And that judgment quashed a conviction which had been secured under it in the Justice of Peace Court of Midlothian?—Yes.

11,446. And this circular went on to say that similar bye-laws existed in various other counties, and the decision besides rendering these inoperative, had also cast some doubt on the validity of certain of the bye-laws. Then, would you tell us what is suggested?—The Circular from the Secretary for Scotland said: 'If County Councils should deem it the better course 'to aim at a revision of existing bye-laws, it might be 'desirable to arrange some concerted action by way of 'conference, or otherwise, for the remodelling of their 'proposals in such a way as might provide the basis of 'a common code. The circular further suggested 'that by the exercise of the power contained in the 'words of the 57th section, 'County Councils would 'do well to bear in view that it is open to them to 'institute a prosecution in any instance where it is 'thought that the facts amount to a case of vagrancy 'or nuisance and if this course were freely pursued, the 'resulting decisions would lead to further definition 'of the terms "vagrancy and nuisance," and would 'naturally assist in the preparation of a more satisfactory code of bye-laws.'

11,447. Did you take any action in the matter?—The County Council took no action in the matter.

11,448. And you simply allowed your bye-laws to remain inoperative.?—Yes.

11,449. Did you look into the terms of the decision referred to here?—Yes, it is by Lord Young.

11,450. Lord Young referred to the question of vagrancy simply as illustrating the thing, and his reference to it was not a judgment of the court but simply an expression of opinion on an outside question by a single judge. Some counties we have come across have adopted as their Vagrancy Bye-law a section of the Burgh Police Act of 1892?—Yes.

11,451. Did it occur to you to do so?—I brought it before the Standing Joint-Committee, but they suggested that it should be left alone in the meantime.

11,452. But you have got your powers against vagrancy in the Burgh Police Act, and you have got no powers outside beyond what are conferred by the Trespass Act and Common Law?—Yes.

11,453. Do you find any advantage from the possession of these extra powers in the Burghs?—Yes.

11,454. How many arrests had you last year for vagrancy?—About 18.

11,455. That is for begging?—Yes.

11,456. How many in the towns?—The whole of them in the burghs.

11,457. And you have had no arrests whatever in the county?—No.

11,458. Now, this power was put into your hands in 1892, and you tell us there were no arrests previous to the passing of the Burgh Police Act?—It has been all along in the burghs. It existed under the 1862 Act.

11,459. I suppose it is indicated by the fact that you wish to frame bye-laws that the vagrants are a nuisance in Argyllshire?—Yes, and of course we would be able to deal with them if we had the same powers as in the burghs.

Chief-Constable Fraser.

11,460. You have seen in the Scottish Returns of June 1894, 212 adult vagrants and beggars, and 24 children. Do you think that is a large number considering the extent of your county?—It is a large number, there is no doubt.

20 Dec. 1894.

11,461. How do these people live?—By begging.

11,462. Much theft?—A good deal of petty thefts, but people do not care about complaining, as they are afraid to do so.

11,463. Are there many gipsies or tinkers?—A large number. I hand you a Return showing their number.

11,464. What sort of people are they? You have got 20 apprehensions amongst them?—Yes.

11,465. That is one in six?—Yes.

11,466. Do you think that is a very great deal?—No, I do not think it is.

11,467. What are their crimes?—Simply drunkenness, breach of the peace, and disorderly conduct.

11,468. Are they an honest set of people?—There are not any serious offenders amongst them, but farmers complain that they help themselves by going into their gardens.

11,469. Do they poach?—No.

11,470. When they fight do they use knives or anything of that sort?—We have had two or three knife cases, but they do not come often.

11,471. Are they worse than the general population when they are fighting and in their cups? Are they murderous?—No, they are not, as a rule worse than the general population, nor murderous.

11,472. They are not generally a specially bad set of people?—No.

11,473. Do they live in tents?—Yes.

11,474. Their children are utterly neglected?—Utterly.

11,475. Cannot read?—No. No person takes anything to do with them.

11,476. Do you think they are such a nuisance as to justify any exceptional means of dealing with them?—I think so. I think it is a pity to allow them to go through the country without coming under the Education Act. You see they do not reside any time in one parish.

11,477. Then how would you propose to deal with them?—By sending them to some industrial school or other institution of that kind.

11,478. That would mean that the Government would have to pay for the maintenance of the children, but I speak of the whole lot, parents and children?—There are a good number of the parents who, if they got a little encouragement, would commence farm work. I know of several tinkers' sons and daughters who are employed as farm-servants, and are doing very well.

11,479. Are these tinkers worse in your opinion than the balance of the vagrants—half are vagrants and half are tramps?—They are much about the same.

11,480. I suppose most of the tramps in Argyllshire are really professional tramps, and not men in search of work?—They are just professional tramps.

11,481. There was recently plenty of railway work in your district?—Yes; they could get plenty of work if they wanted it.

11,482. I see you have 120 tinkers—240 vagrants altogether. Therefore you have 120 vagrants who are not tinkers. What do they do?—They simply go from one place to another.

11,483. That won't include the men who have tramped down from Glasgow to work at the West Highland Railway, and who are seeking work there?—No, I do not treat them as vagrants.

11,484. And you do not challenge them?—Yes, they are asked where they are going, and they make the excuse that they are going for work.

11,485. And you accept that statement?—Yes.

11,486. And you don't classify them as vagrants?—No. Unless found begging.

11,487. Do they steal more than the gipsies, or fight

Chief-Constable Fraser.

20 Dec. 1894.

and drink more than them?—The gipsies fight more.

11,488. Do they steal more?—Sometimes. We are more afraid of the tramps than the gipsies, because they always go to farm-houses at night and after dark, and knock about the outhouses till morning.

11,489. And, going there without the consent of the tenant is a crime?—Yes. The tinkers generally ask permission to encamp or stay in an outhouse.

11,490. And, in point of drinking, they are pretty much the same?—Yes.

11,491. And, in point of fighting, are they as bad as the gipsies?—No.

11,491A. You have no organisation for dealing with vagrancy?—No.

11,492. No system of tickets?—No; I believe it would encourage them.

11,493. Have you any shelters?—No.

11,494. Any provision for the reception of sick tramps apart from the poorhouse?—No, but there are hospitals in some places.

11,495. Where?—There is one at Tarbert, and, of course, if they are ill the doctor orders them to go there, and they are kept perhaps for two or three days, or longer if necessary.

11,496. Is that provision made in many of the small towns throughout Argyllshire?—Tarbert is the only place I am aware of that has a hospital. In other places they are sent to the poorhouse.

11,497. Independent of that, you don't know of any provision made for them throughout the whole county of Argyllshire?—No.

11,498. And have you no suggestion that you should get powers?—Yes.

11,499. And, I suppose, the powers in the Burgh Police Act would be quite sufficient for your purpose?—Yes.

11,500. Do you want similar powers regarding drunkenness?—Yes, I would like that too.

11,501. Would you act on them?—We would act in places where we could get them tried.

11,502. Or where it would not be too long a journey?—Yes; but from Tarbert it would scarcely be worth while to take them all the way to Campbeltown.

11,503. But surely you could get some nearer judicial authority?—We would require some one to be appointed to prosecute.

11,504. There is no one at Dunoon to do it?—Yes, but that is of course in a different district of Argyllshire.

11,505. You could not have them dealt with by justices of the peace?—They could be tried at Lochgilphead. At present one half go to Inveraray, 24 miles off, and the other half go to Campbeltown, 38 miles off.

11,506. You never take up a man for being drunk?—No; further than putting him into the police cells, and bring them before a J.P. on following day, when they are generally discharged.

11,507. And if you find a drunk man at a distance from a police station you would simply put him into any shelter?—Yes.

11,508. I see in Argyllshire, in 1893, you had altogether 70 arrests for drunkenness and drunk and incapable, which were not convicted under the Public-Houses Act?—Yes.

11,509. They would be under the Burgh Police Act?—Yes.

11,510. What sentence do they generally give them in the burghs?—From 2s. 6d. to 5s.

11,511. Have they in your burghs a system of pledges?—Yes.

11,512. The 2s. 6d. or 5s. or 24 hours is the same as before?—There might be a little change; they are just commencing it in Campbeltown and Oban and other burghs.

11,513. You have 831 cases of breach of the peace, disorderly conduct and petty assault; most of these would be drunks?—Yes.

11,514. You have certified police cells in a good number of places?—Yes.

11,515. Have you many juvenile offenders, such as for stealing apples and things of that sort?—Well, not a large number. There are a few,—perhaps six or seven last year altogether.

Chief-Constable Fraser.

20 Dec. 1894.

11,516. What is done with them?—They are simply tried and admonished in trifling cases.

11,517. Sent to reformatories?—No; they are not sent to the reformatories. The birch is used principally.

11,518. How many birchings had you?—Five. Oban is the only place that the birch is used.

11,519. Who orders it there?—The magistrates.

11,520. It is the only place in fact approved by the sheriff where these sentences can be carried out?—It is approved of also in Campbeltown and Dunoon, although it is never carried out.

11,521. Well, they are not in the Return?—That is because there is no case.

11,522. According to the Return, there were five to be whipped only—that is, without the alternative of imprisonment, and they were all by the burgh magistrates?—Yes.

11,523. Have you formed any opinion as to the effect of whipping?—I think it is better than imprisonment, because, as far as I am aware, none of them have come back again. On all those who have been whipped the whipping has had very good effects.

11,524. But they don't whip them in Campbeltown or Dunoon?—No; I think it is delicacy on the part of the magistrates.

11,525. There is one awkward thing about it, you can't whip girls?—Well, we have not many girls requiring it.

11,526. But, what I was going to ask you was this. In the case of a petty offence by some juvenile, necessitating some sort of a punishment—take a petty theft by a girl—you don't like to send a girl to prison; it is a bad commencement to her career, and you try to avoid it?—Yes, we try to avoid that.

11,527. Do you think it would have the same bad effect on a girl or boy to send them to a certified police cell as to prison?—I think it would have the same effect.

11,528. You think the public would attach the same stigma to it?—I rather think so.

11,529. Where have you certified cells?—At Oban, Campbeltown, Inveraray, Dunoon, Lochgilphead, and Port Ellen in Islay.

11,530. You can keep prisoners how long?—At Oban, Campbeltown, Inveraray and Dunoon, 14 days each, and, at Port Ellen, five days.

11,531. You can send them there after they have been tried?—Yes.

11,532. They can be sent there too to put in their punishment?—If prisoners are sentenced to something less than 14 days at Inveraray or Oban, you can confine them to the certified cells instead of sending them to Glasgow or Greenock.

11,533. And you think that attaches as bad a stigma as if you sent them to Glasgow or Greenock for the same period?—I think so: in fact our Islay prisoners prefer to be sent to Glasgow or Greenock.

11,534. What feeling have they?—They don't like to be imprisoned in their own neighbourhood.

11,535. What are the chief of your crimes in Argyll shire?—Breach of the peace and disorderly conduct.

11,536. Much poaching?—Yes; but we have not much to do with poaching.

11,537. Are there many men brought up for poaching?—Yes.

11,538. The police are not supposed to do anything in the way of arresting them?—Not unless it comes in their way, or if it is night-poaching, which is a crime but we have not had a case of night-poaching for a number of years.

11,539. Have you many of day-poaching?—That again is trespass. There are a few cases, I think, in the Return.

11,540. There are only ten cases of poaching in the Return?—That was the number.

11,541. Including both day and night poaching?—There were 10 reported throughout the whole county, all which were tried.

Chief-Constable Fraser. 20 Dec. 1894.

11,542. You cannot give any suggestion as to how you could get hold of the children of these gipsies to educate them?—The only suggestion I could give is, that power ought to be given to the police to bring them before a magistrate or some person vested with authority, to deal with them, and order them to be sent to school or elsewhere to be educated.

11,543. Have you any precedent for that, supposing the gipsy does not steal, does not get drunk, does not poach, and does not commit any new offence?—They all beg: that is one offence we could check them for.

11,544. You have got powers to bring them up and punish them for begging, and then you would deal with their children?—We have only the powers within the burghs as yet.

11,545. The only practical suggestion you can make is the extension of the provisions of the Burgh Police Act as to vagrancy, and as to drunkenness to the counties?—I should be very glad to see that.

11,546. (*By Col. M'Hardy*). Do the vagrants move along certain fixed routes?—Yes.

11,547. What are the main routes in Argyllshire?—Well, they enter Argyllshire from Dumbarton at Inveraray, and they also enter at Dalmally, and at Fort William and Ballachulish. Those who come in at Inveraray carry on along Lochfyne-side to Lochgilphead, Ardrishaig, Tarbert and Campbeltown, and then they turn. On the return journey they come by Kilmartin and on to Oban, and thence to Dalmally or Ballachulish, and then they disappear from our sight.

11,548. That is the only route; that takes in all your county?—That is the main line I have described.

11,549. Are there any tramps in Mull or the Islands?—No.

11,550. Any vagrants?—No.

11,551. Are there no means of subsistence?—Well, they never go there.

11,552. Do these persons recur, or are they a fresh lot continually?—Well, there is a certain number, about 116, who are always in the county, but there are generally fresh lots coming in.

11,553. Including children, it is over 200 you have got?—Yes.

11,554. How long would they take to make this grand tour?—A fortnight or so.

11,555. That is pretty quick marching?—Yes, but they travel long distances. They think nothing of leaving Inveraray in the morning and being at Lochgilphead at night—that is 24 miles. Next day they would reach Tarbert.

11,556. Well, that is not a very hard march?—13 miles.

11,557. Next day?—They would make Clachan next day, a small village about 10 miles on the way to Campbeltown.

11,558. They don't take Tarbert to Campbeltown all in one day?—Oh, no; generally three days; it is thirty-eight miles. From Campbeltown they come back by Skipness.

11,559. Does a person who makes that tour once do it again in the same year?—Yes.

11,560. Do they finish the circuit outside your county, and do they march round it again within the year?—The same parties generally come round twice a year. When they are done in Argyllshire they generally take a turn through Dumbarton and Perth.

11,561. You have made a somewhat definite difference between what are called the gipsies and the professional vagrant. You say you have about 120 gipsies, including children, and the rest, bringing the average up to about 210, would be just professional vagrants without the gipsy character. I do not know how you would divide the gipsies from what you call your professional vagrant?—When they are banded together they are put down as gipsies or tinkers.

11,562. (*By the Chairman.*) They go in tents?—Yes.

11,563. (*By Col. M'Hardy.*) The vagrants go in couples or singly, and they do not stay in tents at all?—That is so.

11,564. Do you define a gipsy as a person who goes in company and encamps in some way or other?—Yes.

Chief-Constable Fraser. 20 Dec. 1894.

11,565. Does it indicate that the man does any labour or work?—Oh, they don't labour. Some of them may perhaps be searching for work or pretending to do so.

11,566. But without real respectable work, such as repairing umbrellas, mending tin cans and sharpening razors, &c.?—A good many go about mending umbrellas and so on.

11,567. Are these honest labourers, or are these things used simply as a shield for begging?—Just a shield for begging in most cases.

11,568. No vagrants ever reach the islands?—An odd one may, but very seldom.

11,569. He soon comes back?—Yes.

11,570. As to the drunks in your rural districts; how does a constable deal with a drunk man he may meet some twenty miles away from civilisation?—He simply puts him under the care of some person or takes him home.

11,571. There is no pledge or fine or anything exacted from that man?—No, a constable cannot take a pledge.

11,572. You don't give him power?—No, except where there is a police cell.

11,573. Is that man registered as an apprehension?—No.

11,574. So that there may be a good many found lying about the country that are not recorded in your return?—A good many.

11,575. Are there ever many cases of drunkenness in the islands, striking out Islay? Take Tiree, for instance, are there many cases of drunkenness there?—Scarcely any; there is no public-house in Tiree.

11,576. (*By Dr Sutherland.*) There is one in Colonsay?—Yes.

11,577. (*By Col. M'Hardy.*) If there was a case of drunkenness, how would it be treated?—The person would just be sent home.

11,578. It would not be recorded as an apprehension? No, unless there was a citation or the person brought to a lock-up.

11,579. These 214 people who march about through your country do not exist by work?—No, not by work.

11,580. Then it must be by getting money from somebody else; do they get that money under a certain amount of recognised fear—a kind of feeling that it is the easiest way to get rid of the person?—Yes.

11,581. The small farmers and agriculture labourers in the county would as soon not give money or anything if they could get rid of these people?—They would give them anything to get clear of them.

11,582. Simply from a kind of half terrorism?—Yes, because they would be afraid of injury to themselves or their property. I might mention that there is another class in our county and in every other county which is not included in either of these returns; that is pedlars—licensed pedlars who are nothing more nor less than vagrants or tramps.

11,583. I thought you said they were associated?—Yes.

11,584. But the pedlar is not associated as a rule?—They simply obtain their certificates and use them as passports for begging.

11,585. But they march singly?—Sometimes. Some of the tinkers also get them. One will have a licence and goes and sells the tins, &c., for the whole band. I think the fee for a pedlar's certificate is far too low, or else Chief Constables should only grant them to *bond fide* persons.

11,586. The granting of them is in the power of the Chief Constables?—Yes.

11,587. And you must recognise another man's certificate?—Yes. If I refuse a certificate, the applicant will perhaps go to the Chief Constable of Bute or some of the other Chief Constables. I have seen one man with a certificate come with a sixpence-worth of note-paper, and that sixpence-worth would serve him for the twelve months going from house to house.

11,588. That is practically a tramp?—Just a tramp.

Chief-Constable Fraser.

20 Dec. 1894.

11,589. Supposing you had to add them to your Returns of vagrants, what would that make them up to?—I have them here for the last four years.

11,590. What is your average?—About 100.

11,591. That would make your migratory poor up from 214 to 314?—Thereabout.

11,592. (*By Dr Sutherland.*) Are these pedlars or packmen of any advantage to the farmers and others who are far from shops?—Yes. I believe there will be about thirty or so *bonâ fide* pedlars out of the total.

11,593. Hadn't you a shebeen in Colonsay lately?—I don't think so.

11,594. Two old ladies trafficking in liquor?—Not lately.

11,595. About a year or two years ago?—There was a case of shebeening in Tiree, but not in Colonsay.

11,596. I see you have four men and one female who have been convicted five times and upwards during the last year; are these gipsies?—Vagrants. There is one tinker scarcely ever out of prison.

11,597. There are five people in Argyllshire convicted five times and upwards in one year for breach of the peace and drunkenness; these are all tinkers?—Yes.

11,598. Is the tinker class increasing?—Yes.

11,598A. Much?—No.

11,599. Is it the fact that many of the children die in early years?—Yes; in their infancy.

11,600. Where are they buried?—Whatever parish they happen to be in at the time.

11,601. Who certifies the cause of death?—The doctor.

11,602. But suppose the doctor was not attending the gipsy children—as a rule they have no medical attendant—who certifies the cause of death?—If it is a case reported to us, a sudden death, the Procurator Fiscal certifies.

11,603. If the child has been ill for a week, and receives no medical attendance, who certifies in that case?—The child's parents.

11,604. No doctor?—I am not aware.

11,605. (*By Professor Dove Wilson.*) You are aware that the Prevention of Crimes Act of 1871 extended a section of the English Vagrancy Act to Scotland?—Yes.

11,606. Do you ever have any prosecutions of vagrants under that provision?—None outside burghs.

11,607. Are you aware of any reason why it is not used?—No; I am not.

11,608. Is it referred to in your Chief Constable's book?—Yes.

11,609. You are not aware of any difficulty, however, that causes it not to be used?—I am not.

11,610. Were these bye-laws that were intended to be adopted in Argyll not practically moulded after any existing laws?—Well, I think they were compared with some others previously drawn up in other parts of the country.

11,611. But they were not got from some Police Act, were they?—No. Of course we submitted them to the County Procurator Fiscal to revise.

11,612. (*By Dr Farquharson.*) If you had the increased powers conferred upon you now possessed by the burghs, do you think your police force would be adequate to carry out the law?—Yes.

11,613. Are the police not very scattered in these counties?—Yes.

11,614. Would their numbers be able to cope with the enormous stream of tramps invading your districts?—I think so.

11,615. You don't think you would require more police?—No.

11,616. I suppose the number of tramps and vagrants vary greatly in different counties in Scotland?—I believe so.

11,617. Why is that?—Well, I believe there is a large increase in Ayrshire.

11,618. Why?—Because I believe they are provided with tickets for food and lodgings.

11,619. Are the people more soft-hearted in some counties than in others?—I don't know.

11,620. Is there anything beyond the tickets? Do they get more support in one county than in another?—There is a tendency for them to remain longer in the quarter where tickets are provided.

Chief-Constable Fraser.

20 Dec. 1894.

11,621–2. Is your county high among those counties that have preference in proportion to other counties?—I think we are less than the other counties.

11,623. Is there any race distinction between the gipsy and the vagrant, or is it that they live in different ways?—That they live in different ways.

11,624. Are the gipsies not a different people having different language, laws and customs?—There is not much difference now; there may have been at one time.

11,625. There are none of these tribes of gipsies have a moral law for themselves?—No. The gipsies are all more or less tinkers in Argyllshire.

11,626. Now, as regards the terrorism that is supposed to exist; is that because the rural population have at any time been actually terrorised by these people, or is it that they are only afraid they might be?—They often receive a good deal of annoyance from them. If they are refused or come to the house the worse of liquor they are very insolent, and the people would rather give them something and get them away.

11,627. But, if the people would agree to combine and not give these vagrants anything, they would be starved out of existence?—Yes.

11,628. Is there any truth in the report that these people sometimes set fire to a building or a stack out of revenge?—When a fire takes place tramps are often blamed, although not guilty. What does take place is when they are allowed to stay in outhouses they leave fire behind them, not putting it out properly, and perhaps the building takes fire the following night or some time after they leave. These fires generally take place some hours after they leave.

11,629. I have asked this question, because we have had it stated that these fires do arise out of revenge?—I think they are accidental—at anyrate, more so than wilful in Argyllshire at least.

11,630. Is there any proof of a fire having been lighted out of revenge?—Not in our county.

11,631. The feeling in your county is simply a vague feeling that a tramp might do something?—I believe they are capable enough of doing it.

11,632. But is that merely a theory?—They have threatened to do it in some districts. They might say 'you better watch in case your place be on fire 'before morning.' Of course they might have no intention of doing it.

11,633. All they do in defiance of the law is petty theft?—Yes.

11,634. Do they go the length of stealing poultry?—No; potatoes and fruit and perhaps turnips.

11,635. And wood?—Yes, and wood to light their fires.

11,636. Have any plantations been burned down by the accidental fires of tramps?—Yes.

11,637. On any scale?—On a small scale; it was noticed in time.

11,638. There is a great deal of poaching you say in Argyllshire; is that carried out by the vagrants and gipsies?—No.

11,639. Are the poachers a distinct class?—Yes. In fact I don't know any vagrants that go about poaching. They might take a chance of a rabbit.

11,640. (*By Col. M'Hardy.*) Are they sufficiently intelligent to understand the business?—I do not think they are.

11,641. (*By Dr Sutherland.*) They do not carry ferrets?—No.

11,642. (*By Dr Farquharson.*) Is it not the case that poaching is carried out by the farm servants and the small farmers?—Yes, and the people in the villages.

11,643. They do it from sporting instinct, and not for money?—There is an amount of that.

11,644. Are there poachers who make it a calling for money?—Yes.

11,645. But they are distinct from the tinkers?—Yes.

Chief-Constable Fraser.

20 Dec. 1894.

11,646. (*By Professor Dove Wilson.*) They usually live in the towns or villages?—Yes.

11,647. (*By Dr Farquharson.*) What is the origin of the word, 'tinker'? Is it because they do tinkering of pots and pans?—I suppose so.

11,648. You have told us that you have hospitals for them in the county?—Only one.

11,649. Is that hospital for tinkers alone?—It is for any person who happens to need it.

11,650. Is it your opinion that the conditions of vagrancy and trampism, if we may use such a word, constitute such a grievance that something should be done to check it?—Yes.

11,651. What would be a check?—An Act, if we had it, the same as in burgh districts.

11,652. Would that reform them or get them out of the way?—Get them out of the way.

11,653. (*By Miss Stevenson.*) In reference to these tramps who go about under cover having a pedlar's certificate, we were told by one Chief Constable that when a pedlar came from one county into another it was necessary for him to have his certificate renewed or restamped for that county; do you think that plan would be an advantage?—I think not. About thirteen years ago (in 1881) there was an amendment on the Act of 1871. When the Act was first passed it was necessary that the certificate should be endorsed in each county, but now if they get a certificate in one county it does for the whole of the United Kingdom.

11,654. Do you think the old plan was any deterrent to them, or gave the Chief Constables any more check upon them?—It no doubt gave the Chief Constables a check upon them, but I do not think it is any good.

11,655. (*By Dr Farquharson.*) Are the landed proprietors in Argyleshire inclined or disinclined to allow vagrants to encamp on their grounds?—There are some landlords who would not allow them: others do. But the farmers have more to do with that than the proprietors.

Chief-Constable Fraser.

11,656. You have the power to move them on unless they are sitting there with the leave of the farmer or proprietor?—Yes.

20 Dec. 1894.

11,657. One or two witnesses expressed that they would like to make it an offence on the part of a farmer to allow these tramps to encamp: would you go the length of that?—I think it would be very hard.

11,657A. (*By Miss Stevenson.*) To go back to this endorsing of the certificate; if a man came into your county, and you thought he was not a suitable man to have a certificate, and refused to endorse it, would that not do some good?—Yes; but he had the power of an appeal, and I would rather get clear of him. I might have my own suspicions of the man, but perhaps nothing sufficiently definite upon which to refuse to sign t e certificate.

11,658. (*By the Chairman.*) What power does the possession of the license give to a pedlar selling tin pots or baskets?—He must have a certificate if he goes from house to house selling anything except fruit.

11,659. Take a man with his headquarters in Glasgow, must he get the pedlar's certificate from the Chief Constable there, or can he not get it direct from the Excise?—It is quite another certificate that is got from the Excise. That is for hawkers, and there are a good many of them in our county. They get a £2 license, and usually they have a cart. They do not require a pedlar's license.

11,660. But take a man with headquarters in Glasgow wanting a certificate to peddle about the country, in Dumbarton, Lanarkshire and Renfrewshire, say, where will he get his certificate?—From the Chief Constable in Glasgow, and then he can go through all Scotland. [The witness then withdrew.]

Mr. CHARLES A. M'HARDY, Chief-Constable of Dumbartonshire, called in and examined.

Chief-Constable M'Hardy.

11,661. (*By the Chairman.*) You are Chief Constable of Dumbartonshire?—Yes.

11,662. How long have you occupied that position?—Since 1884; but I have been connected with the county since 1863.

11,663. In what capacity?—I rose through all the grades, and put all my time in the police force in Dumbartonshire.

11,664. What is the number of your arrests in a year, generally for drunkenness?—Last year, drunk and incapable, 49 males and 22 females—that is, 1893.

11,665. For breach of the peace and petty assaults?—1006 males and 266 females.

11,666. That is a very large number, surely?—Yes, it is.

11,667. (*By Col. M'Hardy.*) Is the number exceptional?—Yes.

11,668. On account of the railway?—Well, I would not say altogether. The West Highland Railway was on at the time and gave us a good many. Clydebank is a very populous place, and a great many offences come from that district now.

11,669. (*By the Chairman.*) What do you do with your drunks in the counties?—They are taken to the police stations, and locked up there till they are sober. If it is on a Saturday night, they are liberated on bail if they can bail themselves out, if not they are taken to Dumbarton before the J.P. court. If they give bail themselves they are allowed out, and the bail is forfeited if they do not turn up, and if it is forfeited we do not take any more proceedings unless in the more serious cases.

11,670. Is that the rule all through the country districts?—Yes.

11,671. If a constable some distance off from the police station meets a man drunk and incapable he will take him to the station?—Yes.

11,672. How does he get him there?—He must provide a barrow or get some other means of taking him to the station.

Chief-Constable M'Hardy.

11,673. You run them all in?—I would not say that. If you find a farm-servant or a man whom you know to be a respectable man in the locality he is only helped home; but I am speaking of the ordinary working class when the officer does not know where they reside.

11,674. He takes them to the police station for the man's own sake?—Yes, and for his own safety as well, because complaints might be made if he did not.

11,675. Then you let the prisoner out as early as you possibly can?—Yes, and an officer may sometimes trust him on a pledge of 5s. on the promise that the pledge is to be forward before the day of the court. If it is forward, and the man does not appear, it is forfeited, but if it is not then a warrant is granted, or perhaps no further proceedings.

11,676. You were talking about the day of the court, are all these prisoners brought up at once—a man arrested on Monday night would be tried when?—Tuesday or Friday.

11,677. A man arrested on Tuesday afternoon would have to stay on till Friday?—He would be brought before the court on Wednesday. The fiscal would call a magistrate and have him tried. There is no delay in regard to that.

11,678. If it is a case simply of drunk and incapable, and the man cannot find the pledge and he is brought to trial, the most he can get is 5s. or 24 hours?—Yes.

11,679. What do you do with him?—He is sent to the prison in Glasgow.

11,680. How much does it cost to send him?—It would have cost more than his bail would have been.

11,681. Is that done at your expense or at the expense of the Prison Commissioners?—The Prison Commissioners.

11,682. Have you any idea of the extreme cost of conveying a drunk from the farthest off place at which you try them to Glasgow?—We have an arrangement with the Prison Commissioners, and I think it is 6s. or 7s.—that takes them from every part of the county.

Chief-Constable M'Hardy.

29 Dec. 1894.

11,683. You get now a consolidated amount, and the fewer prisoners you have to send the more you get into your pockets?—No.

11,684. (*By Col. M'Hardy.*) No, it is the same charge for every man from all parts of the county?—From some parts we may lose on a man, from others we have a profit, that is the thing I understand.

11,685. (*By the Chairman.*) It is a much more troublesome matter for you to send a prisoner from the more distant parts to Glasgow than it would be for the Paisley magistrates to send a prisoner to Glasgow?—Yes.

11,686. And yet we were told of the Paisley magistrates that they never thought it worth their while to convict a man of being simply drunk and incapable, because it was not worth while for 24 hours or 5s. to send them up to Glasgow. Your people do not regard it in that light?—Our people in some cases no doubt may dismiss a prisoner at the bar. If the prisoner explains how he came to be under the influence of drink he may be dismissed.

11,687. But how many cases of drunk and incapable did you send to prison from Dumbartonshire last year?—There were 64 males and 22 females convicted. I could not tell you how many of them went to prison. That was not in the form sent to me or I would have answered it. I can easily find that out, and will fill it in. I do not expect there are many.

11,688. Have you many tinkers in Dumbartonshire, or have you any complaints or suggestions to make about them?—Not resident.

11,689. Many go through the county?—A good many, from 35 to 40 regularly visit the county.

11,690. Are these tinkers fairly well behaved or do they steal?—I cannot complain of the tinkers for stealing.

11,691. Poaching?—No.

11,692. Getting drunk?—They do.

11,693. And they fight with each other?—Yes, they are very troublesome when they get under the influence of drink; and they are such a pitiful class because the mother has generally four or five children, and both father and mother are generally get the worse of drink.

11,694. What do you do with the children?—Shelter the children the best way possible. Where the constable can do it he takes both parents and children to the police office and shelters them and gets them sent away in the morning.

11,695. In their fights are they more vicious than other people; do they use their fists or knives?—They are more vicious, and they will use anything within their reach.

11,696. Have you had any cases of homicidal assaults among them?—No, but I have had some very serious assaults among them, but they will not complain of each other. They would not complain even although one was the cause of another's death. They are particularly friendly to each other when they are sober.

11,697. Then take the other class of vagrants—that is beggars and vagrants?—There were 1053 males, 379 females, and 40 children under fourteen years challenged by the police.

11,698. In the county there are 204 men and women vagrants according to the census of 1893?—Yes.

11,699. Are the vagrants more troublesome than the gipsies, or as troublesome?—They are more troublesome in this way that you have them always. You are never free of them. The gipsies, you meet them only once in the week or once in the fortnight.

11,700. Take a score of the one and a score of the other, which gives you most trouble when they go through?—I should say that the vagrant is worse than the gipsy in this, that, if you once clear the gipsy out, a gipsy when he gets sober does not trouble you for a time again, but the vagrant will, and he will be back on you the next day again.

11,701. Have you tried to deal with the question of vagrancy by bye-laws?—Well, the County Council framed bye-laws, but they did not go the length of asking the Secretary for Scotland to approve of them, because Edinburgh went in for the same thing.

Chief-Constable M'Hardy.

29 Dec. 1894.

11,702. I suppose you refer to the Court of Session case?—Yes.

11703. Have you got a copy of the bye-laws?—No, but the Sheriff, the Convener of the County, and myself considered the matter.

11,704. Were they similar to those of the County of Argyle?—No, similar to those in Perth.

11,705. Which are working?—Yes.

11,706. And the Perthshire ones, so far as vagrants are concerned, are almost identical with the Police Act?—Yes, that is what I wanted to get in.

11,707. And have you found there is any difficulty in embodying that clause in a bye-law—you would like to have the powers of that bye-law for your county?—Very much.

11,708. Then you know the provision for drunkards in the Burgh Police Act?—Yes.

11,709. That power existing in your burghs, would you like to have it for your county?—Very much.

11,710. Do you think it would do good?—I think so, from the fact that you have always a lot of individuals in the counties who would come within that clause, to whom 5s. is nothing, and there is no term of imprisonment for them if they can pay the 5s., which has no effect upon them. The fear of going to prison would be a great effect in itself.

11,711. Do you think so?—I do.

11,712. Could you make any suggestion with regard to the tinkers—I suppose there is no necessity for dealing with them at all, so far as your county is concerned?—As I have stated, there are no resident tinkers in the county.

11,713. As to the vagrants, the vagrancy bye-laws would enable you to hustle them out?—Yes, but the awkward thing is that it is just one Chief Constable sending them to another Chief Constable.

11,714. Let us try to deal with the children who are illiterate and non-educated, they are escaping the provisions of the Education Act, do you see how they could be dealt with?—I think they should be taken in charge by the local authorities.

11,715. But that is with the parents' consent?—My idea is that there should be a clause compelling the Parochial Authorities of the parish in which the children were born to look after these children, whether in one parish or other parishes.

11,716. Do you mean to take them from their parents and look after them?—Yes, if parents fail.

11,717. Don't you think that would be a pretty strong order; suppose you had got one born in Aberdeenshire, another in Dumbarton, a third in Argyleshire, and a fourth in Renfrewshire, would you have them taken and separated from each other?—No; I would let the parents have the option of saying which parish they wanted the children sent to.

11,718. But the parish might not relish that; suppose they selected Dumbartonshire?—Yes, it is a very difficult thing; and I would say that the children of these vagrants are a very clever class naturally.

11,719. It is a question most desirable to solve, and that is why I ask your views?—The Parish Councils might take notice of them in some way.

11,720. But, can you suggest a feasible way; you cannot confine to a parish a man who has not committed any crime?—Well, but we have a great many in the counties who have no residence, and their children ought to attend school.

11,721. Yes, but the School Board cannot get at them. Supposing you were to allow the School Board Officer to insist upon compulsory attendance after three days' residence, they would be off to fresh districts into another School Board before the three days were up?—I quite admit it is a difficult question.

11,722. You cannot see any way of getting out of the difficulty?—No; I do not think so.

11,723. And would you propose to separate the parents from their children?—No; I did not mean it in that view. I meant that the parish in which the child was born should have an interest in it.

Chief-Constable M'Hardy.

20 Dec. 1894.

11,724. Yes, it has an interest in it, in that it has to provide for its settlement?—Yes, but if it were possible I think they should be got at.

11,725. As to the ordinary tinkers, you have no other suggestion than the extension of the powers?—That would do.

11,726. Are you bothered with pedlars?—Yes. I think the old system of pedlar's certificate was better than the present, namely, getting it endorsed in each county to which they went.

11,727. I suppose each Chief Constable wants to get the bad ones out of his own district?—Yes; but if a party comes into a town with a certificate, the Chief Constable should have the right to revise the certificates if the holder has been convicted.

11,728. How many pedlars have you?—We had £20 last year from the pedlars' certificates. That at 5s. each would make about 80.

11,729. The Chief Constable of Argyleshire told us there were about 20 pedlars occupied in his county at peddling work whose services were of use, and about 80 who made their certificates the pretext for begging?—That is so.

11,730. All these certificates were not granted by him. Some of them were, perhaps, granted by you; others by the Chief Constable of Glasgow, and elsewhere. If your plan was carried out, he would not endorse these 80 men's certificates?—You were bound to endorse them under the old Act, unless you had something against them, but it acted as a check. When a man came before you, you might not know anything sufficiently definite against him as to warrant you to refuse to endorse the certificate, but you could warn him. That system wrought very well, and I was surprised that the alteration was made.

11,731. You have no system of shelters, or for passing on tramps by means of tickets, or anything of that sort?—No; we mostly deal with the Parochial Boards.

11,732. You have no shelters in the parishes for tramps?—No.

11,733. Have you any hospitals for tramps under an order of the Scottish Local Government or the Board of Supervision?—Not for tramps specially—just the ordinary hospital.

11,734. No special supervision?—No; of course there are a good many tramps detained in the police cells, but you cannot avoid it. The police find them in stairs and in other places lying out.

11,735. And you give a number of them shelter?—Yes, 346. That might turn against myself. The Government Inspector might object to it.

11,736. In Glasgow there were 5,300 persons sheltered last year in the police cells, and, so far as I know, the practice is universal?—I know that it is objected to by the Government Inspector.

11,737. (*By Professor Dove Wilson.*) What is unlawful about it?—No one is entitled to be under lock and key.

11,738. Under what Act?—You have no right to lock them up.

11,739. But you don't lock them up?—You must; you cannot leave them in the cell with the door open.

11,740. (*By Dr. Sutherland.*) He has no right to be under lock and key unless he is charged?—That is so.

11,741. (*By the Chairman.*) The custom is frequent?—Yes; but they don't enter them in the charge-book. They are entered as for protection.

11,742. I do not ask whether you put them into the police cells for protection. What I ask you is to what extent this system of protection in the police office, or within the precincts of the police office, prevails throughout the country districts compared with the towns?—It gives a great deal of trouble.

11,743. Can you give us that?—I have had as many as fifteen at one time in one police office cells.

11,744. Where?—At Helensburgh.

11,745. That is a large number; as much as for Glasgow?—It was in the time of the colliers' strike, and they were going to the West Highland Railway to look for work.

11,746. Have you many women applying for shelter in this way?—A good many.

Chief-Constable M'Hardy.

20 Dec. 1894.

11,747. Do you think there is any necessity for making provision for the shelter of the honest working man?—I think, under the new system, it will perhaps be easier done, but under the Parochial Board it is very difficult. Some of the Inspectors of the Parochial Boards are very nice, and will do all they can to help the police. We have only to send these people to a lodging-house, and then apply to the Inspector of Poor, who refunds the money; but some Inspectors won't do that.

11,748. The Inspectors may have done that, but I doubt whether it was strictly legal, if the man were able-bodied?—Well, in some cases it might be. They usually in the main are able-bodied, and not entitled to be relieved.

11,749. Well, I fully appreciate the humanity of the action; but our object is to find out what provisions of the law require attention to be drawn to them?—Well, I think it would be a very necessary thing if arrangements could be made under the Parish Councils, that with all such cases, instead of having shelters, the Parish Councils should provide the necessary expense for lodging them in the lodging-houses. That would be all, I think, that is necessary.

11,750. That is to say, to be administered by the police?—Well, I would not object to that, because the police walking out and about find these individuals, and I do not think it is desirable that the Inspector of Poor should be disturbed at every time of night. The police know where the lodging-houses are, and they might report at the week's end the number of those who have got shelter, and apply to the authority to get the outlay refunded.

11,751. You would not be able to ascertain whether he had not already the fourpence for his lodgings?—But he would be voluntarily searched in the police office. You could not put him into the cells without searching him, because you do not know what might happen. There might be a side-room in some police offices where you could put them into, but they have not that in every police office. When they are put into a side-room they would not be searched.

11,752. I suppose you mean they might commit suicide in the police cell, for instance?—Yes.

11,753. Do you think it would be of any use having special accommodation for indigent travellers established and attached to the police office in counties?—I do not think it would work well. I should not like to see it. I think it is a sort of dragging down the noble spirit of the working classes to have them coming to the police office for shelter.

11,754. But they come?—Well, we get them lying on stairs and in such like places, and we take them in because anything might happen to them.

11,755. Do you give them food?—A little supper and a little breakfast.

11,756. That comes out of the police rates?—Gentlemen subscribe for that; sometimes I get the magistrates to do it.

11,757. Are they so particular in some places that the magistrates subscribe privately?—Well, in Helensburgh I have asked them to do this.

11,758. I ask you that, because I think in Glasgow it comes out of the police rates, and no one seems to object?—Well, but all our burghs are policed by the county, and I would not like the matter left an open question. If there was anything being done in the burghs, questions might be raised about it. I usually ask the superintendent in the place if he has an arrangement with the Inspector of Poor, and if he has, then it is all right. The Inspector of Poor, in that case, has no difficulty or trouble, as he gives the money to the police, and not to the man.

11,759. But in that he acts illegally?—No; I don't think it. In some cases they are not very sympathetic, and I know of two inspectors being found fault with.

11,760. What were the cases?—The first was the case of the wife of an able-bodied man being found with a child on the shore. The man was a tramp, and

Chief-Constable M'Hardy.

20 Dec. 1894.

made application to the Inspector of Poor before his wife was confined, but the Inspector refused to give any help because the man was able-bodied. Some ladies came to the police office, and told me of the matter. I was in Helensburgh at the time. I sent at once to get the woman removed to a lodging-house, if she was in a fit state, but she was delivered of the child before she was removed. The doctor and I considered that it was a case that the Inspector of Poor ought to have attended to. However, we agreed among ourselves to pay whatever was required to keep the woman for so many days, and I sent an officer to get for her whatever she needed. On the fourth day they were able to go. The man came and thanked me, and said he would refund me the money if he got work. He came from Inverness, he said. They got £5 or £6 altogether subscribed.

11,761. Was the man a respectable man?—Yes; and he offered to refund the money when he was able, but I told him there was no necessity.

11,762. What was the other case?—It was in Cardross, in the parish of Renton. The two—husband and wife—were on the way to the harvest, and she was within two months within her confinement. They had been lying in a shed on a cold frosty night, and she took ill. The man went to the farm-house, and roused the people, and told them where he was, but they would not believe him, and thought it was just an ordinary tinker's quarrel that had taken place. He came off to Renton to the medical officer. He thought the Inspector of Poor stayed there, but he stayed in Cardross. The medical officer would not go, because he had not a line from the Inspector. The man went back to his wife, and found that she was partly delivered of a child. He then went back to the farm-house, and managed to get some of the servants. After that he went off to Cardross, and arrived there between one and two o'clock in the morning. The policeman went with him to the Inspector of Poor, but the Inspector would not take anything to do with the case, because the man was able-bodied. He was, however, told to call at the office next morning at ten o'clock. The upshot was that the woman was delivered of a child which was dead. In the morning the man came to the Inspector of Poor as arranged, but the Inspector refused to relieve him, or to do anything for him. Then the man was sent to the sheriff, and the sheriff sent him to me. I sent a sergeant off to the place to see the nature of the thing, and he was so much struck with what he saw that he paid three shillings at once out of his own pocket to the servants to get some things. The dead child was lying there with nothing over it but a sack. I reported the whole matter to the sheriff, and requested that some proceedings should be taken. It was ridiculous that any such case should occur.

11,763. Would not the remedy for that be to amend in some way the provisions of the Scottish Poor Law with respect to such cases?—Yes. Another case came under my notice, which would show you how things occur. This was a case of ordinary tramps—street singers. The woman took ill on a Sunday. Notice was brought to the police, and a constable went and saw her sitting on the road-side on a bing of stones. Her husband, who was with her, was one of these men without an arm. The officer took the woman into a farm, and got all the necessary information about her. She thought she had cramp in the stomach. The farm she was taken to happened to be about a hundred yards into another parish, of which the Inspector lived about 800 yards away. The officer went to the Inspector, but he declined to interfere, because the woman had not been found in his parish. This would have necessitated the officer going six miles in order to get the other Inspector. The officer, in consequence, went to his superior, who came to me. This was three o'clock in the afternoon. I said, surely the Governor of the poorhouse will take her in, and I would be responsible. I sent up, but the Governor refused to admit her, as he had not got a line from the Inspector. I then sent to the Inspector of Poor, and explained to him, but he declined to do anything. Then I had to send an officer these six miles to Old Kilpatrick. All that time the woman lay in the farm-house till eleven o'clock at night, when the Inspector came. She was then removed into the poorhouse, but in the moving I think she caught cold, and she died. I reported the case, and Mr. M'Neill came and made inquiries, with the result that he said she ought to have been admitted to the poorhouse at once on the word of the Chief Constable.

Chief-Constable M'Hardy.

20 Dec. 1894.

11,764. That was a difficulty in the administration by an official, and it strikes me that if a criminal prosecution had been instituted, a verdict might have been found of manslaughter?—What I thought was this, and I explained it to Mr. M'Neill, that inspectors of poor ought to work together, and into each other's hands, like inspectors of police in different districts.

11,765. (*By Dr. Farquharson.*) Of course you don't want to interfere with the legitimate pedlar?—Oh no.

11,766. Are the legitimate pedlars who go about the country useful to the farming class?—Not in my county, but in such counties as Aberdeen, and over the north, where they carry cloth, they are useful.

11,767. Have you heard any complaints by small shopkeepers that these pedlars interfere with their legitimate trade?—No.

11,768. Is it easy, in these cases of pedlars, to tell where honest work ends and begging begins?—It might be easy enough. The most of them that come, particularly from Glasgow and Edinburgh, have nothing with them. They come with a few packets of matches and some sheets of writing-paper and boxes of pens. They have no stock, but they have the pedlar's certificate, and you cannot stop them.

11,769. Is there much complaint in your county in regard to tramps and vagrants?—A good deal in regard to vagrants and tinkers.

11,770. Could they not boycot them—not give them supplies?—They are usually very glad to give them something to get them away. When a tinker comes they are glad to get rid of him, especially if he is in drink.

11,771. It is a kind of terrorism?—Well, at least they don't wish them there.

11,772. If you had the powers that you want, and which the burghs now have, would that help the residents much? Suppose I met a tinker who begged off me, and I said to him that I would call a policeman, the policeman might be four miles off. Do you think that would make the law difficult to enforce?—Well, there is this difficulty, that respectable ladies and gentlemen don't care about being called to a police court to give evidence, and they consequently don't give information to the police, who cannot therefore get at the tramps. Sometimes complaints are made to the police, but at the same time they are told, 'On 'no account summon me or my wife or family to the 'court.'

11,773. And how is the law to improve that?—Well, if a policeman finds these tramps in a district he might follow them up, and if he sees them begging he could then take them up.

11,774. You think, if you had that power, it would be a deterrent?—Yes; and I think it would be judiciously used. A constable in a country district is not so ready to exercise his powers as in the burghs, where they are almost bound to do it.

11,775. (*By Professor Dove Wilson.*) Do you ever deal with vagrants under the powers given in the Prevention of Crimes Act?—That is, lying in houses and shelters where they have no right to be?

11,776. It also deals with vagrants in tents and in the open-air?—That is only on private grounds.

11,777. I am not speaking of the Trespass Act of 1865; I am speaking of the Prevention of Crimes Act, 1871?—But that, again, is a criminal case.

11,778. Do you ever use that power?—Yes, if they are previously convicted.

11,779. Are you aware that a certain section of the English Vagrancy Act was made applicable to Scotland by the Prevention of Crimes Act of 1871?—I would not like to say that I am aware of that.

Chief-Constable M'Hardy.

20 Dec. 1894.

11,780. Then I presume you don't prosecute under it?—I should like you to let me see that.

11,781. Have you got your Chief Constable's Book with you?—No.

11,782. If you want to see the Act, you have not seen it before?—Well, I don't think we prosecute under that Act.

11,783. Are you aware of any reason why you don't prosecute under that Act?—No, I am not.

11,784. Then I want to know why you ask for more powers, when you don't use the ones you have got?—I would like to see that Act before I say more on that subject, because I really don't think that it applies. One or two individuals might pass over it, but it would not be passed over by the whole of the chief constables, and we have had meetings discussing the subject.

11,785. There are a number of chief constables who know of it and use it?—Well, where the chief constable is the prosecutor, it might be done, but where the chief constable is not the prosecutor it is different. You will not get the fiscals to take up cases under that Act.

11,786. Can you give me the reason why?—No, I cannot, because the fiscal is not entitled to take instructions from the police if he is not under the police.

11,787. (*By Dr. Sutherland.*) Your proposals in regard to vagrancy amount to this—that, under the Parish Councils Bill, the Parish Council should authorise the chief constable and his subordinates to provide shelter in lodging-houses, and a meal or two, out of the rates of course, for cases of vagrancy deserving of relief?—I do not think the police should have anything to do with it, except in the cases that might come under their notice.

11,788. You have already told us of cases of great hardship, amounting to almost cruelty, and, as you are aware, there is only one Inspector of Poor for each parish, and perhaps even for many parishes combined; would it not be much more to the point if this power to grant relief to able-bodied persons were vested in chief constables, who have policemen all over the county?—I am speaking only about admission to the poorhouse.

11,789. You dislike, for some reason or other, to shelter vagrants in the police cells?—Yes.

11,790. I understand you to say you would like to provide shelter in lodging-houses in the villages and towns for these vagrants whom you or your subordinates considered worthy of relief?—You and I would not agree on that point. I would like that to be done by the parochial boards or parish authorities. I do not think the police should have anything to do with it. If they come under the notice of the police, good and well—there is the place provided for them, and the police would see that they were sent there.

11,791. (*By Col. M'Hardy.*) It is exceptional cases you mean?—Yes. If you put a thing like that upon the police, I am afraid we should bring a hornet's nest upon ourselves.

11,792. (*By Dr. Sutherland.*) How do you explain that in the year 1885 there were 760 convictions for these specific offences in your return, and that in 1893 there were 1494, about double the number—how do you explain the rise of 100 per cent.?—It is altogether difficult to explain. The county has very much increased in population within the last year or two. The burghs of Clydebank and Milngavie are also now trying their own cases, which they did not do before. It is the new police courts, the new railways under construction throughout the county, and things like that, I think, account for it. The drinking in the county, out of which many of these petty offences arise, is no doubt also going up.

11,793. Do many of the gipsy children die in infancy?—Not in my county.

11,794. Are you always informed of the death of gipsy children?—I think so; I do not think any escape us.

11,795. Who certifies the cause of death?—The Inspector of Poor is communicated with.

11,796. Who undertakes the burial?—The Sanitary Inspector of the district.

11,797. But you are not aware that the children of tender years die?—No; I think they are a very hardy class.

Chief-Constable M'Hardy.

20 Dec. 1894.

11,798. But the gipsy population is not increasing?—No.

11,799. The births are not equal to the deaths?—No.

11,800. Would that not indicate that the mortality is great?—Well, it would; but I have not had a case under my notice.

11,801. Have you ever had a case of a child overlain by a drunken mother?—Yes, I have had a case.

11,802. (*By Col. M'Hardy.*) Your arrests have increased very much during the last ten years?—They have.

11,803. You have said there were some exceptional causes for that; have the number of your constables been increased?—Yes.

11,804. Considerably?—Yes.

11,805. Do you find the number of arrests increases with the number of constables?—No, I don't know that I would say that. The population has increased, and that is the reason of the police increasing.

11,806. The Inspector of Constabulary would like you to have more constables?—We are reported as being under the required number.

11,807. How many more should you have, according to Captain Monro?—Four or five more.

11,808. Population to constables is low just now—that is to say, you are tolerably highly policed for a county?—No, I do not think we are.

11,809. The men who tramp through the county average about 200; do they go along some fixed route—you always get them along a certain line?—Well, there are resident tramps who never go out of the county at all. They reside in the villages, and go out through the district begging.

11,810. And come back the same night to the village?—Yes.

11,811. Well, that is something like what the Chief Constable of Roxburgh told us, that there are some of them that really belong to the parish, and others that belong to the county, and that some disappear on roads that go beyond the county?—Some of them belong to the parish, and some of them get off the parish. Some of the worst vagrants we have get outdoor relief. The Parochial Board does not give them much—perhaps 3s. a week—and they are often got begging in the country by the police.

11,812. Is that a common thing that the vagrant and the parochially-relieved poor are identical persons?—Well, I would not say it is common in all places.

11,813. Is it common in Dumbarton?—Pretty common.

11,814. What proportion of your 200 would be receiving parochial relief? Allowing for children, I suppose you would have about 100 adults wandering about?—Well, I am not prepared to give that, because I do not think that the officers in booking them state whether they are receiving parochial relief or not.

11,815. But, as a matter of general knowledge, you know that a considerable number of them are?—Yes.

11,816. Now, you have seen a good many country places—do you think you could get these tramps, beggars, habitual inebriates, and habitual offenders to work in a country place? Have you ever thought about what could be done with them?—No, I cannot say that I have; but I don't thoroughly understand what you mean.

11,817. Well, instead of sending these men frequently to jail, if you were to adopt some other treatment to try and reform them, could you suggest anything? Can you reform an habitual drunkard—these men who are continually disorderly?—No; but a good deal might be done before they get to be habitual drunkards.

11,818. In what way?—Because many of the people in the country who are disorderly, and have become habitual drunkards, have become so not through the love of drink, but through the custom of the country. Four or five persons may meet in a public-house, and

Chief-Constable M'Hardy.

20 Dec. 1894.

they each stand a round, and in that way they have each four or five glasses of whisky within an hour, with the consequence that they become helpless as soon as they get into the open air. They are taken home by the police, or very likely to the police station. If they have been in a public-house where they get good whisky they are easily taken home, but if they have been in a public-house where new whisky is kept, they would fight with their own shadow.

11,819. You were going to say something should be done for them?—I think we should try to strike at the custom of treating. If the licences were out of private hands, I think the treating custom would go. They are encouraged to go and club in the public-house, with the result that they are there in the same place every Saturday. They are considered mean if they do not stand their round. If you take the English, they each pay for their own drink, and don't stand rounds to the others. The Scottish people are kinder to each other; they stand round after round.

11,820. (*By Miss Stevenson.*) I understand you to say that the only way you can suggest of dealing with the tinker children would be that the local authority of the parish in which the child was born should take some supervision of him under the Education Act, or the Prevention of Cruelty to Children Act?—That is my opinion.

11,821. But the difficulty is that under these Acts you cannot take hold of the child—you can only deal with the parents?—Well, I would go further than that. I would say that if the parent failed, you should take possession of the child, but that the child should be reared according to what the parent wished.

11,822. The difficulty in regard to the Industrial Schools Act is that, although the child is wandering, he is in the custody of his parents. The difficulty under the Education Act is that the parent can give, as a reasonable excuse, that there are no schools within three miles of their residence, and these people, wandering about the country, can keep at a safe distance from a school, and not be compelled to send the child. Do you think it would be a desirable thing that these children should be taken away from their parents altogether, and committed to certified industrial schools in the nearest place, where there happened to be one?—I would be pretty much in favour of that if the parents did not agree to send them to the schools in the districts in which they were born.

11,823. Do you think if proceedings were taken under the Education Act of 1883, and it was possible to get hold of the parent and bring him before the court, that in the case where the sheriff issued an attendance order at some particular school, in some particular district, the parent could be induced to take up his residence in that locality for the length of time specified in the order, say two, three, or four months?—That would be a very nice way if it could be carried out, but I think it would be difficult.

11,824. These people, I understand, are attached to their children, and, on the whole, are kind to them; do you think if the alternative were given to the parent of taking the child altogether, and putting him into an industrial school till he reached the age of fourteen years, or of attending school under an attendance order for a specified time, that it might have the effect of making the parent stay in a district?—I do think that would be an improvement. You are dealing with only one class; they are natives of certain counties; and you are giving them an option.

Chief-Constable M'Hardy.

20 Dec. 1894.

11,825. In reference to the certified pedlars, I think you said that the power of endorsing the certificate by the Chief Constable, when a pedlar passed from one county to another, was a means of controlling them?—It was.

11,826. The Chief Constable of Argyllshire, who was here, said he preferred not to have that power, because, in case of refusal to endorse, the pedlar could appeal to the sheriff, and that caused a great deal of trouble and expense?—That is one way to look at it, but I think you could hardly point to a case where it was done.

11,827. By this a chief constable has a certain hold on the pedlars to keep them in good order?—Oh, yes. I have had cases of people, who had got their certificates at Glasgow or in other places, whom I knew to be convicted thieves. Well, I did not want to deprive them of their certificates, but before I endorsed them they promise to behave. In regard to drunkenness, there is another statement I should like to make. I have noticed that people who are addicted to drink are very often those whose mothers have been addicted to drink before them. It is a matter of heredity; I have watched the thing most particularly.

11,828. (*By the Chairman.*) Have you got any instances?—Yes; and I can tell you them, too. One was of two women brought in the worse of drink to the police office. They had been together, and one of them had a child. They were both locked up, and the child was taken away. I took the opportunity of watching how the two women would be affected, and I found that the woman who had the child at her breast wakened up in two hours as sober as could be, while the woman without the child took five or six hours to waken up, and was very drowsy even then. When the mother of the child woke up and was sobered, the child was given back to her, and in three minutes the child got helplessly under the influence of drink, sucking the breast. I questioned the woman, and she told me that she had been advised by the doctor to take stimulants. This was her third child. I went to the doctor and told him what I had seen. He would not believe me at first, but latterly he admitted that there was a tendency that way.

11,829. Did he admit it in consequence of anything you showed him in the police office?—He admitted it from what I told him of what I had seen. He could scarcely believe that the child would get under the influence of drink in that way, but I was perfectly satisfied of it.

11,830. I do not know that that has very much to do with our inquiry?—Well, these children grew up to be twenty-one or twenty-two—respectable young men they were—without taking drink. At a marriage one night two of them broke off, and they would have gone through fire and water next morning to get more drink, while others who were locked up would not touch it. The flame was once kindled, and they could not resist the craving desire. [The witness then withdrew.]

MR. WM. MACKAY, Chief-Constable of Ayr, called in and examined.

Chief-Constable Mackay.

11,831. (*By the Chairman.*) You are Chief Constable of Ayr?—Yes.

11,832. How long have you occupied that position?—I am into my tenth year.

11,833. And before that?—I was 23½ years in the Ayrshire constabulary.

11,834. There is one peculiarity about Ayr that we should like your explanation of. I have here a diagram, showing the ratio of apprehensions, according to population, for breach of the peace, petty assaults, drunk and incapable, and drunk and disorderly, and in that Ayr shows 44 people arrested in 1893 per thousand of the inhabitants, which is the highest ratio of arrests in Scotland, except in Glasgow?—We are peculiarly situated. It is the county town, and a great resort of excursionists. On a Saturday morning it is nothing uncommon to have 7000 excursionists in the town. A great many apprehensions follow, as many of them are miners and steel workers, who are rough when they get drunk. It is not our own population, so much as the races, and the militia, and the barracks. It is also a seaport, and the county prison, county hospital, and poorhouse all bring a gathering of people about them. Then there are a great many followers at the militia camp, and during the race week there is a great deal of crime.

Chief-Constable Mackay.

Chief-Constable Mackay.

20 Dec. 1894.

11,835. But you have had all these things for a good many years, and you seem to get up in your apprehensions?—The population is increasing,

11,836. Your population has, since 1881, increased 24 per cent., but your apprehensions have increased 69?—These are the only explanations I can give you that I have mentioned.

11,837. In 1892 you seem to have had a very small number; you had only 898 apprehensions, against 1145 in 1893. Was there any explanation of that?—Well, I think in 1892 we had not such a great influx of people during the summer time.

11,838. In the return of crime and offences which you present, you give a return showing the number of times each person has been charged with crimes, offences, and contraventions before the police court during the year 1893, and also the number of convictions that habitual offenders have had of crimes or offences within the burgh?—Yes.

11,839. Have you got a copy of this for us?—No; that is the only copy I have got.

11,840. It shows that you had 1623 persons brought up once, 107 twice, 29 three times, 5 eight times, 6 six times, and 1 each six, seven, eight, and ten times?—Yes.

11,841. You have got here the number of convictions. You have two who have been convicted from 8 to 133 times?—Yes; and we have one just now 135 times.

11,842. You have got 52 convicted from five to ten times in their lives, and altogether you have got 143 who have been convicted from five to ten times, up to 135 times?—Yes.

11,843. Have you conceived any idea how you could deal with these habitual criminals?—It would appear in a great many cases that the prison has no effect upon them. I rather think if there were some home or establishment, other than the prison or the poorhouse, some good might be done.

11,844. How do you deal with drunks in Ayr?—We bring them up under the Police Act.

11,845. Do you let them out on pledge?—Yes, if they are not the old offenders. I have sent them out on pledges because the authorities do not want to be troubled with holding police courts every day. If we had only a couple of drunks we would let them out on pledge.

11,846. Would you turn them out without a pledge?—Since this new Act has been in force we have the power to do that. Previously we had not; now we can turn them out and cite them.

11,847. Up to 1892 you could not do that?—Only on pledge.

11,848. How many have you let out without a pledge since the new power has been given to you?—I do not think there has been any increase in letting them out on pledge.

11,849. But without pledge?—We have now and again one, but nothing to make a number.

11,850. I thought possibly you might have been able to tell us some change of policy which would have some effect?—Well, the magistrates do not seem to think that in these drunk cases the prison is of any use. It is a very common remark of the magistrate, when an offender comes up, to say to him that the prison seems to have no good effect, and he just passes some sentence, without taking advantage of the further powers to give them fourteen days.

11,851. Have you ever had cases of fourteen days?—Very few; not more than three or four in the year.

11,852. And it has not done any good?—No, not in Ayr.

11,853. You are in the centre of the county, where there are elaborate arrangements made for dealing with vagrants. It is some system of passes and tickets?—I do not think it is to our advantage in the burgh.

11,854. How does it affect the burgh?—It was quite a common occurrence for vagrants to arrive at the police office in the evening and ask for a ticket for bed. Well, we have no connection with this county arrangement, and they seemed quite disappointed because they were led to believe in the neighbouring villages that they would get a ticket in Ayr; and a great many of them come about us in that way that otherwise would not.

Chief-Constable Mackay.

20 Dec. 1894.

11,855. Vagrants are a communicative class, and they spread very quickly among themselves what all the arrangements for their class are?—They do ultimately get these tickets. They get them from charitable people, who have got them, and are prepared to give them out. But these people are greatly taken advantage of. They become known, and they are run upon.

11,856. How long has the system been in operation?—I think about ten or twelve years.

11,857. Your experience does not extend back though; you have been Chief Constable ten years?—Yes.

11,858. But you were connected with the Ayrshire police before?—I was an inspector in the Ayrshire constabulary previously.

11,859. I was going to ask you whether you could tell us if there had been any marked increase of vagrants in the burgh?—There is a marked increase every year just now when we take this census of vagrants twice a year.

11,860. Do you remember what the census of the vagrants was before this ticket system was introduced?—I could not give that. The census has only been taken for six years.

11,861. What are the total number of vagrants found in your burgh at the summer and winter census for the last three years?—At the census on Sunday, 25th June 1893, there were 272; and on Sunday, 24th December 1893, there were 154.

11,862. The estimates for the three years—1893, 1892, and 1891—are as follows:—1891 is 135, 1892 is 150, 1893 is 213; that is a very large increase?—Yes.

11,863. And you think it is due to the ticket system?—I attribute it partly to that.

11,864. What does the ticket entitle them to?—A bed for the night in a common lodging-house, and they have bread tickets that they get also.

11,865. I see there are a good number of vagrants and beggars and migratory poor returned as in the police cells—these are for shelter?—No, not for shelter, on charges. In the month of June the early potato digging begins in Ayrshire, and a great many of these parties get drunk and are locked up.

11,866. There is another peculiarity in your administration—you are not more strict in your taking up drunks and other petty offenders than in, say, Paisley?—No, I do not think that we are. Of course our area has been increased.

11,867. But that does not disturb the ratio. I mention Paisley because there are only 22 per 1000 arrested, but in Ayr the ratio of arrests is 44 per 1000.—But that great increase is accounted for by the visitors, excursionists, militia, cavalry training, and race course, and so on.

11,868. Is there much prostitution in Ayr?—There is too much of it with young girls who are not easily got at.

11,869. I mean do the police take cognisance of it?—We have only very few cases lately. I think the return begins with thirteen cases, and we have down to two or three in the year. In 1889 we had thirteen convictions, in 1890 we had four, in 1891 we had one, in 1892 we had three, and in 1893 we had two convictions.

11,870. Would there be many apprehensions?—We had a few apprehensions; but they are more particular in convicting parties under this Act now since some difficulties arose in Glasgow about apprehensions that were made. The authorities are very backward in convicting parties unless there is the clearest proof, and it is rather a difficult matter to get proof.

11,871. Has the difficulty to get convictions made arrests still fewer?—Well, the police are not very stringent.

11,872. They are less careful?—They are not anxious to bring parties to court, because they get such heckling in the court, and I think too much so.

Chief-Constable Mackay.

20 Dec. 1894.

11,873. Do you think the evil has increased in consequence of this laxity of the police, brought about by the causes you mention?—I am afraid it is. There are a great many young girls breaking away from their homes, and making their living by that.

11,874. And you think that has increased in number since the constables and authorities got frightened?—Yes, I think that did a great deal of harm.

11,875. What sentence do the Ayr magistrates generally impose in such cases?—Fourteen days.

11,876. (*By Dr. Sutherland.*) I find from your return that out of 1792 apprehensions 1623 were apprehended for the first time, and only appeared before the Court once?—Yes.

11,877. Does that not indicate that the police cells for a few hours, and a pledge left or a small fine, is a sufficient deterrent for 90 per cent. of the people?—There are a great many of these people strangers, who are only there for the time, and we have no experience of their conduct afterwards.

11,878. They are only once before your court?—Only once.

11,879. (*By the Chairman.*) You say only once before your court. You speak of excursionists, and you do not say that these people, who get drunk spending one day with you, may not get drunk at home?—We have no experience. I have four persons, habitual offenders, that I thought it might be worth while drawing your attention to. We have one woman who has appeared eighteen times before the court this year. She is one of these poor drunken unfortunates, going between the police office, the prison, and the poorhouse. There seems to be no way of dealing with these people.

11,880. How often has she been in the poorhouse?—I could not exactly say, but I have a list of her convictions here.

11,881. What do her convictions run on?—Mostly drunk and incapable, lying on stairs, exposing her person, also theft and assault, and so on.

11,882. (*By Dr. Sutherland.*) A prostitute?—She has no conviction that was for prostitution, but she has everything else. Then there is a woman, M. M——, 135 prosecutions since 1872. She has 20 for contravention.

Chief-Constable Mackay.

20 Dec. 1894.

11,883. What is that?—Lying in stairs and such like.

11,884. Could you get us the times this woman has been in the poorhouse?—Yes, I think so. I think I could get it from the Governor.

11,885. What would you do with these?—My idea is that these parties should be put into some home, and the prison authorities and Parish Councils pay so much for their support, as they practically live on them just now.

11,886. But would you have the police authorities pay nothing towards the cost? They give you a lot of extra work. You would be able to spare a constable or two if you got rid of these women, and perhaps a few police cells?—I am quite of opinion that it would lessen crime.

11,887. You feed and supervise her while she is in the police cell, and so on, and if you got rid of your habitual offenders you would reduce your expenditure?—No doubt about that.

11,888. Therefore it would be right that the municipal authorities should contribute something, would it not?—I think so. I think it would be reasonable, so far as they are relieved of such expense.

11,889. (*By Miss Stevenson.*) Have you more than one police station in Ayr?—No, just one.

11,890. Have you a police matron or female turnkey there?—We have what is called a female warder, who attends the females who require special attention.

11,891. But she is not there of necessity over-night when these women are brought in?—She is there every day, because she keeps the place clean.

11,892. But she is not there having an official position as female turnkey as in other places?—Only when we call her in. She lives conveniently, and we call her in to search, or when a woman is ailing. [The witness then withdrew.]

[ADJOURNED.]

TWENTY-THIRD DAY.

Glasgow, Friday, 21st December 1894.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P.
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

PROFESSOR JAMES DUNLOP, Glasgow, called in and examined.

Professor James Dunlop.

21 Dec. 1892.

11,893. (*By the Chairman.*) Would you please state your qualifications?—I am an M.D. of Glasgow University, Professor of Surgery in Anderson's College, lately Senior Surgeon of the Glasgow Royal Infirmary, Medical Legal Examiner of the County of the City of Glasgow, and I am Visitor or Vice-President of the Faculty of Physicians and Surgeons of Glasgow, and Senior Surgeon of the Glasgow Lock Hospital.

11,894. It is in regard to your experience in the latter capacity that we wish to ask you a few questions; have you any powers of detention?—None.

11,894A. There is a power of detention, I think, in what there remains of the Contagious Diseases Act in England, is there not?—I am not aware. We have never found in working our hospital that there was any need of any legislative procedure at all.

Professor James Dunlop.

21 Dec. 1891.

11,895. I was not asking regarding the need of it, because that would be beyond our remit. I wished, as a matter of precedent, to know whether there was any?—No, we have none, and we have never required it. I have never felt the want of power to detain a patient, my difficulty, rather, has been to get them to go out. When patients are sufficiently recovered, intimation is made to them that they will be ready to go out the following day. I frequently see that there is something wrong, and I ask them, 'Have you no home?' and they say 'No.' I never send out a patient who says 'I 'have no home at all to which to go.' We make some kind of provision whereby she may have a roof to cover her. I hand her over to the matron, and if she finds the case is one that she can improve or benefit, she arranges that the young woman is sent to some home.

Professor James Dunlop.

21 Dec. 1894.

11,896. The Lock Hospital here is reclamatory, as well as medical?—It is purely medical so far as the doctors are concerned, but the matron in her own way endeavours to do a good work. We do not permit the good work to interfere with the medical. We do not permit the reclamation element to bulk much, for if we did we would find the patients would not ask for admission. We allow no preaching by the medical staff. There is never any inquiry as to how the disease arose, or under what circumstances. We simply see the disease, and cure it if we can.

11,897. Does your experience lead you to believe that a large percentage of these women owe their situation to drink; or do you think that drink in many cases follows as the result of their occupation?—I think that drink follows as the result. A large number of our patients are young girls, sixteen to nineteen years of age, many of them about seventeen, and in many of these it is sheer wickedness, and there is no drink. It is simply a desire to be rid of the parental control.

11,898. And have many of these young girls passed through the hands of the police, or been in prison?—Very few. It is only the older ones who find their way to prison.

11,899. I suppose it is no part of your duty, nor possibly would it be expedient for you to make any such inquiries of them as would enable you to form an opinion of the deterrent effect of the police system on them?—I could not get information from them, but having been a surgeon for thirty years, and having been connected more or less with the police all that time, and being naturally observant, I can judge of the present condition of the city as compared with what it was twenty-five years ago.

11,899A. What is it?—Vastly improved. There is not the flaunting vice, there are not the opportunities for young men going wrong now that used to exist. We have prostitution in the city of Glasgow, and we have importuning in the streets, but it is reduced to a minimum through the efficiency of the Glasgow Police Act.

11,899B. Have you any experience of Edinburgh?—Very little; but any experience that I have had leads me to think that Edinburgh is fully worse than Glasgow. Walking along Princes Street, for instance, from the Surgeons' Hall, as I often do, to the Caledonian Railway, I recognise unfortunate women in larger numbers than I could walking the same distance in the city of Glasgow.

11,900. To recognise women you look to be unfortunate women does not signify much, but have you been subjected to any more annoyance in Edinburgh than in Glasgow?—No; but we have this, that we treat the Edinburgh patients in Glasgow. They have got no Lock Hospital in Edinburgh.

11,901. And they come through here?—Yes, I think we have got several Edinburgh patients just now.

11,902. But our business deals not with prostitution itself, but with the offence of prostitution,—namely, loitering and solicitation?—Well, I am not familiar with that in Edinburgh at all.

11,903. My point in asking you was that the sentences differ in the two places. I wish to know if you could give us any information as to the results?—I can only speak very decidedly of the city of Glasgow, and it is very greatly improved. When I look back twenty-five years ago, there were houses with seven or eight or nine girls, many of them English girls from Nottingham. That was the town that supplied the prostitutes. Many of them had been lace sewing girls. Then on Saturday and Sunday we used to see them driving out in open carriages, gaily dressed, and accompanied by men.

11,904. You were surgeon of the police for many years?—Yes.

11,905. You must have visited the police offices?—Constantly.

11,906. What is the impression from visiting the police offices as to the possibility of cases, or any percentage of cases, that did not require police interference, having been subjected to arrest?—They are very few in number in my experience. I think the police are exceedingly lenient; and they also seem to me to be very careful. I might, perhaps, give you an example. Some boys coming from a West End school in the winter used to be importuned by a woman in Elmbank Street. I went myself, and had a look at her. A simple intimation to the police got her removed. We heard of her no more.

11,907. What I wanted to ask is this:—We have got in Glasgow 60 per 1000 persons arrested in 1893 for breach of the peace, petty assaults, drunk and incapable, and drunk and disorderly. In Govan there were only 20 per 1000, in Paisley 21 per 1000, in Leith 20 per 1000, in Aberdeen 24 per 1000, and in Edinburgh 19 per 1000. Now, how would you account for the extraordinary fact that the percentage of arrests per 1000 of population in Glasgow is nearly twice as much as in any other place?—It is in the population; we have a very wild population.

11,908. Wilder than Govan?—Yes, there is no city in the world that presents the same characteristics. The lowest stratum of the city of Glasgow is not to be compared with anything in the world. Go down the High Street on a Saturday night, and you see women and men having almost ceased to be human in their appearance.

11,909. And that sufficiently explains the difference?—Yes, and when I go in sometimes on a Saturday night to the Southern Police Office, the class of people that are brought in I never see except in the police office.

11,910. Have you any particular views on the subject of the treatment of habitual drunkenness, or the possibility of reclamation?—I would be very fond to see some means of reaching habitual drunkards. I have no special views, but I am in hopes that some day there will be some legislation that will meet not the case of the poor drunkard only, but that will meet the case of the rich drunkard as well.

11,911. What legislation?—Well, I think there ought to be some means whereby a husband might be locked up six or eight months to get the alcohol entirely out of his system, and give him a fair start again. In private work we see people who, in the first place, do not repent when they are well. They do not express any great sorrow at their having been very much intoxicated even for a week, and they do not resolve to amend. They are quite prepared to keep well for a time, and then by-and-by from some little excitement or otherwise they begin to drink again, and they drink for weeks, and have the *delirium tremens*. I would like to lock up these persons.

11,912. And you think these cases could be improved by compulsory separation?—Yes, I do, locking up the patient is the only remedy.

11,913. (*By Dr. Sutherland.*) Do you share the opinion that prostitutes and importuners are harshly dealt with in Glasgow?—I think they are not.

11,914. Is it possible, under the system by which women are convicted of importuning, that injustice might be done to innocent persons?—I think that a woman may be innocent, and still may be under circumstances in which there is a strong suspicion that she was very far from being innocent. A particular case in which I was a witness was that of a young woman, sister-in-law of a medical man in town, occupying a very respectable position. She herself was a virgin, but she was used as a decoy by a woman who was a prostitute.

11,915. Who proved the prostitution in that case?—There was no action against herself. There was an action simply against the woman in whose house she was found along with a man. In that case the householder said the young woman was not a prostitute, but the police said she was there for that purpose, and that the house was a brothel. The young woman denied that she was a prostitute, and offered herself, through her agent, for examination, and it was found that she was a virgin. But she was found in circumstances under which she ought not to have been.

11,916. From your opinion, would you say that prostitution and drunkenness are synonymous among

Professor James Dunlop.

21 Dec. 1894.

that class of people?—Oh, no; there are young women in Glasgow prostitutes because they prefer it to work.

11,917. Take the majority; is prostitution not associated with inebriety?—It is, among the older women, because it is necessary for them to drink along with the victim.

11,918. Do you think that even thirty days—the maximum allowed by the Glasgow Police Act—is of any reformative value?—I do not think it has any effect at all, except that it gives them a little turn of good health. As a general rule, they come out of prison physically improved.

11,919. And to prosecute their calling again?—Yes.

11,920. Supposing that inebriety and prostitution in the great majority of cases were intimately associated, would it not be desirable to detain the prostitute and inebriate for a long period for reformation?—I think that we should lock up the inebriate, but I am not quite prepared to say that we should lock up the other.

11,921. But if you found that a woman came before the Police Court in Glasgow, say thirty times in a year, and was convicted fifteen times of drunkenness and fifteen times of importuning, you would lock up that woman?—Yes.

11,922. (*By Miss Stevenson.*) I think you said you had a great many women from Edinburgh of the class you were speaking of, and that there was no lock hospital in Edinburgh?—Yes.

11,923. Are you aware that there is a large ward in the Infirmary set apart?—Yes; but they won't go there. Many of the patients decline going, for the reason that the ward is open to students. The Glasgow Lock Hospital is not open to students. The only persons who ever see the patients are, firstly, the surgeon and his assistant—his assistant at present, or rather for the last term of service, was a lady—and the nurse. Medically, these are the only persons who ever see the patients. The matron and governor simply see them officially, in order to enter their names in the register.

11,924. Do you find that the same girls and women come back to you at longer and shorter intervals?—Frequently they do; some of the young girls as often as five and six times in the year.

11,925. And there is no difficulty about their being admitted?—The door is open. All that a patient has to say is that she is suffering. There are no lines of admission, so that she does not need to go to this or that subscriber asking for a line. She merely rings the bell, asks to be taken in, and she is admitted.

Professor James Dunlop.

21 Dec. 1894.

11,926. From your experience of these girls, do you think there is any truth in the statement that a very large proportion of these in Glasgow, especially the young ones, are employed in shops, where their earnings are really insufficient?—Not in shops, but in mills. There is a difference between the shop and the mill. Many of them are mill girls.

11,927. Do you not find that any of them come from these eating and restaurant kind of shops? I saw a statement made in a report on the employment of girls in shops in Glasgow, that they were very insufficiently paid, had long hours, and that many of the unfortunates belonged to that class?—That is not my experience; but there is this to be mentioned, that there are so many schemes of a medical kind in every district of the city that girls in shops and mills receive medical treatment and medicine under the most favourable circumstances, and they don't apply to the hospital till they are practically compelled.

11,928. What number can you accommodate in your hospital?—Seventy-five.

11,929. What proportion of the beds are occupied?—Not the half. A very curious fact is that in the year 1869 we had 598 patients. Since that time the numbers have gone steadily down, till now our average would probably be something like 350 for the year. About twenty-six persons is perhaps the average per night in the hospital.

11,930. For what periods do you detain them?—The average is about twenty-three days, but you can readily understand that the average will be increased by one or two very severe cases. We take in cases from all over the west coast of Scotland. We have had them from Ardnamurchan, Islay, Ayr, and Stranraer, and we have them also from Edinburgh, Hamilton, and other places, —not the city of Glasgow alone. We take all who come. Some of the country patients from Dundee and Perth are often very ill, and they may remain as long as nine months with us. You can readily see how that will increase the average. [The witness then withdrew.]

Miss Agnes A. Bryson.

Miss AGNES ANN BRYSON, Glasgow, called in and examined.

Miss Agnes A. Bryson.

11,931. (*By the Chairman.*) I understand you are lady visitor at the prison in Glasgow, and that you have great opportunity of talking with the female prisoners?—Yes; I have visited the prison for the last twenty years.

11,932. What do you find to be the effect upon them of sentences of ten, twenty, or thirty days? From what point of view do they regard them? Have such sentences much reformatory effect upon them?—Well, I don't know how they regard them, but we have always had a feeling that short terms are utterly useless.

11,933. Would you prefer longer terms?—Longer than they have just now. Many of them are sent in for a few hours, or a few days, which are quite useless. Another point perhaps I might mention is that we regard the gratuities that they get when coming out of prison are rather a hindrance than otherwise to them. Those that have had longer terms of sentence have pretty large gratuities, and they spend them in the public-house, and just get into prison again directly.

11,934. Then you are against the gratuity system?—Yes.

11,935. But you must have some system of rewards as well as of punishments to enforce discipline and keep them at their work?—Perhaps so, but the system of gratuities has very often been found to be a hindrance to them.

11,936. You talk about short sentences. Suppose there was a fallen girl you wished to try to reclaim. She at present is liable to get thirty days—and in many cases does get thirty days—would you, with a view to reforming her, be inclined to inflict a longer term, or do you think thirty days sufficient?—It depends upon the case. These habitual drunkards, who cannot keep sober if they have got a few pence in their pockets, would require to be kept very much longer than that; but thirty days for an ordinary girl just taken off the streets is quite sufficient.

11,937. These girls taken off the streets are committed one time for being drunk and incapable, another for breach of the peace, another for assault, and often for importuning: they ring the changes on different charges?—Drink is at the bottom of every one, more or less.

11,938. Do you think that?—Yes.

11,939. Do you think that the drink precedes the downfall?—Generally the drink precedes the downfall, that is my opinion.

11,940. That is what they tell you?—No, it is not what they tell us, but what we know as a positive fact by following up the cases.

11,941. In the case, at all events, of these imprisoned petty offenders the drink—— ?—Goes along with their other offences.

11,942. And precedes the downfall of the girl?—Usually.

11,943. Do you do anything in the way of looking after the women when they come out of prison?—Yes, we have a home in Whitevale. That was the outcome of our first years of prison visiting. The Whitevale Mission Shelter has now always seventy women in it. As one goes out far more are willing to come in. They come of their own accord.

11,944. How long do you keep them?—We keep

Miss Agnes A. Bryson.

21 Dec. 1894.

them now for a year, and, if they stay, we pay them a small wage.

11,945. Do you give them a wage or an outfit?—We have given them a wage till this year; but we are now trying a different system, because the last was not self-supporting. We are trying to make it more self-supporting. They are now to get at the rate of about £3 a year in clothing if they stay.

11,946. The £3 would be invested in an outfit?—Yes. Formerly they got a small rate of wages, about 6d. a day, more or less, according to their work, and we kept the wages till they got out.

11,947. That was at the rate of £8 or £9 a year?—That is for a year, but they did not all get that; it just depended on the work they did.

11,948. You say that you find a great number of women willing to take the place of every one who goes out, which shows that there are a number wishing to get the opportunity of pulling round, and you mentioned that the wages under the former system, when the rush existed, were somewhere about 6d. a day?—It is not 6d. a day all the year round; it is just according to the work. You might take the average under the old system at £3 a year.

11,949. And that sum was practically invested in the outfit?—Yes; but we went on a different system from the other homes. Sometimes the women would not have the clothing, and they wanted the money.

11,950. Would you have them going out having earned probably £3 or £4?—Yes, about that on the average.

11,951. Now you propose to change the system, and give them only an outfit?—Yes, just because the home was not self-supporting.

11,952. But you have not commenced the new system yet?—Yes; this year. We take the women now for one year instead of the shorter period.

11,953. Do you find the women are as willing to come to you when they are virtually working for reduced wages?—Yes; the home is quite as full.

11,954. And as many applications for every vacancy as formerly?—I think so.

11,955. They work at what?—Washing, laundry work, and sewing.

11,956. These appear to be the only industries that are current in any of these homes?—Yes; we have more washing than the House of Shelter in Hill Street, which is our sister home.

11,957. Are the two homes in partnership?—We are in partnership, but work quite separately.

11,958. Is your home on the same principle as the Hill Street place?—It is not on the same line as to wages.

11,959. I understand you represent the Free Breakfast for the prisoners?—Yes.

11,960. Can you tell us anything about what is done in the way of getting work for the female discharged prisoners?—A number of the women are taken to the different shelters, whichever can take them in. Usually they are brought to the Mission Shelter.

11,961. Have you got the numbers?—About 3000 pass through our hands in the year,—that is to say, take the free breakfast.

11,962. How many discharges are advised to you?—I should say about that number. I mean for getting help. They are not advised to the Free Breakfast from the prison.

11,963. But you are advised of the discharge from prison of every one who has got a gratuity of 4s. or over?—Yes.

11,964. (*By Col. M'Hardy.*) And not only that but your visitors are allowed inside the prison, and know the prisoners?—Yes.

11,965. (*By the Chairman.*) You have, I see, got 3300 who come to your Breakfast; of these you can only place a few in the homes—how many?—The largest number I think are habitual drunkards who cannot be received into the homes.

11,966. Would you say there would be 2000 of them habitual drunkards?—I should think there would be quite that, counting some many times there.

11,967. That would leave you about 1300 who are not habituals?—Yes.

11,968. How many of these would you manage to get into the homes in a year?—I could not exactly say.

11,969. You could not possibly get 200, looking to the accommodation?—In all the homes in a year I should think so.

11,970. The admissions during the year at Stirling Road Home, Lochburn, Hill Street and Whitevale amount to 443, but these would not be all your women?—Oh, no.

11,971–2. I suppose not more than half of them would be your women, from what we saw in Hill Street?—I don't know that they would; they don't all go from the Free Breakfast.

11,973. Say 200 go from the Free Breakfast, that would leave you still 1100?—But some girls go direct perhaps from the street to the other homes.

11,974. Then say there were 300, or even 400 if you like, that would leave you 900 non-habituals to account for; would you tell us what you would do for them?—I can only answer for these who are in our own place.

11,975. You attend the breakfast table?—Yes.

11,976. You don't try to get the girls work outside?—We try to get those who are suitable into some home.

11,977. But you can only send them to Whitevale Shelter?—No, we send them to all the homes—wherever we can get them in.

11,978. Stirling Road, Lochburn, Hill Street and Whitevale?—Hill Street, Whitevale and Stirling Road. Lochburn does not receive them direct. They go there through Stirling Road.

11,979. The total admissions during the year to these homes were 443; on the most extravagant assumption you could not have sent 400 of these 443?—No.

11,980. Though you did, it would still leave 900, and, if you have the information, I would like you to explain what efforts are made to protect and advance the other 900—the 900 that are apart from the 2000 habituals?—I can only answer for the some 300 or so that pass through our hands in the year. Of course all the other homes go on the same system in trying to do the same thing for them, and in getting situations for them.

11,981. But there is a gap in our information as to the way of helping these 900?—They probably go back to their old ways. The 900 can be accounted for by *some* of the same women getting breakfast every two or three weeks all the year round.

11,982. Do you see many juvenile offenders, young girls?—Yes; up to sixteen.

11,983. But, since the law was altered enabling the magistrates to send to reformatories up to sixteen, have there been many?—Yes, a good many young girls.

11,984. How many?—I could not say.

11,985. We were round the prison the other day, and found two under sixteen?—We have not the means of knowing how many are in prison.

11,986. I suppose you agree with us that it is very undesirable to send young people to prison?—Yes.

11,987. In the case of boys the magistrates have the discretion of birching in place of sending to prison; is that an alternative you would advocate for boys?—Well, I don't know. I don't approve of whipping.

11,988. Of course in the case of girls it is out of the question. Is there any alternative you could suggest for imprisonment in the case of girls—of course there is sending them to reformatories?—Many of them are sent to us instead of to prison for the first offence.

11,989. But then, of course, they can walk out as soon as they like?—Yes, but then they don't get any payment or advantage at all.

11,990. But they don't do any work so that that does not matter to them?—We engage with them for a year.

11,991. That is quite right, but if they choose to go at the end of a week?—Then they just go with their rags on.

11,992. But they escape imprisonment by having been sent to you as an alternative?—That is so.

Miss Agnes A. Bryson.
21 Dec. 1894.

11,993. Can you suggest any other kind of work than sewing and knitting and washing for these people in prison or out of prison?—These are the principal; I cannot say others.

11,994. (*By Miss Stevenson.*) Are you working with the Prison Aid Society?—Not exactly; there is a connection with the Prison Aid Society but not in the homes.

11,995. How do these girls come to the breakfast?—We have a Bible woman who meets them at the gate. She is not paid by the directors of the House of Shelter but by private means. It was, in the first place, through a legacy that was left specially for the purpose of employing a Bible woman, lately an additional sum from the Prison Aid Society.

11,996. Does she see the girls inside the prison?—Yes; she can see a special case, but she goes to the inner gate of the prison to meet them.

11,997. Is there any lady or female agent of the Prison Aid Society who sees these girls in the prison?—Not except the Bible woman.

11,998. There is no one visits them in the cells?—Not in connection with the Prison Aid Society. We have fifteen lady visitors who visit in the prison, but not in connection with the Prison Aid Society.

11,999. (*By Col. M'Hardy.*) I may say that is more a technical point than a practical one, for you are really doing the Prison Aid Society work; that is to say, you are aiding discharged prisoners along lines of your own?—That is so. *Miss Agnes A. Bryson.* 21 Dec. 1894.

12,000. (*By Miss Stevenson.*) How long have you been in the habit of visiting the prison?—Twenty years.

12,001. Do you see a large increase in the number of girls who are sent in for street offences—importuning for instance?—I could not exactly answer that. I think that the numbers were equally large for that offence when we first began.

12,002. Do you see any difference in the age of that class of women who come in?—No.

12,003. They are not younger now than they were 10 or 20 years ago?—I do not think so. I do not think there is very much difference in that respect.

12,004. (*By Col. M'Hardy.*) I want to put a question to bring out clearly the position of the Homes Committees; you have every facility that you need or desire for seeing prisoners inside the prison, and arranging for them on their discharge?—We have every facility. [The witness then withdrew.]

Mr. Alexander Thomson.

MR. ALEXANDER THOMSON, Governor of Maxwelltown Prison, called in and examined by the CHAIRMAN. *Mr. Alexander Thomson.*

12,005. We understand that you have been very successful in devising means for the employment of prisoners, and in persuading prisoners with no great natural taste for work to turn themselves to industries?—There have been no failures.

12,006. How do you manage that?—Well, there is a set minimum task for all prisoners. They are shown how to perform that task, and it is so set that any man can accomplish it. Then, for a greater degree of industry, they earn marks according to a scale, and by that secure a gratuity on liberation.

12,007. But that is the case all through?—Yes; it is the case all through the prisons.

12,008. But I understand you have been exceptionally successful, and that you have been able to deal with cases that have not worked at all satisfactorily in other hands?—There is sometimes a difficulty in dealing with some men that are persistently lazy, but by persisting in giving them the work, and showing them that they may do a great deal more, and that they may earn marks and secure a gratuity, most of them come to work. Indeed they all come to work. They all do the minimum task, and the great majority of them come up very well for gratuity.

12,009. The amount of gratuity is limited to a certain extent?—Yes; four marks is the utmost that any prisoner can earn daily.

12,010. And do you require a greater amount of work to give them the marks, or is that regulated?—It is regulated very much by the medical officer's opinion in the case.

12,011. But, let us understand; is the minimum work regulated by the medical officer?—Well, no, it is not. The minimum task is so low that any man can do it unless the medical officer says he is unfit.

12,012. But the medical officer has nothing to do with giving marks?—Not the ordinary marks; but the minimum task is set so low as to meet all cases where the man is at all willing to work.

12,013. But what I ask is this:—Is this system of so much work for so many marks regulated by you as an individual, or is it laid down by the Prison Board or some central authority?—It is approved of by the Commissioners.

12,014. And is uniform throughout the prisons?—In some prisons there is labour that is not found in others, such as quarrying, and stonebreaking.

12,015. What labours have you?—Stonebreaking, sack-repairing, hair-teasing.

12,016. Oakum?—No; not now.

12,017. How is that?—Because it is not needed. We have been able to get other employment. I have been able to find other work without employing any at oakum.

12,018. Have you any other industries? What do you employ your women at?—They repair sacks, pick hair, and do the domestic work of the prison such as washing, and so on.

12,019. But have you any special form of industry for them?—No; it is not necessary for all the numbers. The number is always low.

12,020. How many women have you?—There will be an average of eight daily.

12,021. How many men?—I think forty-six is about the average.

12,022. I find in the Rules and Instructions for Prisons in Scotland a general principle is laid down as to the awarding of marks, but of course the actual awarding of them falls upon the warders, and they act under general instructions again from the governor?—Yes.

12,023. So that there may be some difference, based on the individual differences of governors and warders, but an attempt is made to ensure uniformity?—Yes.

12,024. How many men are not sufficiently provident to care to pile up any marks? How do you manage to persuade them to be industrious?—Well, they must do the minimum task or they render themselves liable to punishment.

12,025. Which consists in?—Reduction of diet.

12,026. And that, of course, is the same thing all round?—Yes.

12,027. You have more punishments than reduction of diet?—Well, sleeping on guard beds, but sentences under thirty days have to do that in any case.

12,028. Do you require to have recourse to much punishment?—Yes, at times, chiefly for idleness.

12,029. Which do you find most efficient?—The guard bed.

12,030. And reducing the food?—Both, at times.

12,031. Supposing you had eighty women, could you think of any way to employ them?—Yes.

12,032. What?—Well, I would find sack-repairing—a very good employment.

12,033. You can get any amount of sack-repairing apparently?—Yes, I could, if it were necessary.

12,034. In Perth Prison we found there were a number of sacks made for Dundee, but we were told that the industry was very fluctuating; is sack-repairing a steady trade?—It is increasing every year since I commenced in the place I am now in, and we get it from a large district—from Annan, from Sanquhar, and from Castle Douglas.

12,035 How does it pay?—Very well as compared

Mr. Alexander Thomson.

21 Dec. 1894.

with other prison industries, which are all poorly paid.

12,036. Take stonebreaking; you must make some profit on the stones?—Oh yes.

12,037. What wage per man would you earn at stonebreaking?—He may average tenpence a day.

12,038. He earns for you tenpence a day?—Yes; one that is fairly well up—one that is earning marks.

12,039. Well, take the average?—About tenpence a day.

12,040. And at sack-repairing?—Sixpence.

12,041. Therefore stonebreaking is better than sack-mending?—Oh yes, but the one with the other suits very well.

12,042. The one for dry weather and the other for wet?—Well, yes; it suits well everything, and it meets certain cases. There are some prisoners that don't do to be associated. They are not associated exactly in the prison yard, but they are within sight of each other. Defiant men, who have a bad effect on others, are better to be kept in solitary confinement till they earn a good many marks, and then they behave better for fear they lose the marks.

12,043. What do you make out of hair-teasing?—About sixpence a day.

12,044. Hair-teasing is very disagreeable work, is it not?—Yes, it is dirty a little, but it is beaten well in the open air before being taken into the cells.

12,045. You don't do anything at mat-making?—No; it is not necessary.

12,046. How do you find it pay?—It would pay very well where there are prisoners under long sentences, but not in a prison where the greater number are under short sentences. In a short sentence they do not acquire sufficient knowledge in mat-making to do it well.

12,047. One point we particularly wish to ask you about is this. Supposing it seemed good to the Committee to recommend some system of adult reformatories for the treatment of habitual offenders, it would probably be considered desirable that they should work. That would enter as an important part into the reformatory scheme. We have had any amount of evidence as to possible employments for men, but we have had rather a paucity of suggestions as to possible employments for women. Could you give us any light on that matter? Of course you have got washing, and sewing and knitting. But washing work seems to be overstocked, and you could not have female reformatories all over the country for the habitual offenders, and confine them to washing and these industries?—Washing is a very good industry.

12,048. But we are sick of washing?—Well, there is sack-making.

12,049. But you could not employ a large number at that?—Oh yes; all the female prisoners that could be had in Scotland for that purpose, I am sure.

12,050. Sacks?—Yes; both new and repairs.

12,051. Is there such a market for repairs?—No, there is no demand, but the work would have to be got as all work is, by asking it from employers.

12,052. But people would not keep sacks simply for the purpose of getting them repaired. The amount of work that can be done in the way of repairing sacks is measured by the amount of sacks in use, and worn into holes?—The railway companies have large quantities of sacks. I don't know what they are doing now, but they used to send a very great number to prison to be repaired. I think before I left Edinburgh Prison there would be an average of 500 or 600 daily.

12,053. Did the 500 or 600 per day exhaust the wants of the railway companies that sent these sacks?—Yes; but there was sack-making as well, and we could have given more work if we had had hands.

12,054. There is no lack of work in that direction?—No.

12,055. It has been suggested that, as a lot of women who have been engaged in textile work in mills and so forth, find their way into the class of habitual offenders, they might be employed in a small factory of some of the more easily manufactured fabrics; do you think that would work at all?—I do not think it would be a profitable business.

12,056. Have you had any outcry against your sack repairing as competing with outside work?—None; I think the inducement is that it is better done.

Mr. Alexander Thomson.

21 Dec. 1894.

12,057. In prison than out of it?—Yes; if the work is carefully looked after, it is certainly better done.

12,058. Do your customers admit that?—They admit it by sending all they have to do.

12,059. How do you ensure that?—They are carefully examined before being let outside, so that there is no cause for complaint.

12,060. You don't do anything in the way of sack-making?—No; it is not necessary there. It is not a district for that, and it is not a jute manufactory district such as Forfarshire.

12,061. Would sack-repairing not be hard work?—Not the least. Most of them who are employed at work at all—of course it is hard work that they do—they can all do it very well and expeditiously after a little training.

12,062. At one time, I think you were in Dumbarton and in Edinburgh?—Yes; nearly ten years in Edinburgh.

12,063. In what capacity?—Well, I commenced as a warder, kept the civil prison for debtors, then was steward or storekeeper. After that I was appointed to Dumbarton in 1876, and was there for nearly seven years under the old County Board.

12,064. And you were at Inverness?—Yes, for three or four years.

12,065. I suppose you had a good opportunity of seeing the working of the administration of justice in different places; have you been struck at all with the diversity of sentences for the same offence? Take an offence such as drunk and incapable or prostitution or solicitation; have you been struck at all with different sentences imposed in different places?—Yes; the sentences vary very much in any one place.

12,066. And still more in different places, I suppose?—Well, I can't say that. It depends very much on the magistrate where sentence is pronounced.

12,067. (*By Dr. Sutherland.*) Do you keep prisoners for 18 months and two years?—Yes.

12,068. Have you got many in close or separate confinement for that period?—Only those in separate confinement, unless associated on medical grounds.

12,069. That is to say, you keep a man or woman for 18 months or two years in separate cells?—Yes.

12,070. And the only period he has free from the cell is an hour a day?—No, he may be 10 hours a day.

12,071. But I am speaking now of the prisoner who is in solitary confinement for 23 out of the 24 hours; you have had such cases?—Yes; but not for 18 months.

12,072. Do you believe it is a good thing for a man or woman physically to be kept in solitary confinement for 23 out of the 24 hours for a period of 12 or 18 months?—I do not think so.

12,073. What do you notice about men or women so kept who are not allowed to work outside?—It increases the idleness. They coil themselves up in the cell, and they come to like that, although it is not the best thing for them.

12,074. Do you notice any change in complexion?—Yes; pale.

12,075. So that you are not in favour of any extension of the system under which a young man or young woman would be kept in solitary confinement for more than nine months, which is the period prescribed for convicts?—No; not more than three months, unless characters who would destroy the outside parties.

12,076. (*By Col. M'Hardy.*) In regard to the labour that you can get out of prisoners; a great many of the prisoners enter prison with very confirmed habits of idleness?—Yes.

12,077. But you find that, by some means, it is possible to take them out of that state in most cases?—In all cases.

12,078. Can you really get every idle person to become a very industrious person?—Not very industrious, but he becomes sufficiently industrious to per-

Mr. Alexander Thomson.

21 Dec. 1894.

form his task without pressure, after a few weeks' training.

12,079. Can you tell the Committee on what lines you go in effecting that reformation on a man?—The prisoner is kept strictly by himself, and, if punishment has to be resorted to, care is taken that he does not associate with the others, so as to be encouraged in his defiant attitude. He soon comes to find that it is to his interest to pull up with the work. He is kept away from the others and he finds that dreary. Then the work he is employed at is less desirable then he might have if he were working in an open yard.

12,080. Breaking stones and so forth?—Yes.

12,081. Do you think if you collected a large number—say a couple of hundred—of the habitual offender class—habitual inebriates say, that it would be possible to rouse them up within a year to really active habits?—A couple of hundred of such men would vary much and be composed of all sorts. You have the criminal, and, although not under a long sentence, he may be the very worst character amongst this class. That is a difficulty.

Mr. Alexander Thomson.

21 Dec. 1894.

12,082. Well, but you think it would be practicable to really get in time these associated habitual offenders into good, industrious form?—Yes, I do.

12,083. You cannot suggest anything further beyond what you have stated to the Chairman about occupation for females?—I cannot, because I have never had to look out for it. It is something I have never had to go in quest of; I have always had sufficient employment for my numbers.

12,084. I suppose that, in the variety of occupations, there are some which the prisoners are more ready to be industrious at than others?—There are, but a good deal of outside employment is the best for bringing up prisoners.

12,085. The best for developing physical activity?—Yes, taking out the laziness of that sort who coil themselves up in the prison cells. All old jail-birds are fond of cell work. [The witness then withdrew.]

Mr. William Napier.

WILLIAM NAPIER, Governor of Greenock Prison, called in and examined by the CHAIRMAN.

Mr. William Napier.

12,086. You are governor of Greenock Prison?—Yes.

12,087. How long have you held that position?—Eight years, but I have been thirty-five years connected with the police and prisons altogether.

12,088. Before Greenock you were at Jedburgh and Dunfermline?—Yes, as governor of the prisons. I was also at Airdrie.

12,089. And before that you were connected with the police force in Fife?—Yes.

12,089A. Now, I understand, you don't think that imprisonment is of any use in the case of habitual offenders?—Not very much, if any.

12,090. Have you any experience of weak-minded prisoners?—A little.

12,091. Have you any in just now?—I have.

12,092. Give us an example?—I have one in just now who has been in 196 times, and he is nothing else but weak-minded, else he would not be there. His name is M'C——.

12,093. Just give us M'C——'s history?—He is a labourer on the quays at Greenock when working, and is about fifty-five years of age. He began to drink occasionally and every now and again he goes off into drunken sprees and is brought to prison. During the last six or seven times he has been in he has been just like a lunatic.

12,094. Is he in that state at present?—Yes; you could hardly make anything of him. He forgets himself. There are several others of his sort, but I have not noted down the names. There is one case that comes from Campbeltown repeatedly, and he just goes between the Campbeltown Poorhouse and the prison in Greenock. He is seventy-nine years of age. That is a case in which the man ought to be compelled to stay in a poorhouse.

12,094A. But, probably, the parochial people in Campbeltown think it is cheaper to have him with you?—I have no doubt of it. He prefers to be with me because he has a cell for himself and gets more peace.

12,095. What is he generally in for?—Petty assaults and drunkenness

12,096. Theft?—No, never.

12,097. What are his sentences?—The Campbeltown people are pretty smart with their sentences; they generally give sixty days and thirty days.

12,098. For drunkenness?—For drunkenness and petty assaults.

12,099. A man of seventy-nine does not seem to be a very formidable assailant?—He may be bad enough when he is drunk and a stick in his hand, which he carries.

12,100. It is not simple drunkenness?—Oh no; it is very few cases of simple drunkenness we have. They generally are intoxicated and commit offences afterwards.

12,101. Does he ever explain to you how he manages to get drunk when he lives in the poorhouse?—They easily get out, and when they get out kind friends are usually ready for them. We find that at the prison gate too. We find that friends meet the prisoners as they go out, and the first thing they do is to put a half gill over their throat and a pipe in their cheek, and they are ready for another offence.

12,102. You say M'C—— is weak-minded?—Yes; and the Campbeltown man is weak-minded in a certain sense.

12,103. After M'C—— has been in with you he pulls round again?—Yes; but you see an amount of weakness about him.

12,104. What would you do with him?—I would compel him to remain in the poorhouse.

12,105. But, if he did not care to be kept in, he would soon commit another offence, and you would get him again?—No. If they had compulsory powers to keep him in the poorhouse they would keep him there.

12,106. But, if he wanted to get out of the poorhouse, he might commit some offence and get to you again?—Well, I think if they had the power they would control him better.

12,107. Take the Campbeltown man; I suppose you have not any of his poorhouse records?—None.

12,108. They have a poorhouse in Campbeltown?—Yes.

12,109. You have got an old woman, a Julia M'A——?—She is another who is weak-minded; very much given to theft when she is out. In fact, I got her into the poorhouse last time after she served three months with us. She was just in three weeks when she managed to get out. She walked right into Greenock, got a little whisky, and went to a shoemaker's shop and lifted three or four pairs of children's boots, and got sent back to prison for six months.

12,110. Has she any delusion about children requiring boots?—No; she has a delusion that she can get so much money for the boots, and get so much more whisky. That is her object.

12,111. Then, that does not display absolute weak-mindedness, but I understood she had some delusion about children wanting boots?—I do not think she has that at all.

12,112. What is her record?—She has been 35 years in prison altogether, and she has been in almost every prison in Scotland.

12,113. You think she is weak-minded?—I do, or she would not continue in that state, but not sufficiently weak-minded to cause the medical officer to say that she is fit for the asylum. That is the difficulty we have.

12,114. Do you think her sufficiently fatuous to be confined?—It would be better for society at large and for herself to be kept in the poorhouse.

12,115. What is her line of offence?—Always theft.

Mr. William Napier. 21 Dec. 1894.

12,116. Does she take anything she can lay her hands on?—The first thing that she can lay her hands on, and she does it deliberately too. She does not go forward in a hidden way. She will go straight up to a shop door and lift the first thing she can. That is where I think she shows the weakness.

12,117. It does not matter whether it is boots or anything else?—No. For instance, she went into a jeweller's shop the time before last, and walked away with a bronze statue of Burns, and the shopman looking at her.

12,118. When she is with you do you get her to understand the prison rules and conform to them?—Not to conform to them in a certain sense. She has been reported frequently, but, knowing she is weak-minded, I don't punish her. She has a mania for stealing, even in the prison.

12,119. What has she done there?—She steals various articles. If she can get outside for a minute she will steal another prisoner's oakum, or food or whatever she can get. She seems just to have a sort of desire to take things.

12,120. Kleptomania?—Yes; anything within her reach she is sure to take.

12,121. And if anything is lost?—We just go to her, and we get it.

12,122. Does she make any fuss about giving it up?—No; she just laughs as if she had done a smart thing.

12,123. That would almost indicate a mental weakness sufficient to justify her being consigned to a lunatic asylum?—But the doctors connected with the poor-house in Greenock are not willing to do that.

12,124. They would rather the Prison Authorities keep her?—Yes.

12,125. What is the cost of keeping that woman for 35 years?—Taking it at £20 a year, it would amount to £700.

12,126. You have handed in some notes here, in which you make the suggestion that drunk and incapable should be altered to intoxicated and incapable, as the charge is too strong, and sometimes difficult to establish?—Well, it is very hard to state when a man is really drunk.

12,127. Well, but the charge is not drunk, and not even drunk and incapable, but drunk and incapable and not being in charge of some person that can look after them?—That is so, but intoxicated would put us to little trouble to prove that they were intoxicated, while we could not but with difficulty prove that they were drunk.

12,128. But, don't you get enough of men in at present?—I don't want them sent to prison while they are intoxicated.

12,129. But they are not sent while intoxicated?—No, but it takes about a week or fortnight, and even three weeks, to get them found when they are intoxicated. For instance, I have got a woman in since Monday, and she won't be clear in the head for a week or so yet. I have had them for three weeks before you could say that they were in their ordinary senses.

12,130. You would advocate a more prolonged detention of these people?—Quite so. I would give them not less than three weeks. That is to say, I do not want them to be brought in there for being drunk and incapable, or intoxicated and incapable at all. I would give them a chance to get away home, but, when you really find that they will drink and continue drinking, then, I should say, not less than three weeks for them. For instance, drunk and breach of the peace, or drunk and disorderly, I should send to prison for three weeks. In my estimation, it is no use giving them less.

12,131. You say that in many cases prisoners are charged as a first offence, whilst, in reality, it may be the tenth or twentieth, as he may have figured in all the courts of the city, as well as in all the towns in the neighbourhood on similar charges; do you see any practical means, to obviate that?—I think that the proper way to do is to find out the previous convictions, and charge them with these convictions, so that the magistrate may know what sort of a character he has before him

12,132. But, if he had previous convictions in other towns, how would you get these to charge him with them?—His description would be sent round.

Mr. William Napier. 21 Dec. 1894

12,133. But not for petty offences?—But it could be done quite the same as for serious offences.

12,134. That would make a tremendous business of it?—Well, perhaps it would.

12,135. For instance, if you got all the convictions for drunk and disorderly, and assaults, and so on, sent down to you in Greenock, I doubt whether even you would care to wade through them?—No, we would not wade through them. Suppose a person had been convicted a hundred times in Glasgow, we would just put that on the libel.

12,136. Yes, but suppose he goes down to Greenock and gives you a change of name?—Well, but if we are able to trace him.

12,137. As a matter of fact, we have been told that the habitual drunkard or the habitual offender in connection with drunken offences generally sticks about the same spot?—That is true, and therefore we know a good deal about them.

12,138. And, even if he went to Greenock, he would soon run up the tale of convictions?—Yes. There is one thing, I think, and that is that the magistrates should exercise their full powers. They seldom go beyond seven days, and fourteen days is considered a heavy sentence. They have the power to give thirty days and sixty days in some cases.

12,139. You have been in other places; what was the run of sentences for drunk and incapable, say, at Jedburgh?—They generally are about the same thing—fourteen days.

12,140. You don't mean to say that they give fourteen days at Jedburgh? Is it under the Police Act?—Well, it is a very small burgh, and we get the most of our cases from the county.

12,141. Well, in the county, the most punishment they had under the old Act was five shillings or twenty-four hours?—Yes.

12,142. In Dunfermline they would possibly have a Police Act of their own; what was the usual sentence there for drunk and incapable?—2s. 6d., or three days; 5s. or five days; and 7s. 6d. or fourteen days.

12,143. But, I suppose, there were precious few of fourteen days in Dunfermline?—Yes.

12,144. Well now, you come to Greenock, where the magistrates give you fourteen days; do you find the people there any more sober than in Dunfermline or in Jedburgh?—Not one whit.

12,145. Does that not argue against the efficiency of these long sentences in cases that are not confirmed? I would not advocate the long sentences, if the short sentences would do them good, but I think the long sentences would do them good.

12,146. For intoxication without any aggravation, do you think that an admonition would be sufficient?—I do think so, even for two or three times.

12,147. But, in charges with an aggravation of violence or anything of that sort, the sentence should be not less than a week and not more than six weeks, with an alternative of 1s. per day; that is your suggestion?—Yes.

12,148. You advocate an Inebriate Home; would not something in a shape of an adult reformatory meet the wants of your clients?—Quite as well.

12,149. What sort of work would you employ them at in these Inebriate Homes?—I would expect nothing to be there but old men, because they are pretty old before they get convicted so often.

12,150. Well, we need not run up the tale to a couple of hundred times?—At that figure you would have very few.

12,151. Take a more moderate number of, say, half a dozen times in a year, or ten or fifteen times in three years?—Well, every case would require to be studied upon its merits.

12,152. But you could not very well take charge of all these people without getting some work for them, because you would turn them out without training. Can you suggest any sort of work?—I cannot. After

Mr. William Napier. 21 Dec. 1894.

all my time in prisons, I cannot suggest any kind of work, unless farm work.

12,153. What sort of work have your men? Do you do anything at sack-making or mending?—We do no sack-mending, but preparing Manilla pays very well, although we did not go and ask for it. We had sack-mending a while, but the townspeople objected to it, as it was doing away with the work of the poor people. It is like many other things in prison; we dare not go against the public in taking certain work into prison.

12,154. Could you have got as much work at sack-mending as you could have taken?—We could have got more than we were able to do.

12,155. Who mended the sacks, or are they mended now?—The women of the poorer classes in Greenock go to the stores and carry them away in dozens, take them home and mend them there, and get so much for it. They objected to us getting the work, and they told the manufacturers that they would not work for them if they sent sacks to the prison.

12,156. Then, have you tried sack-making?—No, we cannot get it to do at Greenock.

12,157. Have you tried stone-breaking?—No, I requested the town surveyor to let me do that, but he would not allow it. There was another objection there of depriving poor people of work.

12,158. Hair-teasing?—We do a little at that.

12,158A. But you must interfere with some people outside?—No, they don't care. It has to be quickly done, and we can do it quickly.

12,159. You still stick to oakum?—Yes, but we only do that as the last resort. We have Manilla-teasing—that is, opening up the knots in Manilla for making ropes. We make good money at that.

12,160. Have you had any protest against that?—None whatever.

12,161. Have you taken the bread out of the mouths of any outside workers in that?—Not wilfully.

12,162. Is it open to that objection?—No; and the reason we have no objection to that is, that that firm employed boys.

12,163. Unfairly?—Exactly so; and the boys ran away from it; it was too irksome for them. The firm, in consequence, applied to us, and we were glad to get it.

12,164. Is there an agency for reclamation of prisoners in Greenock; a Discharged Prisoners' Aid Society, or anything of the sort?—There is a Discharged Prisoners' Aid Society for females, but not for males.

12,165. They are all employed in a laundry?—Yes.

12,166. You have been at Jedburgh, and you must have seen a good number of vagrants there?—Yes.

12,167. Were there any shelters for them?—Yes, one in Jedburgh.

12,168. Did it attract many vagrants to your place?—No, I think the police were very sharp with them in Jedburgh, and got them out as quickly as possible.

12,169. You were in the Fife police force; I understand they had rather an effective method of dealing with vagrants at that time?—They had.

12,170. What did they do?—An order was given to the constables that, whenever they met them, they were to get them out of the county as soon as possible.

12,171. To give them extradition?—Exactly.

12,172. Where did you send them?—The first port we could get them out at; it depended upon the part of the county we found them in.

12,173. The places you preferred were Broughty Ferry, Burntisland and Queensferry?—Yes.

12,174. What did your neighbours in Midlothian say to that?—They were never consulted on the subject.

12,175. And in Perthshire and Kinrossshire?—Oh, nothing.

12,176. Did they know it?—They must have known it.

12,177. You paid their fares over, I suppose?—Yes, and charged the Inspector of Poor for it.

12,178. Did he pay without a murmur?—In fact, I may say honestly he used to ask me to send them out, so that they might not be charged upon him.

Mr. William Napier. 21 Dec. 1894.

12,179. What was the end of it?—The end was that the Chief Constable got taken up to the Court of Session, and I think he had to pay £100 damages. The action was raised by a mason who was apprehended between Burntisland and Kinghorn as a vagrant by a constable. He protested that he was not a vagrant. The constable replied, 'I don't care whether you are so ' or not; I think you are one,' and he was turned back to Edinburgh.

12,180. And in Edinburgh there were too many lawyers?—Well, he was acquainted with a lawyer there, and that was the first thing that opened our eyes to the fact that we had no right to do anything of the kind.

12,181. You say that shebeening has been very sharply dealt with in Greenock?—Yes.

12,182. Under a local Act?—Yes.

12,183. Do many shebeeners come into you?—No; they generally pay the fine before they come in. We have had one or two sent to us, but paying their fines of £5 or £10 soon afterwards.

12,184. They generally get the money to pay the fine?—Yes; it does not pay them to be kept in.

12,185. £5 or £10 is a pretty big sum?—They easily make that. The mixture of methylated spirits and whisky is very cheap, and they can make a great deal off it.

12,186. Is that the composition you think it is, or do the prisoners tell you that it is methylated spirits?—The prisoners admit that it is methylated spirits they usually mix up.

12,187. (*By Col. M'Hardy.*) From your knowledge of men on the tramp, how would you propose to deal with them? Would you make any preparations for assisting them along their route?—If you could make out that they were on the tramp, and legitimately looking for work, I certainly would assist them in every possible way.

12,188. Would it be the best way to have shelter houses at certain places, or simply to empower the police to provide lodging for them in some existing house in the village or town?—I think they should be under the control of the police. The police have a better idea of the characters of these persons.

12,189. You believe, from what you have seen in the country, that there is a certain number of men always on the tramp looking for work?—There is a certain number of men continually on the tramp, and they make more by that than by working, and consequently they are constantly on the tramp. We have about thirty in a tramp house in Greenock every night, and the keeper of that house tells me that he gets the same characters over and over again.

12,190. Then he must know that they are not legitimately in search of work?—He cannot help himself, because, according to the rules of his institution, he must give them a supper and a bed, although it is only lying on the boards.

12,191. But who are the people who are entitled to receive accommodation or shelter in that rest?—Any person that likes to go and ask for rest there, if they are sober, will get it.

12,192. Without any regard to whether they are looking for work or anything else?—Yes; one night's rest or shelter. They have only to go there at nine o'clock at night, and apply to the keeper, and he admits them till the house is full.

12,193. (*By the Chairman.*) Men or women, or both?—Both.

12,194. (*By Col. M'Hardy.*) Does that lead to begging do you think?—It leads to begging on one day in the week in particular, namely Sunday. On Saturday they can get two nights' shelter till Monday morning, but they go out of the house at nine o'clock on the Sunday morning, and they cannot go back till nine at night. In consequence, during all the afternoon, the surrounding district is deluged with these people asking for a bite. I think they should keep them in on the Sunday

Mr. William Napier.

21 Dec. 1894.

12,195. (*By the Chairman.*) I observed on Sunday frequently pairs of tramps, or two or three at times walking along the Inverkip and Gourock Road towards Greenock?—Quite so.

12,196. What brings them out on Sunday?—They may have travelled from the house in Ayrshire on Sunday.

12,197. But they won't get into this Greenock place if it is full already?—They may, and they may not. If the house is full the next course they take is to go to the police office, and ask for shelter, and the police superintendent there gives them an order on certain lodging-houses.

12,198. (*By Col. M'Hardy.*) Who finds the funds for that?—I think it must come out of the burgh funds.

12,199. I understand you complain more of the administration of this shelter than of its existence?—Oh, I think the shelter is a good thing, and that there ought to be more if they were properly conducted, and under police control, because the police know what sort of characters the parties are.

12,200. How would you come to discover the honest man searching for work?—There would be no difficulty, I believe, in that, because you know the working man when you meet him. You will examine his hands probably, and you see whether he is a working man or not. I think I could tell a working man very easily, —that is, a person who is accustomed to work.

12,201. (*By Dr. Sutherland.*) You are of opinion that the police are better able to discriminate between the honest tramp and the worthless one?—I think so.

12,202. And constables being considerably more numerous than Poor Law Inspectors, who may be at long distances from the points where tramps turn up stranded, it would be better to place the temporary relief in the hands of the constables than in the hands of Poor Law officials?—Certainly.

12,203. Do you know of any case of hardship where Poor Inspectors have declined to interfere?—I have heard of such cases, but I could not point them out particularly, unless after some reflection.

12,204. (*By Professor Dove Wilson.*) Is this a tramp-house kept up by a charitable society?—There were funds left for it by the late provost's father or uncle. It is called the Buchanan Institute.

12,205. Is any payment exacted from the persons who use it?—No payment whatever. They get a supper and their bed, which is just the plain floor, and their breakfast free.

12,206. How many does it hold?—Thirty.

12,207. Does it take in females as well as males?—Yes; there is one room for males, and one for females.

12,208. What are the numbers separately?—

12,209. Do they take in children?—Along with females.

Mr. William Napier.

21 Dec. 1894.

12,210. Is it always full?—Well, I could not say always, but I shall get the information.

12,211. (*By Dr. Farquharson.*) Do you think this shelter makes Greenock popular with the vagrant class?—It makes it popular in this way, that those who are accustomed going about tramping know where they can get a night's shelter; and if they can at all get the length of it, it prevents them lying about farms by the roadside, where they would probably cause mischief by smoking and such like.

12,212. Have you any decided opinion about the connection of drink and crime?—Well, I think the most of crime has drink at the bottom of it.

12,213. Do you think it is cause and effect in every case?—In about 90 per cent.

12,214. Not an incident?—No.

12,215. (*By the Chairman.*) One point I was looking at was the large number of prisoners that come to you from Rothesay for begging?—That is in the summer season. I think I had only eight cases of beggars being brought to prison during last year, and five of these eight were from Rothesay.

12,216. How do you account for that?—Simply because they go down there in the summer time. They make more at the seaside than they would do in the town.

12,217. But there are a number of other seaside towns besides Rothesay?—Well, but Rothesay is the most popular. Most of the Glasgow people go to Rothesay. Some go to Dunoon, which is also popular, but the Glasgow working people all go to Rothesay.

12,218. Do the Rothesay magistrates bother themselves much about whether the Glasgow tourist or visitor is begged from or not?—The police are standing at the gangway to watch who come ashore, and, though they cannot pounce on them there, they follow them up.

12,219. The police take energetic steps to put down begging in Rothesay?—Yes, that is one of the chief things they attend the harbour for.

12,220. And what sentence do the Rothesay magistrates give?—About fourteen days, as a rule. The hardest sentences we get are from Islay, Campbeltown, and Inveraray. For breach of the peace they give hard labour.

12,221. But I am asking about beggars. The punishment runs up to sixty days; have you ever any sentences of that extent?—No; magistrates won't go that length.

12,222. Do they give the women or the men the stiffest sentences?—They are not particular as to that.

[The witness then withdrew.]

Mr. A. Macleod M'Adie.

MR. ALEXANDER MACLEOD M'ADIE, Manager of the Glasgow Night Asylum and House of Industry, called in and examined.

Mr. A. Macleod M'Adie.

12,223. (*By the Chairman.*) You are the manager of the Night Asylum?—Yes.

12,224. That is at present in Garscube Road?—Yes; but that is merely a temporary place.

12,225. Well, we went there the other night, and saw it for ourselves?—You can hardly consider that a fair sample of the work of the institution—in a temporary place.

12,226. Well, in what respect—inferior accommodation, or what?—Yes; and the manner in which they are put up in the place.

12,227. How do you intend to put them up in the new place?—That is under discussion just now. We had a meeting to-day about it, but it has not been decided.

12,228. How did you put them up in the old?—Something similar to the present arrangement.

12,229. Sleep on the floor?—Yes.

12,230. Had you any heating—water pipes?—Not in the old, but we are to have in the new.

12,231. Have you statistics of the people accommodated during last year?—During the year ending August last 46,139 were night-sheltered.

12,232. That is a nightly average of what?—126 per night.

12,233. Of whom there were males?—23,073; females 15,500; boys 3659; and girls 3907.

12,234. Those that you class boys and girls will go with the females?—Mostly.

12,235. Unless they were in charge of a father or something of that sort, and then I suppose boys would go with the males?—Yes.

12,236. You give them a meal when they come in?—Porridge and milk, and the same in the morning.

12,237. Have you any rule as to preventing them coming back oftener than once in a certain time?—We have to use our discretion, and see that they do not come. We do not encourage them to come back more than just two or three nights, if they get employment.

12,238. Do you find that the change of your quarters from North Frederick Street to Garscube Road has altered the character of your inmates?—No.

12,239. Are you in communication with the various police offices? Are you on the telephone?—No.

12,240. Were you on the telephone?—No.

12,241. So that the police were not in a position to know whether you had any vacant accommodation?—No.

12,242. But they are in communication with you, and they bring you cases?—Yes, they send us cases; but the great difficulty with these cases is that they usually come when our place is filled up.

12,243. The other night, in the police office, we saw several cases get shelter, and among others a woman and two children?—Just so.

12,244. The reason why she was receiving police shelter was that the superintendent at the Central Police Office believed your place was filled, and, as a matter of fact, we had just come from it, and it was almost empty of females?—Before going to the temporary place I made arrangements with the police superintendent to be more indulgent with those seeking shelter. We had less accommodation. Our average number accommodated in the temporary place is about 100, while the accommodation in the reconstructed Institution is arranged for 260.

12,245. But the night we were there there was not a score of women?—That is so.

12,246. But there was no means of communicating?—That is so.

12,247. To put yourselves on the telephone exchange would settle that?—Yes.

12,248. What sort of people is it that come to you? You don't take them if they are at all in drink?—No.

12,249. And you have got a director of the Institution sitting there to check the admissions?—Yes.

12,250. Are the most of your men, do you think, respectable working men, or men of one class or another reduced by misfortune, or are they chiefly professional tramps and vagrants?—I should say a goodly number of the cases are owing to intemperance.

12,251. Intemperance has probably to do with most of them; but are there many of your clients respectable working men in temporary difficulties through lack of work, and looking out for it?—Yes, we have a large number; and we have had even cases of men coming back offering payment after they get work.

12,252. Out of 46,000, how many tenders of payment have you had?—Very few. I merely mention that.

12,253. That does not speak very largely for the independent-mindedness of your people?—No.

12,254. What sort of people are the women?—Just the very lowest. They are mostly deserted wives.

12,255. The deserted wife need not necessarily be the lowest,—that is to say, she is a person, *prima facie*, who has been unfortunate, and owes her reduced circumstances not to her own fault?—But in many of these cases we trace it back to intemperance.

12,256. The woman has been drinking, and the husband has left her?—Yes.

12,257. For these the parochial authorities are responsible?—We send them there. We give them a note certifying that they have resided in the House for a night, and that enables them to get into the poorhouse.

12,258. But the parochial authorities won't thank you for this?—No.

12,259. You have connected with this Night Asylum a Home of Industry for Females. How many inmates have you there?—Eight at present. In view of these alterations, we do not increase the number.

12,260. How many did you use to have?—We had 80 in it some years ago, but that branch of the Institution is under consideration just now. The directors have decided not to continue it on its present basis.

12,261. What was the average period of residence for each inmate?—For the last twenty years, say two years and eleven months.

12,262. What were they employed at?—White seam work. The maximum period of residence through the whole history of the House was thirty years.

12,263. Do some of the women remain with you all their lives?—Yes, practically. That was the chief objection that the directors had to it.

12,264. How did you pay the women?—According to the work done, and they paid us for their board.

12,265. How much?—The first three months is 2s. 6d. for the board; and the next three months it is 3s.; afterwards, however long they may remain, it is 3s. 6d.

12,266. Could you do it for 3s. 6d.?—Not quite now. It was forty or fifty years since that was fixed.

12,267. What are the earnings?—For the last twenty years the average payment per annum to each inmate, after deducting board, was £4, 9s. 11d., or 7s. 5¾d. per month.

12,268. Coming to the last year, the total amount paid to nine inmates, after deducting board, is £46, 10s. 9d., an average of £5, 3s. 4d. to each, or 8s. 7½d. per month?—That is so.

12,269. Do you get enough out of the work to pay the inmates their wages?—Oh, yes, we get rather more than that; but there is the salary of the matron and the servant. That does not pay itself.

12,270. You do not charge house rent in any case?—No; that is one of the reasons why the directors have resolved upon some alteration.

12,271. Now, do you think that, given a house and a decent lot of women, and given this white seam sewing, could you have a self-supporting Institution?—Yes. For a good number of years it was self-supporting.

12,272. Do you have any complaints from the outside as to competition?—Never. We keep up the prices of the work.

12,273. That is all you find necessary?—Yes, to keep up the price of the work.

12,274. But if it had been any business that was carried on by an organised body of workers outside, would you have expected to have complaints?—If you keep up the price I don't see that they would have much to complain of.

12,275. From your return I see that the maximum amount paid to an inmate for last year was £8, 13s. 3d. for eleven months—that is an average of 15s. 9d. per month?—That is so. The reason that they were able to do so much is that they are all old inmates, and they have got proficient at it.

12,276. Of the eight inmates at present in the House, the average period of residence is nine years and ten months, and the maximum twenty-eight years, so that they are all old residenters?—Yes.

12,277. As a matter of fact it could be little or no use in passing the women through, and you are reconsidering the whole matter?—Yes.

12,278. (*By Miss Stevenson.*) In the women who come to you for shelter at night, do you find any women of the unfortunate class?—Yes.

12,279. Do you receive them?—Yes; we give them the night's shelter.

12,280. Do you find that the same people come back to you night after night, or have you any limit as to the number of times they are admitted?—There is no limit. It is entirely in the hands of the director present. Of course they do come back, and the directors have been very indulgent with them. They don't care to turn away a woman if possible.

12,281. Are they required to do work for the night's shelter?—No work.

12,282. There is no test?—No.

12,283. You say a very large proportion of them are deserted wives?—A goodly number.

12,284. Do they come to you just as a temporary thing till they have found a fresh home, or apply to the parish?—Just as a temporary thing—three or four nights at the most.

12,285. (*By Professor Dove Wilson.*) Are you aware if the directors have ever had under consideration whether they ought not to apply some test?—That has been under their consideration.

12,286. And what is the result?—They have never been able to prepare a scheme that they think would be practicable.

12,287. (*By the Chairman.*) What parish is your asylum in?—The City Parish.

12,288. You tell us that you have a lot of deserted wives, and that you give them a note certifying their residence for the night in the asylum—don't the City

Mr. A. Macleod M'Adie.

Parish people complain of your concentrating all the deserted wives upon them?—We give them a line, which enables them to get in. The poorhouse authorities settle them in their respective parishes. They complain of the trouble, but that is all. [The witness then withdrew.]

Mr. A. Macleod M'Adie.

1 Dec. 1894.

21 Dec. 189

Colonel C. E. Macaulay.

COLONEL C. E. MACAULAY, late of the Bengal Staff Corps, and Governor of Ayr Prison, called in and examined.

Colonel C. E. Macaulay.

12,289. (*By the Chairman.*) You are Governor of Ayr Prison?—Yes.

12,290. And you have been how long there?—I have been upwards of eleven years Governor of the Prison.

12,291. Have you had any other prison experience?—No, I have had no other prison appointment in this country.

12,292. What number of prisoners have you in Ayr?—About 80—60 males, and 20 females.

12,293. Ayr has a painful pre-eminence among the Scottish county and country towns in the number of apprehensions. There are 44 people apprehended per 1000 of the population in Ayr for breach of the peace, petty assault, drunk and incapable, and drunk and disorderly in 1893, and that is much bigger than any town in Scotland, except Glasgow?—I have no doubt.

12,294. Can you give us any explanation?—It is probably the drunkenness.

12,295. Do you think the drunkenness is native, or imported?—Partly native, and partly imported. There is a considerable amount of imported drunkenness.

12,296. We have been told there are excursions, and the races, and the militia training, but do you think that that accounts for the fact that Ayr should have in ratio very nearly twice as many of these offences as Edinburgh?—I think the drunkenness is very considerable there, and I think that is the general opinion as regards excursionists specially.

12,297. Is there anything in connection with the police administration that would strike you there?—I think it is rather lax with regard to drunkenness. We have an excessive amount of drunkenness and laxity in the enforcement of the law against licensed houses who supply liquor to persons already intoxicated.

12,298. Have you many drunks sent in to you?—Yes, a good many. I have brought a number of cases, both male and female, with me.

12,299. Could you give us any statistics?—Last year, for instance, there were 1188 males and females committed for offences specified on Table A,—that is, breach of the peace, petty assault, drunkenness, begging and vagrancy, and importuning.

12,300. I understand that there is next to nothing of importuning arrests?—Very seldom.

12,301. You have got a good lot of breach of the peace?—Yes, under the influence of drink in most cases I should think.

12,302. You have got a large number of drunk and incapable, or drunk and disorderly? You have here, I see, 53 cases of begging and vagrancy. Of the 53, 45 were males. Can you give us any explanation of the large amount of vagrancy you have?—In Ayr?

12,303. For instance, we were told a few minutes ago that there had been only eight vagrants in Greenock Prison, and five of these came from Rothesay?—There is a good deal of vagrancy, no doubt, throughout Ayrshire.

12,304. Have you any explanation of that?—None, except that they pass through Ayrshire in large numbers, as they are passing all over Scotland.

12,305. You are aware that there is a peculiar system of handing them on by tickets. The Chief Constable of Ayr told us that he thought that it was that that attracted so many vagrants there?—I do not think that is a very strong reason. The ticket system stops the professional beggar alleging starvation, and thus stops the chief cause of the misapplied charity by which he used to live so well. I think they are going towards Glasgow at this time of the year.

12,306. Have you ever talked to any of these vagrants?—Yes; but they are very reluctant when they come to prison to admit that they are vagrants. I talked to several yesterday, both males and females, and they would not admit for a moment that they were vagrants. They come in for begging; but they say, 'No, we are 'on the tramp in search of labour.'

12,307. Then how do they explain their coming to Ayr? They are on their way to—where?—The arrests are not only in Ayr, but they are all over the county of Ayr.

12,308. How are they arrested in Ayrshire?—By the burgh police. I think the vagrancy at Ayr is chiefly in the summer. I have very few vagrants under arrest at present. There are only three males at present under punishment for begging, and there are only nine male and three female prisoners who have no fixed residence.

12,309. When prisoners come in you ask them where their residence is, and of these none will admit that they are vagrants. It is a little difficult therefore to check them in prison. They admit the begging, but not the vagrancy?—That is so; and certainly the men I have got in just now are not vagrants.

12,310. What is the charge against them?—The charge in some instances is begging, and in some instances breach of the peace. I had a man from Cumberland in prison yesterday. He said he had no fixed residence, but that he had been working for three or four weeks running as a navvy, and then lost all his money in three days' drinking.

12,311. Do you think that is likely?—Yes, I think that is exactly what brought him into prison. He drank from Friday till Monday.

12,312. Had he ever been with you before?—Yes, I think once before.

12,313. What do your prisoners work at?—At oakum and stone-breaking, mat-making, picking hemp, and beating carpets. Picking hemp is teasing flax and hemp ropes, which come from Konisborgh and Riga in Russia, to be manufactured into new rope, lead line, and thick cords.

12,314. And your women?—Well, they sew, and knit, and wash.

12,315. They do not do any sack making?—We have not any of that in Ayr.

12,316. Have you any complaints about mat-making?—No.

12,317. We have been told by a governor of the prison, where a large number of mats are made, that complaints are made that the industry interferes with the work of the blind asylums?—Well, that is possible.

12,318. But he said the complaints were ill-founded?—I should think so.

12,319. And he said that he had sold his mats to blind asylums to sell again—have you ever done that?—No, but an asylum might suddenly require them to complete a large order which it might otherwise lose.

12,320. Have you ever been applied to by blind asylums for mats?—No.

12,321. Do you make many?—Not so many at present. Not so many as I was making two or three years ago. The industry has been declining, so far as my prison is concerned.

12,322. You have never had complaints levelled against you?—Never; and, as far as my inquiries went, it was not an industry in Scotland, except in blind asylums.

12,323. You have never been remonstrated with?—Never.

12,324. (*By Dr. Sutherland.*) You have a fair number of habitual offenders constantly passing through your hands. Do you think that the system of sending them to prison for twenty-four hours or thirty days is of any service whatever?—None, except in so far as it keeps them out of mischief.

Colonel C. E. Macaulay. 21 Dec. 1894.

12,325. Have you any suggestion to make in the way of treating these people with a view to their reformation?—It quite depends on who they are. There may be some habitual drunkards for whom the best thing would be to put them away. Some of our worst characters might be put away, but there are a large number who come to the prison who are working hard during the week, and just get on the spree occasionally. They come in pretty frequently.

12,326. (*By the Chairman.*) How often does this respectable drunkard come in, not the man you would have no scruple in dealing with, but this man whom you say is respectable?—I did not say respectable, but hard-working outside. There is a man, Archibald F——, who works hard. He says he is thirty, but he is older. It is eighteen years since he began his prison life, and during that time he has been 58 times in prison, from twenty-four hours up to six months, for all kinds of offences. He is a dock labourer, "drinks when 'he gets his pay, has no money at the time he goes to 'prison, would not call himself exactly a drunkard. He 'does not take drink sometimes for weeks, and never 'thinks of it when in prison." That is a marked thing. None of these men admit that they ever think of drink while in prison. They have no desire or craving for it. He is not married, so would be a better man to send to some institution. If, he says, he could get away from the place, he might be better as regards drink.

12,327. What are his offences?—He commenced in 1876 with 20 days, his next was 7 days, then 21 days, then 5 days, then 4 days, then 21 days. Then 5 days, then 7 days, then 14 days, then 60 days, because he apparently intended to steal on that occasion. Then 14 days. All these are breaches of the peace, or chiefly so. Then he had 30 days, 14 days, and so on.

12,328. How many times was he in during 1893?—In 1894 he has been in six times.

12,329. I think I should prefer a better man as a sample of the respectable class?—He is a fairly decent man this; he works very hard. Then here is a regular dipsomaniac, John F——, who is over seventy years of age, and who might go to a retreat. He cannot refrain from drink.

12,330. (*By Dr. Sutherland.*) Can you suggest any new legislation by which a man like Archibald F—— should be safeguarded?—I think so. He is one of the men, I think, who should be taken before the sheriff, and have his case thoroughly considered all round. Then there is another man, M'C——, a hard worker outside, not married, has been nearly five years in prison, 53 times in, under forty-three years of age.

12,331. (*By the Chairman.*) What is the number of convictions this year?—He has only been in three times, but I am not quite sure that I have got his last conviction here.

Colonel C. E. Macaulay. 21 Dec. 1894

12,332. (*By Dr. Sutherland.*) That is to say, fairly respectable?—Yes, but he is a very rough customer when in drink.

12,333. (*By the Chairman.*) We have been told that there is a class of working men who get drunk every pay-day, every fortnight, who is probably the model father of a family in every other respect—an admirable citizen, except this one day a fortnight—do you ever come across that kind in your prison?—I come across men who *work hard* outside, and keep a *fairly decent* family. I don't say they are model fathers or citizens.

12,334. And are they among the people who are with you perhaps four or five, or six times a year?—Here is a man, P——, who is very frequently in, but he blames his wife. He is a capital shoemaker, and he comes in very frequently.

12,335. Give us a statement of the number of times and days these typical respectable men have been in?—

12,336. (*By Col. M'Hardy.*) You have been observing closely the increase in the number of prisoners during the last two or three years at Ayr?—Yes.

12,337. The increase seems to come from the county more than the burgh, so far as I can make out?—Yes; I think that is so.

12,338. But there is nothing specific or special about it that you have been able to trace the cause to?—No.

12,339. At Ayr there are some occasions when the militia are up, and when the race meeting is held, when the population becomes excessively high?—That is the case.

12,340. Are the persons who cause the rise in the prison population local individuals or are they strangers, as a rule?—A good many local, and some few from all parts of England—racing characters.

12,341. But I suppose the great bulk of them are for breach of the peace and so on. Well, are they local people who get tipsy then, who would not otherwise, or are they race people imported from other towns, such as Glasgow or the south?—Chiefly Ayrshire, I should think. You are speaking of the race meeting. Well, there are some men even from London.

12,342. Do you find the prisoners work at certain things more heartily and better than they do at others—for instance, at mat-making than picking oakum?—Oh, decidedly.

12,343. And in conducting a prison you can do it with less punishment when the occupations are such as the prisoners take some interest in?—Quite so. Picking oakum is the most penal and irksome you can give them. [The witness then withdrew.]

Dr. W. J. Naismith.

W. J. NAISMITH, M.D., F.R.C.S.E., Surgeon to Ayr Prison, and Medico-Legal Examiner for the Crown in South Ayrshire, called in and examined.

Dr. W. J. Naismith.

12,344. (*By the Chairman.*) You are Surgeon of Ayr Prison?—I am.

12,345. And you have a large consulting practice in Ayr and Ayrshire?—Yes.

12,346. And you are brought into contact with a good number of cases of habitual drunkenness outside your prison practice?—I am.

12,347. Have you any suggestions to make regarding habitual drunkards? Where do you recommend people to go to; or do you consider any of them should be put in retreats?—I have always felt a very great difficulty in the treatment of cases of habitual drunkenness in private practice, and have felt very much the want of legislation on that head.

12,348. Legislation, I suppose ——?—Directed towards the confinement of habitual drunkards. At present I take it that their retirement in an asylum, for instance, is merely voluntary on their part.

12,349. We have been told by a number of medical gentlemen, or certain medical gentlemen, that they knew of people in the remoter districts of the Highlands and Islands, where liquor was comparatively difficult to be got, who took charge of inebriate cases; have you ever sent any patients there?—No. I know of these people, but I have not sent patients to them.

12,350. Have you recommended patients to go as voluntary patients to an asylum?—I have, and have succeeded in many instances; or, when I say many, I should rather say a few instances. My experience is that these suggestions are very seldom acted up to. If you leave it as a voluntary matter, persons will not go into retreats.

12,351. And those that you have got, do they remain there?—In a few instances. We have known them to go; they have never stayed longer than three or four months, and it seems to me that their having stayed there has never been followed by satisfactory results—probably because they stayed there too short a time.

12,352. Have you faith in any of the remedies advocated for the cure of intemperate habits?—None. I have no personal experience in the use of these drugs, but my information is derived from the medical journals of the country, and from reading of the experience of others in the profession.

Dr. W. J. Nairnsmith.

21 Dec. 1894.

12,353. That relates, of course, to secret drugs; and there is no orthodox recognition of any drug as curative?—None whatever.

12,354. Coming to your prison experience, have you any suggestions to make? A very large number of your cases of petty offenders are persons who are primarily ——?—Brought there through drink, and the number seems to be largely increasing. At least, I find that, for instance, speaking very generally, so far as the prison of Ayr is concerned, in 1890 the total arrests were 1748, and in 1893 these had increased to 2415, and out of that number 1188 were committed for offences in Table A—that is, under the petty habitual offences. That is, of course, very large—very nearly half.

12,355. How do you account for that increase?—I account for the increase partly from the fact that I believe short sentences have no effect.

12,356. But short sentences have been going on for many years before, and the increase has been most notable of late years?—I fancy that these cases of habitual drunkenness are simply getting worse. They get drunk at shorter intervals, and their entries are increasing.

12,357. That is an explanation that has not yet been offered us; but there was an explanation, we were informed, that the high percentage of arrests for these drunken offences in Ayr was due to the Ayr races, to the number of excursionists who visited Ayr, to the militia training there, and to the fact that the Ayrshire method of treating mendicity encouraged vagrants to come to it?—The population of Ayr is increasing.

12,358. But not in the same ratio to the arrests?—We have had racing and these other things for a long time. These things may have a great deal to do with it, but I firmly believe a great deal of it is due, as I have said, to these short sentences, which, so far from stopping drunkenness, actually increase it. That is to say that the demoralisation continues increasingly, and often habitual offenders are being brought into prison at much shorter intervals than they used to be. Of course, a number of these may be recommittals.

12,359. Of course there is a large number of them recommittals; but the Chief Constable pointed out that there is a very large increase in the vagrant class in Ayr within the last few years?—I should not like to express any opinion upon that point.

12,360. Have you any proposal to make with regard to their present treatment?—I am very strongly of opinion that their sentences should be cumulative.

12,361. But, assuming that in places where they have long sentences, the results are no more satisfactory than where they do otherwise?—Well, that I do not know personally; but I may be allowed to hold the theory that to allow a prisoner to leave the prison cell after the usual three, five, or six, or seven, or even fourteen days, is just to allow him to leave prison with the strongest craving for drink upon him.

12,362. Suggestions have been made for reformatory treatment—that is, that habitual offenders might be sent to an adult reformatory, and detained there?—I believe that the earliest part of the treatment must be compulsory and forcible, and my belief is that the man who is kept a longer time than the usual short sentence is much more likely to be turned out with less of the craving for alcohol than now prevails. I believe if you sent that man to a voluntary place he would not stay there.

12,363. But we are talking of compulsory places of detention, and it has been universally suggested to us that, in connection with any institution of that sort, work should constitute a part of the treatment?—That is the most excellent plan of all. That quite fulfils the conditions of longer imprisonment, such as I suggest. It is the best of arrangements. He would be compulsorily kept from drink.

12,364. Colonel Macaulay, as an advocate, in dealing with respectable drunks, mentioned a man with 56 convictions, who was, in his opinion, within that class. He was a good worker, and sometimes he worked very well. And then he came into the hands of the police, and he had submitted to fines and sentences of imprisonment, some of six months. Now, have you seen, in your prison experience, many repeated convictions that at all came under the class of useful citizens outside respectable men?—I cannot say that I have.

12,365. You would not consider such a man as deserving of much consideration? You would think that he was sufficiently habitual to entitle the state to deal with him as an habitual?—Quite so.

12,366. (*By Dr. Farquharson.*) Do you hold confident views as regards the possibility of curing these habitual cases absolutely by voluntary detention?—I cannot say that I do. My opinions are simply in the direction of amelioration. I would not express any opinion as to absolute cure.

12,367. Because we have statistics that 30 per cent. of these cases are cured, and can be cured?—I have no personal knowledge of the kind.

12,368. Do you think that the desire of inebriates to drink goes on increasing with the continuation of their drinking habits?—Yes, most firmly. They lose self-control as they go on breaking down.

12,369. I do not mean self-control, but the physical effect on them?—Certainly, on themselves.

12,370. The same quantity of drink will produce a greater effect upon the man who has been in the habit of drinking for a long time?—Yes, that is my opinion.

12,371. What is your opinion of the effect of heredity?—That there is no disease known where heredity has such a frightful influence.

12,372. I only ask that because we have had a difference of opinion?—Far worse than for phthisis, or cancer, or any other disease.

12,373. Is it your opinion that the child of drunken parents who lapses into drink is more hopeless than any other case?—I do.

12,374. (*By Professor Dove Wilson.*) Have you observed whether sentences for drunkenness and offences committed through drink have been increasing in severity of late?—No.

12,375. They have not?—No.

12,376. How long would you think it necessary to detain an habitual drunkard to give him a fair chance of his getting quit of the drink craving?—It is very difficult to mention a time; but I should say that the present sentences are utterly inadequate, and I would be inclined to mention a month or two as the shortest time.

12,377. Do you know a class of people who are called pay-day drunks?—I have heard of them.

12,378. Have you any suggestion as to how you would deal with them?—No, I cannot say I have.

12,379. (*By Dr. Sutherland.*) In speaking of the inefficacy of short sentences for drunkards, and suggesting a longer period of detention, is it in your mind to detain these people in prison?—No. I quite acquiesce in the reformatory plan.

12,380. Is it your experience as a prison surgeon, in observing the prisoners who are under detention for a long time—say 12 or 18 months—and are kept in their cells 23 hours out of the 24, that this confinement is deleterious both to the mind and body?—I should say that Her Majesty's prison at Ayr is not a long sentence one, and that we have very few prisoners in for such a length of time.

12,381. Is it not for the same sentences as in other prisons in the country?—During my tenure of office I have had no experience of prisoners who have been in that length of time, with very few exceptions.

12,382. It is contrary to your experience, both practical and theoretical, to expect physical and mental health to continue up to a standard after long periods of what is known as separate confinement?—Quite so.

12,383. In fact you would fix a time when separate confinement would cease, and outdoor work should take its place?—Certainly.

12,384. Do you find that epilepsy is in any way identified with alcoholism?—I find it is very strongly identified with it.

12,385. It is just an evidence of the neurotic temperament, as drunkenness itself may be?—I think

Dr. W. J. Naismith.

21 Dec. 1894.

that epileptic drunkards are not suitable for prison discipline at all. We have to associate them; we cannot let them be alone, and prison discipline has no effect upon them, but, I believe, the very reverse.

12,386. So long as you are not able to certify them insane, where can you put them?—I should be inclined very strongly to send them straight off to an asylum.

12,387. But you are not able to certify them insane; do you think they are fitter inmates for the poorhouse than the prison?—I do.

12,388. You have in your experience come across cases of inebriety which have gone on unnoticed,—at all events, to the authorities, for years; and were only detected when a fatal assault was committed?—I have known of such cases.

12,389. What would you suggest should be done with this form of inebriety? What steps do you think should be taken to bring this phase of inebriety to the notice of the sheriff before dangerous assaults are committed?—If his inebriety is unnoticed, how are you to take him in hand.

12,390. Suppose it is known to the neighbours and relatives, as well as the family, who might hesitate to act, would not the neighbours be entitled to bring the case under the notice of the police, and demand an inquiry?—That is where I think there is a *hiatus* in our legislation, and that there should be some place where the relatives, by application to the sheriff, should be able to place such a person under restraint, if he is a drunkard.

12,391. Before he commits a dangerous assault, or is likely to commit crime?—Yes.

12,392. (*By the Chairman.*) As you mentioned cases of epilepsy combined with drunkenness, and exceptional treatment if necessary in that case, have you many instances of weak-minded persons in the prison under your charge?—I have, but have certified them insane.

12,393. And what is the result?—Taken to the District Asylum.

12,394. At the expense of the population?—Yes, it is a pauper asylum, the district one.

12,395. We have been told that in many cases where that has been done, the district asylum people do not take the prison view of the asylum, and turn them out?—They have not in the instances I refer to.

12,396. Well-marked insanity is one thing, but we have been told of various weak-minded persons. We have been told to-day of a female who had been numerous times in jail, and who stole when she got out, with no attempt at concealment; and her mania for stealing was so strong that if she got into a passage in the prison, she would pick up another prisoner's oakum and take it into her cell?—I would have no hesitation in certifying that woman as insane. She is in no case fit for prison discipline.

Dr. W. J. Naismith.

21 Dec. 1894.

12,397. Take the case of D.T.'s.—what would you do with them? Would you treat them as insane?—Well, if there is an asylum at hand, I would be inclined to send them there till they were better.

12,398. You send a prisoner temporarily insane to an asylum, and then get him back when he recovers?—Yes, I have done so. I do not know I have got him back if his sentence had lapsed.

12,399. But, if his sentence had not lapsed, he comes back to you?—If I have certified him as insane, I should not be inclined to take him back.

12,400. I suppose these weak-minded people you think would be proper subjects for the care of the Parochial Board?—I do, because I do not hold them to be responsible.

12,401. Do you think it would be desirable that the Parochial Board ought to be given power to detain these people, and not let them out, without, at all events, notice?—I think so.

12,402. Would it not be rather hard to the imbecile or fatuous persons to be put into a pauper institution, and compelled probably to submit to jeers and rough language, at all events unfeeling treatment?—It is a question of alternative. If they are not sent there, I should think it would be far worse to be sent into prison.

12,403. But I suppose, if you point out that a prisoner is peculiar, has a tinge of insanity or imbecility, the prison discipline is not so strictly enforced, and he is not punished for things another prisoner would?—But it throws an enormous responsibility upon the prison officials, for if such an imbecile should come to grief in any way, we would be responsible for not having treated him as a person not being responsible for his own actions. This responsibility I should be very sorry to take, and therefore I say I think the kind of weakly person you speak of is not a person to be detained in Her Majesty's Prisons.

12,404. Is the number of such persons in prison, according to your experience, large?—I have only been a prison surgeon for three years.

12,405. I was going to ask if you thought the number of such persons would be sufficient to justify their separation to some special establishment?—During my three years of office, several persons have been brought in like that.

12,406. How many?—Perhaps a dozen; less. Every now and then a case of that kind occurs.

12,407. Have you any in Ayr just now?—Not at present. I have one or two epileptics who are brought in for seven or fourteen days. Then they go out and soon come in again. [The witness then withdrew.]

Captain HARDY M'HARDY, R.N.,* Chief Constable of Ayrshire, called in and examined.

Captain Hardy M'Hardy.

Captain Hardy M'Hardy.

12,408. What we wish to see you chiefly about is, that we understand that in Ayrshire you have organised some system of dealing with tramps which is known throughout Scotland, but details of which we have not yet been able to get. Would you please tell us your system in Ayrshire?—I have with me the annual reports of this Society. The occasion of its being instituted was that several people complained of the number of applications they had from tramps, and my answer was:—'It rests with yourselves to cure 'that. If you do not encourage them by relief you will 'find you will not be troubled;' and I further said: 'If 'you feel it necessary to relieve them then I would 'strongly urge that you endeavour to see that they con-'sume on the premises what you give them in food-relief.' To this suggestion, some kind ladies, who being particularly generous in responding to appeals at a time of slackness in the shipbuilding yards, said their difficulty was not so much in feeding the tramps as that they all wanted money to help them towards their night's lodgings. Some would say they had 2d., and they wanted 3d. more to make up the price of their lodgings. This was in the Largs and Skelmorlie districts, which are particularly well-to-do parts of the county, and there is no doubt that in these places many undeserving tramps were drawing a great deal of charity by posing as ship-yard workers out of employment. I could give no answer in regard to these cases of supplying money towards the night's lodgings as to how the relief could be given in a form less liable to abuse, but I made inquiries in England, and particularly in Dorsetshire, Herefordshire, Kent, and Worcestershire, regarding societies for dealing with tramps, and we established the Ayrshire Society on the system of the Dorset Society, which latter has now been in existence for 24 years.

12,409. Would you please give us particulars about the operations of the Society and how it works?—It provides for the public supplying themselves with bread tickets, which are exchangeable for a portion of bread at the towns and villages (68 places) throughout the county. About every five miles on his journey through Ayrshire, the vagrant would be able to get not more than two pennyworth of bread. It takes two tickets

* *Vide* Appendix xxxvii.

Captain Hardy M'Hardy.

21 Dec. 1894.

to give him two pennyworth of bread, and the public pay for the tickets the half of that value, that is, the tickets are sold at half par value.

12,410. They are sold to the public?—At half par value, because it is reckoned that only about half of the tickets will be presented.

12,411. But you run the risk of the loss?—Yes, but besides the income from the sale of tickets, subscriptions are invited to defray working expenses, and to provide for any balance against the Society on the Relief Account.

12,412. Will you give us specimens of your different tickets?—Specimen tickets handed in.

12,413. You say half a pound of bread will be given for this ticket. Do you allow a man to get four tickets?—He can only exchange two tickets at one bread station. It is a half pound for each ticket. A man can get a pound of bread if he possesses two tickets, and a similar supply could be obtained for each five miles or thereby travelled.

12,414. But do the bakers make half pound loaves?—Half a pound is a penny loaf. They generally give them in scones, and I find the bakers give very liberal value for the penny. They never confine them to the bare quantity that they are obliged to supply.

12,415. Bread is the only relief you give?—No, lodging ticket-books are also sold to the public. The tickets provide that, "If the bearer is a wayfarer in 'need of relief, an order for a lodging for the night will 'be given at —— Police Station." The person giving the ticket is instructed to sign, date, and insert the name of the police station, and it will only be available on that date for exchange at the police station mentioned. On the cover there is a list of the stations that the tickets can be made available for exchange at, and the list includes every place (25) which has common lodging-house accommodation.

12,416. Is there any other feature?—Some of the public who considered that dry bread was not sufficient relief to give, said they were obliged to give relief in some other form in the way of food, and asked if the Society could not arrange to give hot coffee and bread and butter, or bread and cheese, or tea. It was thought advisable to try it experimentally first in not more than two places in the county, but I met with the District Committees, and there was only one division in the county that was inclined to try it, and that was Ayr.

12,417. Ayr burgh do you mean?—The division of the county is called Ayr, but that takes in six or seven parishes.

12,418. Have you got a list of them now?—The Ayr district takes in the burgh of Ayr, and Tarbolton, Dalmellington, Prestwick, Monkton, and Dalrymple parishes.

12,419. And, I suppose, this is the most populous district?—Except Kilmarnock, which is rather more populous. This ticket, which is being tried tentatively in Ayr, is described as 'Superior Food Ticket.' Its value is 2½d., and it is made exchangeable at the constabulary office for an order, either to the Ayr coffee-house or to the baker who supplies bread, and arrangements have been made for its being exchanged for hot soup and bread, or coffee and bread and butter at the coffee-house, or for bread and cheese, or bread, tea and sugar, at the baker.

12,420. You did not tell us the price of the lodgings' ticket?—They are sold at 3d. a ticket—2s. 6d. for a packet of 10 tickets, or 1s. for a packet of 4 tickets. The cost to the Society for lodgings varies from 3½d. to 5d.

12,421. How do you manage to sell under cost price. Do you find they are not presented?—Nearly all of these are presented, and each year there is a deficiency on these tickets, although they are sold nearer the real value than the bread tickets.

12,422. Tell us about the coffee ticket. You say its value is 2½d. What do you sell it to subscribers at?—1s. 6d. for 10 tickets. Very few however have been used. They have been in use for two years, and the report of the trial of the two years is that the Committee do not feel justified in approving of any extension of the system, but make no objection to the continuance of the trial in Ayr. £3 worth only have been negotiated in two years.

Captain Hardy M'Hardy.

21 Dec. 1894.

12,423. Would you let us have the results of your operations, as set forth in the last report. When did the Association start?—In 1885.

12,424. What do you call it?—The Ayrshire Mendicity Society for the Repression of Professional Vagrancy, and the Supply of Relief to Destitute Wayfarers.

12,425. What do you generally call it?—The Mendicity Society.

12,426. What are your operations for the last year?—The number of people who have used the Society in one year has varied from 1418—the greatest number in the year 1887–88.

12,427. The number of people?—That is the number of the public who bought tickets, with which to relieve wayfarers.

12,428. When does your year end?—The 31st March.

12,429. Varied from what?—From 1418 in the year 1887–88 to 94 in the year 1891–92. Last year the number was 540.

12,430. (*By Col. M'Hardy.*) That is the people who have bought tickets?—Yes.

12,431. (*By the Chairman.*) How do you account for that falling off between 1887 and 1894?—It is entirely due to whether or not there have been applications to the public to buy the tickets. The fact is, I have not felt justified in allowing the police to importune the public, but, more than once at the annual meetings, it has been alleged that the public did not sufficiently know of the existence of the Society, and that they would be glad to buy the tickets if they were applied to more. To meet this complaint that the Society was not sufficiently known, circulars giving particulars of the system have occasionally been delivered by the constables to the inhabitants; and when such a circular has been distributed, there has been a great increase in the number who have bought tickets.

12,432. What was the purchase money of the 1418 in 1887–88?—£140, 18s. 6d.

12,433. Can you tell us what class of tickets were run upon?—I find that £70, 13s. 6d. was received for bread tickets, and £70, 5s. for lodgings' tickets in that year.

12,434. And in the last year, 1893–94?—The amount received was £80, 19s.

12,435. Of which, how much was for bread, lodgings and superior food?—The report of that year is not yet printed, but I can say, from memory, that about £2 of it was for superior food.

12,436. And the rest about equally divided between lodgings and bread?—£50, I think, in lodgings' tickets. There was an advantage in them, and the remainder was for bread tickets.

12,437. Then, as to the financial results of your big year's operation, 1418?—The expenditure in relief given was £136, 0s. 8d. in that year, and therefore it gave nearly £4 profit. In adjusting the price of the tickets, the object of the Committee has been to secure that the full amount received for tickets sold shall be expended in relief given, and they make up any deficiency by the subscriptions obtained from the public to cover the expense of working the Society, and any balance on the relief account that is against the Society.

12,438. How far have you required to draw upon subscriptions from the public otherwise than for the purchase of books of tickets?—The difference between the amount received for tickets sold, and the expenditure on relief given, is £47 inthe nine years—£609, 5s. is the income from relief tickets sold, and £656, 8s. is the cost of relief supply.

12,439. Leaving a deficit of?—£47.

12,440. Which you have covered by subscriptions; did you require subscriptions to pay other expenses?—When starting the Society, we received £107, 19s. 8d. in subscriptions and donations, and the working expenses in that year were £45, 17s., and that year, including balance in favour of the Society on the Relief

Account, we had an excess of income of £95, 13s. Of course, at the close of the first year, many tickets were still in the hands of those who bought them. Then the next year it was £2, 15s. 8d. excess of expenditure; the third year £9, 18s. excess of expenditure; the fourth year £30, 8s. 4d. excess of expenditure. Then in each year since, there has been an excess of income as follows,—the fifth year £14, 9s. the sixth year £23, 5s., the seventh year £22, 16s., the eighth year £5, 19s. 8d., and the last year £7, 8s. 5d. The balance in favour of the Society in the nine years is £126, 11s.

12,441. You say that half the bread tickets are not made use of—why don't these tramps, who do not use their bread tickets, sell them to people who want bread?—They could not sell them to anybody but a wayfarer. The bakers are not allowed to exchange the tickets from any of the local poor.

12,442. So that they really give part of them to one of those who is qualified to obtain a ticket for himself and use it. Take this case: you have got a good many shops in Ayr——?—Only one baker at each place is authorised to negotiate the tickets.

12,443. And these are five miles apart?—Yes, and no one can exchange more than two tickets at the same place.

12,444. So that they cannot be exchanged for anything else?—No. I find that the bakers really carry out very satisfactorily the regulations, though they are often applied to, to give something else in exchange for the ticket. The object of having the ten divisions of the county is, that a man comes into the country at the north end—say at Skelmorlie—and passing through the county to the south, though he might be very successful in begging in Skelmorlie and Largs, and get thirty of these bread tickets, they would cease to be of use to him after he reaches Dalry. He could use them passing through Skelmorlie, Largs, Fairlie, West Kilbride, and Dalry, and after that he would have to go into the Irvine district for tickets, and they would pass him on a certain distance, but the tickets in that district would not be of use to him after he passed into the Ayr district.

12,445. And he could not sell them to the inhabitants, no matter how poor, because the poor person so sold could only get 11b. of bread at the end of the journey?—If he met a tramp going north in the direction he had come from, he could supply that tramp with the tickets, and he would be able to use them instead of asking others for tickets.

12,446. They can exchange tickets?—Yes.

12,447. I notice you don't have any dating to these tickets or any limitation of the time for which they are available?—Not with the bread tickets. The fact is, there is no abuse of the bread tickets, and I have explained to the public that my experience of this Society is that they may give them quite freely—there is no abuse. It is quite different with the lodging tickets, because efforts are made by men who are in employment to get them, although quite able to pay for their lodgings.

12,448. We were told at one meeting something about the very independent nature even of the tramp in Scotland?—No, I cannot confirm that.

12,449. You say that men, who have had work and could pay for their tickets, would avail themselves of lodging tickets if they could get them, to save the threepence?—I find instances of the tickets being presented by men who are in work, and are not known in the district well. They have trusted to not being known to get the ticket exchanged.

12,450. Would you give us an instance?—There was a man named Patrick C——, who presented a ticket at the Largs Police Station. He was recognised as a professional vagrant, and, on being required to turn out his pockets, £1, 5s. 11d. was found in his possession.

12,451. And what was done with him?—Nothing could be done. He did not get his lodging ticket exchanged.

12,452. Would not that be obtaining relief under false pretences—falsehood, fraud, and wilful imposition?—It is doubtful whether a Court would convict. It is obtaining charitable contributions under false pretences.

Captain Hardy M'Hardy. 21 Dec. 1894.

12,453. Have you any others?—There is a registry kept, giving full reasons on any occasions on which the constabulary refuse to issue the order on the lodging-house. The following cases are related in one of the Annual Reports of the Society as illustrative of the grounds upon which the constabulary did not issue lodging orders in exchange for tickets presented—1. R. W. presented an order at the constabulary station at 6 P.M. He was the worse for drink, and suspected not to be in need of relief; he was asked to call again, between eight and nine, for his night's lodging order, but he did not return. 2. T. M. answered the description of a man named Thomas G——, wanted at Galston for theft. He was accommodated in police cells for the night, and pleaded guilty of the theft on the following day. Another, an able-bodied young man, Matthew S——, suspected not to be needing relief, was found to have 17s. 10d. upon him.

12,454. You have mentioned a case in which a theft was brought under the cognisance of the police by means of the working of this ticket system—have you had many cases of criminals or offenders who have been wanted?—No; only three in nine years.

12,455. You have not told us how many of these different tickets have been issued; you have given us the total amount, but it will take some calculation to make out the tickets for each year?—I will send figures to the Secretary.

12,456. There is no means under that scheme that is working in Ayrshire of attempting to differentiate between the respectable working man out of work, the tramp in search of employment, and the professional vagrant?—It is a fact that there has not been proved an instance of one of these tickets being presented by a respectable working man.

12,457. The lodging-house tickets?—No ticket whatever. I mean to say, that of those that we have investigated, I have not been able to establish that one was a really respectable working man—I have only investigated the cases of those who were thought likely to prove an exception.

12,458. You have only investigated the respectable cases with a view to relieving them in some other way?—With a view to finding if they were instances of the respectable working man out of employment seeking relief from this Society.

12,459. And you have never been able to find any instance of a respectable working man presenting a ticket?—No; but against that, I quite recognise that a respectable working man, when he was down like that, would be disinclined to give any information which would enable the police to communicate with those who had known him under better circumstances.

12,460. Of course you must have a certain percentage, be it large or small, of respectable men who have been thrown out of work,—take it through the slackness in trade in the shipbuilding yards or the coal strike, or anything of that sort, who may have no money at all, and may be glad to get these tickets for a night's lodging?—I suppose there must be, and perhaps a great number, but, since this superior food ticket was established, I was anxious to find out whether these persons who get the superior food ticket, judged by those who relieved them to be better than the average, were really so. I have investigated the accounts given by those people, and in no case as yet have I found that they were industrious working men. They are men who work hard at times, but they have lost their employment through being unsteady and irregular in their habits and not to be depended on.

12,461. Do you find that those lodging-house tickets, or the superior food tickets especially, form any temptation to tramps to go into districts where they are known?—They certainly require to be given away with discretion, tickets of that value, and, if they were freely given away by people who would give no relief at all if they did not have this means of relieving,

Captain Hardy M'Hardy.

21 Dec. 1894.

then they would decidedly encourage it. Very little will encourage a tramp to a district.

12,462. I ask that, because the Burgh of Ayr Police do not work the system?—No.

12,463. Well, the Chief Constable spoke of a great increase in vagrancy within the last few years, and attributed it to the system of tickets introduced. He said many tramps came to the police office wanting tickets. They were told at first they could not have them, but they got them from the subscribers in Ayr, and they were attracted to Ayr where these superior food tickets and the lodging-house tickets were in existence. That was his explanation for the increase of vagrancy. He said there was an increase, and attributed it to the working of these tickets. Do you think there is any ground for that view?—I do not think so. I had to meet the same view of one Inspector of Poor in Ayrshire—I think there was only one who was of opinion that the Society rather encouraged vagrancy instead of checking it. Immediately I heard that expression of opinion I asked the District Committee to meet and to consider the matter; because, if they were of opinion that there were grounds for that, I would certainly advise giving up the Society at once, for I had no interest in continuing it if there was any suspicion of it encouraging vagrancy; but I showed that, while there had been an increase in that district, that the increase was below the average increase all over Scotland, and in all other districts. I think that perhaps Mr Mackay, in reference to Ayr, has too hastily supposed that it is due to this Mendicity Society.

12,464. Can you give us the figures with which you refuted the Inspector of Poor who brought a similar charge against the Society?—I will send them to the Secretary; but I was in London yesterday, and saw a report which mentioned that, in the year 1893, there had been an enormous increase over the country in vagrancy, that it was greater than in any year for 35 years, with the exception of 1869 and 1881.

12,465. (*By Col. M'Hardy.*) Are you talking about Ayr?—No, the Return related to England and Wales.

12,466. (*By the Chairman.*) Was that official?—It is in the Local Government Board Returns.

12,467. That is the English Local Government Board?—Yes.

12,468. Then, that of course applies to England, but we have no statistics for Scotland to that effect. The vagrancy census has only been taken for a few years past?—That is all. I am afraid these statistics of vagrancy are very unreliable.

12,469. Why?—There is such a variety in the way the census is taken.

12,470. How are they taken—according to the individual directions of each Chief Constable?—Yes.

12,471. But, are there no instructions laid down by the Inspector of Constabulary?—No, there is just a form that has to be filled in. One takes in all the strangers in the district, whether they are working ornot, and another omits those who have got work.

12,472. How did you get the increase—you had Scottish figures for two or three years I suppose?—There has always been a system of recording in the Constabulary Report the number of challenges.

12,473. But that is very unsatisfactory?—It is no index to the actual number; still, I think, the Returns afford some index to the annual changes in the same district.

12,474. Was it by comparison of the number of tramps challenged that you arrived at your figures?—Yes.

12,475. And you showed that the figures in Ayrshire were not so great as in the other counties in Scotland?—Yes.

12,476. And than even in this parish, where the Inspector of Poor complained, the increase had not been so great as in other counties?—Yes.

12,477. You will let us have the figures?—Yes.

12,478. Do you find that the fact that these tickets are available prevents people giving relief in money or in other exchangeable articles?—No; I cannot say that it appreciably does. There are still very many who give direct relief in money or food to beggars, but those who use the tickets state that they are not troubled now by any except those who are in actual need of the relief which the Society gives.

Captain Hardy M'Hardy.

21 Dec. 1894.

12,479. Well, then they get off without anything except the tickets—do you think that a large number of the population give money?—Yes. They give as they always did. I can only claim for the Society that it just meets the case of those people who feel that they cannot relieve strangers or tramps for fear of their charity being abused, and those people who say they are probably nine times out of ten relieving unworthy cases, but they would rather do that than run the risk of refusing relief to one man who was destitute.

12,480. You say the system was adopted after obtaining information from Dorsetshire?—Yes.

12,481. Do you know what the result of the Society's operations in Dorsetshire was, and also in those English counties you mentioned?—The Dorsetshire Society is the one that I have based our Society on.

12,482. (*By Col. M'Hardy.*) How long had it been going on in Dorsetshire?—Twenty-four years. I have in my hand the twenty-fourth annual report of this Society. It states "There has been an increase in "the admissions to the Casual Wards, the numbers being "18,431 in the year ended December last, as compared "with 13,678 in 1892,—an addition of 4753, which is "the largest increase recorded since the formation of "this Society."

12,483. (*By the Chairman.*) I was going to ask you about that point. In every English parish there is provision made for casuals; every casual can get a night's lodgings and some food—is not that so?—Yes.

12,484. That is not the case in any Scottish county, or under the Scottish Poor Law?—No.

12,485. What do they want this organisation for lodgings and food for in an English county, where they have got lodgings provided for them, free of expense, and food provided?—They do not offer lodging tickets in the English county Mendicity Societies. Our lodging system is necessary in Scotland, because there are no Casual Wards.

12,486. So that they have only bread tickets in England?—Yes.

12,487. And, instead of having three sets of tickets they have only one?—Yes.

12,488. Do they give any recommendations there, or have they any system of passes to the people in charge of the Casual Wards to facilitate the movement of the working man in search of work—to free him at all from the tests that are imposed upon the professional tramp?—That is the system that is in use in Wiltshire and Gloucestershire, and, I think, other counties, but that differs from the Dorsetshire system.

12,489. Which is simply the giving of bread tickets?—Yes.

12,490. What do they sell these tickets at?—In Dorsetshire they do not sell the bread tickets. The tickets are distributed free to all subscribers.

12,491. And how does the financial result of that system work out?—I see that their balance in hand was £94, 18s. at the commencement of this year, and it fell to £67 at the end of the year—this year 1893 having been a bad year. The number of tickets exchanged for bread was considerably in excess of previous years, and amounted to 19,089, at a cost of £79, 10s. 9d. For some portions of last autumn the bread outlay exceeded £10 per month, but, as a rule, they have been going on with a little profit. I have noticed this Society has had a balance of upwards of £180, and it has now gone down to £67. I think that is the lowest balance during the past ten years.

12,492. (*By Dr. Sutherland.*) I notice from the return you sent me that there has been a steady increase in your apprehensions for the five specific offences during the past 18 years?—Yes.

12,493. An increase from 2025 in 1885 to 3140 in 1893—to what do you ascribe that enormous increase, amounting to 50 per cent.?—I attribute it, for the most part, to the creation of police burghs in the county

Captain Hardy M'Hardy. 21 Dec. 1894.

12,494. And to any new offences created by statute?—That statute created new offences in the parts of the county that formed police burghs, but there is also each year more expected by the public from the police. What was tolerated ten years ago is not tolerated now in the way of disorder. More offences are taken notice of each year.

12,495. In the year 1893, 305 apprehensions had been made of vagrants and beggars for petty offences committed in your county, a much larger number than in any other county in Scotland. Do you ascribe that to the influx of vagrants into Ayrshire or to what other cause?—Certainly not to any increase of vagrants in the county, rather to the fact that Ayrshire has a larger proportion of police burghs than other counties, which enables offences committed by vagrants to be taken notice of in those police burghs which could not be dealt with except in police burghs. Also this, that, in recording the occupation of persons who are convicted, I have instructed the constabulary that they are not to record the professed occupation of a man whom they have no doubt about being a vagrant. You will understand that there is no vagrant who does not state an occupation. They describe themselves as tailors and bakers, but there is no doubt as to their being vagrants, and but for the instructions I have referred to I can quite understand that in our district two-thirds of those who are classed as vagrants would be classed by the occupations which they stated they followed.

12,496. Do you believe that the relief of those vagrants, is, and would be, better administered by the police than by the Parochial Authorities?—I can go back to the county of Essex when they commenced to use the police as relieving officers. They reduced the number of vagrants in, I think, six Unions who adopted it, from over twenty thousand to just over two thousand.

12,497. (*By the Chairman.*) That is exceedingly interesting. Then, on the other hand, there are more police constables in Ayrshire than there are parochial inspectors, are there not, to carry out the relief?—Yes.

12,498. That is to say, in many cases it would be hardly possible to find an inspector to give the necessary relief and shelter, whereas there can be very little difficulty in any part of Ayrshire, at any time, to find a constable at a reasonable distance?—I do not think that, in Scotland, such a transfer would make any reduction in the number of tramps relieved.

12,499. But if relief were granted, there would always be a police constable at a reasonable distance to approach and ask for relief?—Yes, quite so.

12,500. (*By Col. M'Hardy.*) After all your experience, what do you think ought to be the system, if there was a national one, for dealing with migratory poor?—I could not say; I would not venture an opinion.

12,501. Do you consider that there are a certain number of people tramping who ought to be assisted some way or other?—Yes.

12,502. You consider there are a certain number of men actually needing work?—I know there are.

12,503. And you would be for assisting them in some way?—Yes.

12,504. Otherwise the men are forced to beg?—Yes.

12,505. And they probably are deserving persons?—Quite so.

12,506. But there is, on the other hand, a large class of professional vagrants, a disreputable class, who should be repressed?—Quite so.

12,507. But you are unable to suggest a scheme for dealing with those who are believed to be, or who have some means of saying, that they are labouring men actually in search of work—you cannot give us a scheme for dealing with them satisfactorily?—No; I see all the schemes that have been tried have failed. I saw that the system of giving them a way-bill in Gloucestershire and Wiltshire is very strongly condemned by those whose opinion should be given weight to upon the subject.

12,508. (*By the Chairman.*) By whom?—I see the Chief Constable of Dorsetshire in his report says——

12,509. Who is the Chief Constable?—Captain Amyatt. He expresses the opinion that the effect of the card suggested would be to create a new class of licensed travellers.

12,510. That is the way-bill?—Yes; who would have a certain claim on the workhouse, and on the charity of the public, and the alleged loss of a ticket would be sufficient to work on the feelings of the charitable. Captain Amyatt pointed out it was only the revival of an ancient statute, which had proved ineffectual some centuries ago; and remarked that, though vagrancy had increased in Dorset during strikes and depression of trade, the increase was not so great as in other places.

12,511. You mentioned that in Essex, by the employment of police constables as relieving officers, the number of vagrants had been diminished from 20,000 to 2000?—From 25,000, I think.

12,512. Can you give us a reference to your authority?—I think it will be found in the evidence of Sir John Walsham, Inspector of Poor Laws, and of the Chief Constable of Essex, in the first report, page 48, or the second report, page 152, of the Select Committee of The House of Commons on Police, 1853.

12,513. As to the advisability of employing police constables in Scotland in similar duties, don't you think it would be a very difficult thing for them to be sufficiently versed in the technicalities of the Scottish Poor Law—the matter of relief of able-bodied men, and the responsibility of not relieving men apparently able-bodied, who turned out to be in ill-health?—I was not at all favourable to that duty being extended to the police.

12,514. You don't go that length. Have you any bye-laws against vagrancy in Ayr?—No. I hand you the order that governs the police in Ayrshire with regard to vagrancy. They were orders for the treatment of tramps.

12,515. What I want to know is, what powers you have of dealing with them for begging offences?—Simple begging is an offence within the burghs.

12,516. I am excluding the burghs—they, of course, are under the Burgh Police Act. Outside the burghs is it an offence?—Not simple begging.

12,517. And I suppose being drunk and incapable is an offence only against the licensing laws, incurring a liability for twenty-four hours' imprisonment, or a five shilling fine.—Quite so.

12,518. You have experience of the more drastic provision of the Burgh Police Act in the police burghs—do you think it would be an advantage if the provisions of the Burgh Police Act, with regard to drunkenness and vagrancy, were extended to counties?—I feel very strongly it would be a mistake to extend the provisions of the Burgh Act relating to vagrancy to the rural districts.

12,519. You think that would be an mistake?—Yes.

12,520. You are aware that the Ayr County Council attempted to frame bye-laws?—No.

12,521. And you do not desire any extra power?—In those counties that have been dealt with it——

12,522. They have been supposed to be *ultra vires*?—I think that may have caused the county of Ayr to delay consideration.

12,523. That is simply a question of their being *ultra vires*, which can at once be settled by legislation, and, supposing the question were settled, do you think it would be absolutely undesirable by legislation to extend the vagrancy clauses of the Burgh Police Act?—It is the simple begging that I would fear being extended to the county districts. I have a report in my hand which I submitted to the Police Committee on that subject.

12,524. Would you give us the gist of it?—I think that simple begging excepted everything that is contained in the 408th to the 411th of the vagrancy clauses of the Burgh Police (Scotland) Act, 1892—all the offences that are incl[illegible]ed in these clauses could be

Captain Hardy M'Hardy. 21 Dec. 1894.

dealt with in the county under various statutes, such as the Prevention of Crimes Act, 1871, which extended to Scotland the Rogue and Vagabond clause of the English Vagrancy Act; the Trespass (Scotland) Act, 1865; the Industrial Schools Act, the Pedlars' Act, and the Prevention of Cruelty to Children Act.

12,525. I see in this address to the Police Committee of Ayrshire, you have dealt with the subject very elaborately, and I will ask you to put it in; but you mention here that the attempt to suppress vagrancy by committals to jail was tried some years ago in the county of Essex. During a period of three years a 1000 were committed, but it led to considerable expense without producing any favourable result—what is your authority?—It is printed on the margin of the Report.

12,526. You make frequent references to Essex?—My father, the late Admiral M'Hardy, was the Chief Constable of that county from 1840 to 1881.

12,527. You consider that it is desirable that opportunity should be taken to provide for powers for special cases—acts of begging, attended with abusive or insulting words, or behaviour not necessarily amounting, in a legal sense, to intimidation—but is not that a crime at common law?—No.

12,528. Another matter which you want more powers upon, is to deal with common prostitutes loitering or importuning; is that an offence which is at all common in the country districts outside the burghs?—Yes, on the outskirts of large Burghs. They are driven outside the burghs by the action of the police under the Burgh Act.

12,529. And what about old clothes men dealing from door to door?—They don't come under the Pedlars' Act.

12,530. Rag and bone gatherers—have you many of them?—No, not many.

12,531. Parliament is a very practical body, and any new proposals that are brought before it are not likely to be favourably entertained; but, if you say—'Here is 'a clause dealing with vagrancy which is a law in all 'the burghs, and apparently works well; extend it to 'the counties which surround them, and enable them 'to protect themselves from having these disorderly or 'vagrant classes thrown into the county,'—to what harm could it be? Your people need not imprison a thousand vagrants; but they would have the powers to deal with them as severely as in the burghs?—I take a case such as this. There is a county house in which they are in the habit of relieving everybody who appears in need and applies. That house is let to a stranger, and the stranger, who goes there, finds that he is inconvenienced by the number of applicants for relief, and he calls upon the police to enforce the statutory powers for summary apprehension of beggars.

Captain Hardy M'Hardy. 21 Dec. 1894.

12,532. He would give a beggar in charge; that means that the beggar would be taken to the police office, and the stranger would be obliged to walk up to the police office next morning and give evidence, and he would think twice before he arrested the next beggar?—He would send the lodge-keeper.

12,533. But the lodge-keeper could not give evidence unless he saw the beggar?—Well, he would likely see him.

12,534. (*By Col. M'Hardy.*) What Act is it that you say begging is prohibited by?—Simple begging is not prohibited, except in burghs.

12,535. I understand you to say that by present statutes everything you wanted prohibited?—No; with the exception of simple begging, or even begging with abusive language.

12,536. And, as I understand, you would be sorry to see powers of apprehension given for cases of simple begging?—Yes.

12,537. (*By Miss Stevenson.*) I understood that you said, in answer to Col. M'Hardy, that you believed there were very many honest men tramping in search of work?—Yes.

12,538. But that you could not suggest any means by which they might be assisted and helped on their way?—I am afraid to suggest any system.

12,539. Am I also right in believing that, in answer to the Chairman, you said that amongst the tramps relieved by your Mendicity Society you had in your experience found very few of the class which might be characterised as respectable working men in search of work?—I said that I had not been able to find one of those that I had investigated; but I would not like it to be understood that there really may not be a great number, because those whom I think most respectable men may hesitate to give the information that enables you to investigate their antecedents.

12,540. And also you think possibly they would prefer not to apply to such a Society for help if they could do without it?—Amongst that class, doubtless, there are many who will suffer a great deal before begging.

12,541. Am I right that your Society does not deal with women and children, but only with men?—It includes women and children.

12,542. And you provide lodgings for them also?—Oh, yes; for any destitute wayfarer, whether man, woman, or child. [The witness then withdrew.]

Mr. Archibald A. Young.

MR. ARCHIBALD A. YOUNG, Assessor at the Central and St. Rollox Police Courts, Glasgow, called in and examined.

Mr. Archibald A. Young.

12,543. (*By the Chairman.*) You are assessor at the Central Police Court?—I am *interim* assessor and clerk of court in the Central and St. Rollox Police Courts.

12,544. Would you please explain the duties of assessor to the Glasgow police magistrates?—The assessor sits along with the magistrate, and keeps the court book, and also advises the magistrate on all questions of law which may occur, and generally gives his advice to the magistrate regarding the penalties that should be imposed, and other matters that come before the court.

12,545. In fact, he is the power behind the magistrate?—To a considerable extent; especially when the magistrates come at first, they require to be guided a good deal. When they have gained a little experience they do not depend so much upon the assessor, except on legal questions.

12,546. There are several assessors in Glasgow?—Yes.

12,547. Do they ever consult at all with the view of trying to arrange in any way uniformity in dealing with cases of the same sort?—We sometimes have meetings together.

12,548. I should rather say with the view of recommending or advising the magistrates, so far as in their duty lies, in the direction of uniformity?—Yes. We sometimes meet together, and talk over things; and I think generally we are pretty much on the same lines as regards uniformity.

12,549. We have been told that under the Police (Glasgow) Act, as the law is interpreted by the procurator-fiscal, care is taken not to make any mention of previous convictions?—Yes, that is the case.

12,550. Even when the prisoner had been found guilty, except in charges where previous convictions form part of the charge?—Yes, where they are scheduled.

12,551. A witness that we examined after that gentleman, had taken a note of the proceedings that transpired in court, and in almost every case we found that the magistrate informed himself previously to passing sentence, and informed himself by questions, as to whether this was the first offence or not?—He informs himself in our court by getting the information from the assessor pretty frequently, and sometimes he asks the prisoner the question, 'Have you been here before.'

12,552. Is that not rather straining at a gnat to swallow a camel, to take such trouble to keep the authentic record of books out of the magistrate's knowledge, and allow him to ask the prisoner a question,

when the prisoner is liable to be contradicted by constables?—Whether they ask a prisoner or not, we do not allow a constable to come forward. The procurator-fiscal does not allow him to come forward.

12,553. And so the prisoner may tell as many lies as he likes?—No.

12,554. Is that known to the prisoner?—Unless he is a knowing one; but, as a matter of fact, the magistrates, and more especially the assessors, very soon get to know the run of habitual offenders who are up for drunkenness and incapability.

12,555. And you would think it a matter of ordinary course to inform the magistrate that this was an old offender?—Yes.

12,556. In connection with habitual offences, have you any suggestions to make?—I have had a pretty extended experience. It extends to about twenty years in the police courts. I was clerk of court to Stipendiary Gemmel all the time that he was stipendiary magistrate—that was for seventeen years. The class that I think legislation perhaps is required most for, in the way of confinement for a lengthened period, is the class of drunk and incapable women. I have been struck with this, that there are far more habitual women brought up for being drunk and incapable than men.

12,557. Yes, we have evidence on that point; we have statistics and figures?—I do not think as regards the men that there is so much necessity for it. There is a question regarding the number of people brought up in Glasgow for being drunk and incapable. During a number of years, Stipendiary Gemmel questioned all the drunks individually as to where they lived and what they did, and I noticed as a result of that—and he used often to remark it to me—that of all the male drunk and incapables on a Monday morning, there were at least one-third who did not belong to Glasgow. They were men who came in from Motherwell, or Hamilton, or Dumbarton, or elsewhere, perhaps to see a football match, and got the worse of drink.

12,558. Many footballers?—Yes, a good many. Stipendiary Gemmel used to remark that after a large football match we had rather an increase in these cases.

12,559. Many from Govan?—Yes, a good many.

12,560. More than its share?—No. I would not say more than its share, considering its large population.

12,561. But a good share for 65,000 of a population, as compared with Glasgow's 672,000? Do you think there is a considerable share from Govan?—Yes.

12,562. I asked that because it bears upon a point which I am going to ask you now. Can you give us any explanation as to how the number of apprehensions in Glasgow in 1893 was 60 per 1000 for breaches of the peace, petty assaults, drunk and incapables, and drunk and disorderlies, whereas the number of arrests in Govan was only 28?—I would be inclined to say the reason of that was that a large proportion of our cases occur on the Saturday night. Our Monday court would be equal to any other three days of the week. On Saturday evenings I understand that a great number of people come in from these outlying districts into Glasgow. If you were going down, say to the Govan Road, between two and six on a Saturday afternoon, you would see a stream of people making for Glasgow. Later in the night the stream returns from Glasgow, and in that way Glasgow, I think, gets a great many outlying cases on a Saturday night of people who come into the city, get the worse of drink, and are apprehended for being drunk and incapable; while, on the other hand, Govan and the surrounding districts do not get from Glasgow a number corresponding to the same extent. Glasgow is the centre of attraction and amusement.

12,563. But you do not think the people of Glasgow have more original sin in them than the people of Govan?—No.

12,564. Or of Greenock, or of Leith?—No, I do not think they have.

12,565. And yet Leith has only one-third of the number of arrests in Glasgow, and Greenock has little more than one-half?—I would say Greenock won't have any influx. Leith people, I would fancy, go up to Edinburgh.

12,566. Well, but Edinburgh is only 24 per 1000?—But if you take Edinburgh as the centre of a radius of 10 miles, and take Glasgow as the centre of a corresponding radius, I would say that Glasgow is the centre of a far larger population than what Edinburgh has immediately around it.

12,567. You have had a long police court experience, and you have sat under Stipendiary Gemmell, who was a gentleman disposed by nature to deal leniently with the vast majority of cases that came under his notice?—Yes.

12,568. Do you think the number of arrests can be at all due to the officious interference of constables with cases that could be perfectly well left to find their way home?—I think not. I sometimes see cases where I think constables would have, perhaps, been better to let the people go home, but, taking the mass of cases generally, I do not think it can be due to that. The drunk and incapable cases form a large proportion. Now, all these cases are quite justifiably apprehended, because it is a very rare thing for a drunk and incapable to plead not guilty. There will be one in thirty, at the outside, who plead not guilty.

12,569. And of those who plead not guilty?—The majority are convicted. There are sometimes special circumstances. A man will plead he got a knock on the head, which made him stupid, and the magistrate may consider there is a doubt as to whether he was drunk or not, and he gets off.

12,570. Do you think that many of these cases of disorder arise from the injudicious interference of constables? The Chief Constable of Govan told us that he largely reduced the arrests by ordering his men not to interfere more than they could help,—that previous to his going there they had interfered very often in cases where it was not necessary, and that they had the whole population against them to such an extent that, on a man being arrested, a crowd got round him, and took parts for the prisoner and against the constable, and there was a cause of riot, and half a dozen people were run in in consequence; that he had changed all that, and that the people now regarded the police more as their friends, and that fewer arrests were required, and the police work was more pleasantly done?—I do not think I could say the police of Glasgow unjustifiably arrest people.

12,571. Do you think there is an irritation arising out of the frequency of police intervention which leads to the arrest of any large number of people in connection with the arrests made by the people unnecessarily arrested? Do you find many people taken up interfering with the police when they are arresting a drunk and incapable man?—Not a large proportion. There are a few perhaps—perhaps more in the St. Rollox district of that kind. About Garngad Road there is rather a disorderly element.

12,572. But you think, on the whole, you can offer no explanation, except what you have given us?—The situation of Glasgow, and the nature of the occupations of the mass of the population, and good wages that are earned in some districts may have something to do with it. There is a large amount of money in the hands of some of these people.

12,573. Do you come across many pay-day drunkards? that is to say, men who every big pay-day get drunk?—Not many.

12,574. It has been urged as an objection that, if we make any attempt to deal with habitual drunkards, such as the men who come before the police court so many times in a year, that we should get into our net a very large number of respectable and estimable working men, who get drunk every fortnight?—Yes.

12,575. Does your experience lead you to believe in the existence, on a large scale, of such men?—I do not think there are many men who come before the court once a fortnight or once a month.

12,576. It is suggested he would not come into the hands of the police anything like so often?—There may be pay-day drunkards who only drink to the

Mr. Archibald A. Young. 21 Dec. 1894.

extent that they get the worse of drink, but do not come into the hands of the police.

12,577. But it is suggested that, for every time a man comes into the hands of the police, he manages to get home six times?—I daresay that is the case.

12,578. Do you find any respectable people coming up?—There are a good many of the men, I would say, on the Monday morning who come before us who are respectable working men in pretty steady employment, who just get drunk through it just being Saturday night, and having means at their hand.

12,579. The bailies deal very differently with cases of the same class, don't they, or do you ever try to get them pretty much on the same lines?—Yes, they vary a little. Some give the 'drunk and incapables' a fine of 2s. 6d.: others admonish them, and others give 5s. at once.

12,580. Some of them 14 days at particular seasons, especially at New Year time?—My experience has rather been that they are inclined to be more lenient than that. That is the citizen magistrates.

12,581. We have been told that before the New Year a number of habituals were run in for long sentences?—Yes. Mr Gemmel used to do that, and some of them do so in order to keep the habituals out of temptation during the New Year time.

12,582. Have you the same variety in dealing with cases of solicitation, that is, importuning?—Yes. There is, perhaps, even more variety there among the citizen magistrates. There are some of them who look upon these cases in a severer light than others.

12,583. What is the usual thing here?—In all cases where a woman is brought up for the first time, they dismiss her with an admonition.

12,584. What is the evidence against her on the first occasion?—Just two constables who swear on the same lines that they have known this woman for perhaps two months, they have seen her walking about the streets late at night, and speaking to men. We generally take care, on the first occasion especially, to ask them whether they had ever warned the woman, and the general answer is that they have previously warned them. The constables will speak as to the particular night, and to having seen her talking to three, four, or five different men, and loitering for a specified time about the place.

12,585. But you were telling us that the different magistrates treated the thing differently?—In regard to the penalties, there are some of them who do not care perhaps to give much more than 10s. 6d. or 15s.; others take advantage of the Glasgow Police Further Powers Act, and in all cases where a woman has been fined before, if she is convicted, they fine her 40s. or 30 days' imprisonment.

12,586. And the custom is always to bring forward previous convictions as evidence of the woman being a prostitute?—Yes.

12,587. You never in such cases have any evidence except police evidence?—Practically never. I have seen it on rare occasions, but not often. There is one thing regarding that that I may mention. Mr Gemmel spoke to a great many of those girls privately. He used very often to take me into his room at the time, and I was struck with this, that while in some cases I was inclined to think the police might have been hasty, in all cases he investigated he found that the women were really women who had gone wrong.

12,588. We have seen a large number of women in prisons and in homes, and we have been struck with the consistency with which many of them told the same story,—namely, that on the present occasion, or on some other occasion when they were sent to prison, that they were not guilty of loitering or importuning. One woman told us that she was going out for the purpose of prostitution, but that she was collared before she got almost down her stair, and they say that once a woman has been convicted she has, as they call it, no chance, and that she is run in by the police at every possible opportunity. Do you think there is anything in that?—As a general rule the cases are those where women were out between eleven and twelve o'clock at night, and they could give no reason for being out at that time. Of course policemen are not infallible, and I daresay at times they may not tell the truth.

Mr. Archibald A. Young. 21 Dec. 1894.

12,589. Evidence has been given to us that on those two occasions the evidence of the two policemen was often suspiciously identical?—It runs on the same lines, but the one last examined does not hear the first give his evidence. When they go into the police office they are together.

12,590. They bring the woman together to the station?—Yes, it is a difficult question, that of prostitution, just for that reason that you are always dependent upon police evidence. There is another class of case I wish to make a remark upon. That is beggars. I think it would be a good thing if, in the case of non-able-bodied beggars——

12,591. If they were remitted to the poorhouse authorities with the power of detention?—Yes.

12,592. (*By Professor Dove Wilson.*) Have you observed whether there has been any increase of severity in the sentences within recent years that are pronounced upon drunk and incapables?—I think not. The magistrates, perhaps, within the last two or three years, had been a little more inclined to lengthen the alternative in the case of habitual women, to make it ten days or fourteen days where they come in regularly.

12,593. But that is only within the last year or two?—I think it is more prevalent within the last few years.

12,594. Has that been attended with diminution in the number of charges?—It would be very difficult to say. I think they have kept pretty much the same.

12,595. Notwithstanding the increased severity?—Yes.

12,596. In dealing with persons that are drunk and disorderly, I suppose they are brought up for breach of the peace?—They are brought up, and the charge is 'riotous and disorderly in your conduct by cursing and 'swearing, and making a noise.'

12,597. That is practically a common law charge of breach of the peace?—Yes.

12,598. Has there been any increase in severity in dealing with such cases?—No, I think not. They are a class of case that vary more in their nature than the drunk and incapable cases.

12,599. Is it customary to rely only upon police evidence?—In the majority of the cases I think it is.

12,600. In the case of loitering, are the police constables always asked how they come to know that the person is a prostitute?—Yes, they are asked that always.

12,601. What is taken as amounting to loitering?—The fact that they are seen on the street for a time, and speaking to different men. They are almost never charged with just loitering, but with importuning also.

12,602. Is simply accosting a man held to come up to importuning?—Yes. In the great majority of cases there is no evidence forthcoming as to what the woman said.

12,603. Or whether she persistently followed one man?—Very seldom.

12,604. Has there been any increase in the severity of the sentences in their case?—Except since the passing of the 1892 Act, when the term of imprisonment was increased. Formerly it was limited to fourteen days, but the passing of that Act increased the term to thirty days or one month, and pretty often that alternative is given.

12,605. Has there been any, or have you observed any change in the appearance of the class of women that are brought up? Some people have said they are falling off very much in appearance?—I daresay they are a little, in the Central district. I have not been often at the Northern Court, but sometimes when I was there, I noticed the class that came before that court are a better class than those who come before the Central. The Northern Court prostitutes are those

Mr. Archibald A. Young.

21 Dec. 1894.

who loiter about the theatres, and the northern quarter of the city.

12,606. In regard to previous convictions, have you any power to libel previous convictions of statutory offences?—No.

12,607. It is only then in common law offences that it is done?—Yes.

12,608. When they are libelled on a common law offence, is it the practice with you for the clerk to read the main charge first?—The fiscal really reads it; that is just the main charge.

12,609. Nothing is said about the previous conviction until the main charge is disposed of?—No.

12,610. When they are not libelled, in what class of cases, if any, does the magistrate take them into account in fixing the amount of his sentence?—It is almost only in the drunk and incapable; occasionally in the riotous and disorderly.

12,611. Under what power is that done?—I do not know of any power that is given in regard to that, except that Mr. Gemmel, who sat from week to week all the year round, and for many years, got to know the prisoners, and he did not really require to ask any person. He knew them from his personal knowledge.

12,612. The point I want to get at is, is there not a great liability to mistake in simply asking the constable?—They do not ask the constable.

12,613. They ask the fiscal?—No; just the assessor, or sometimes they ask the prisoner. I always take great care, unless I am perfectly sure of the person. I never say they have been here before unless perfectly certain of the fact, but there are some of our prisoners who come before the court that we know almost as well as members of our own family—they come so often.

12,614. Well, in these cases, is care always taken not to bring up the fact of previous convictions until finding the main charge proven?—Yes, the most of these cases where the magistrate consults with the assessor, are drunk and incapable cases, and they plead guilty.

12,615. And admit the previous convictions?—Yes; but they are not always asked.

12,616. But, when a magistrate asks you, and you tell him that the person has been previously convicted, does he then ask the prisoner what he says to that?—Not always.

12,617. Then it might happen that the prisoner was supposed to have been previously convicted, when, if the matter had been put to him, he would have disputed it?—He might.

12,618. Do you ever use in the Glasgow Police Court the power of the Act of 1881, to give time to pay fines?—No, never.

12,619. What is done about them? Is the prisoner detained in a cell for a while till his friends get time to get the money?—Yes.

12,620. How long after his sentence is it before he is sent to prison?—It varies considerably. The court begins, say, at half-past nine. The prison van comes about two o'clock. Well, if a prisoner happens to be brought up shortly after the court begins, he will have three hours or so; but, if the court sits long, he might not have half an hour after sentence.

12,621. What is the reason they never give a time? There is power to put it in the sentence, under the Summary Act of 1881?—The court can allow payment to be made by instalment, requiring security or caution to be found. I rather think that the most of our cases are not brought under the Summary Jurisdiction Act. They are brought up as police offences.

12,622. Then do these powers not apply to the police offences?—I am not quite sure whether they would apply, unless the case was charged under the Summary Jurisdiction Acts.

12,623. But, at any rate, as a matter of practice, it is not done?—No.

12,624. Are the powers of First Offenders Act much used?—Yes, they are used in a good many cases, especially with juveniles. We do it in a kind of way by delaying the sentence for three months, and ordering the offender to come up for sentence, and, if he behaves in the interval, he is then dismissed.

Mr. Archibald A. Young.

21 Dec. 1894.

12,625. When does your court begin to sit in the morning?—The magistrate who takes the Central Court takes St. Rollox Court also. Some of them begin at fifteen minutes past nine, and, whenever the St. Rollox Court is done, we go down to the Central.

12,626. How long does the St. Rollox Court usually last?—On Monday morning it lasts an hour.

12,627. How many cases will you dispose of in that time?—About thirty on an average—a good many of them pledges, and a few remits.

12,628. And from the St. Rollox Court you go to the Central Court?—Yes.

12,629. And how long will it last?—On a Monday, I would say, on an average four hours.

12,630. And how many cases will you dispose of in that time on an average?—From 100 to 120.

12,631. That is about the same rate?—Yes, a great many of these pledges, too.

12,632. Do you think that is sufficient time?—I think it is. I do not think even longer time would be much benefit.

12,633. It is a little rapid?—If you take into account that out of 120 cases there will be 60 of them drunk and incapables it is not so much so.

12,634. But it is only four minutes each?—But there are pledges among the others.

12,635. But it does not occur to you that giving a little more time might possibly save risk of an occasional mistake?—No. I think the magistrates are generally pretty careful. In the matter of witnesses the prisoners are almost always asked whether they have any witnesses to call.

12,636. When Mr Gemmel was Stipendiary, did the same speed exist?—No, not quite. I would say on an average he would take an hour longer. He inquired more into the circumstances of offenders, such as drunks.

12,637. (*By Miss Stevenson.*) You said that you thought that the necessity for longer detention in cases of people apprehended for being drunk and incapable was more necessary for women than for men?—I find from the returns we have here, that in 1893 21,926 arrests were made of males for being drunk and incapable, and 12,072 of women—therefore the proportion of those who were arrested more than once, must be very much higher in the case of women than of men?—Very much.

12,638. I suppose this class of drunk and incapable women includes also a large number of the prostitute class?—Yes, although there are some of the most habitual drunkards among women who are never up for importuning.

12,639. But I suppose there are very few of the other class who are not up for being drunk and disorderly and drunk and incapable?—Occasionally it is the case.

12,640. I suppose the causes of the multiplication of apprehensions in the case of women being so much higher than in that of men is that these apprehensions are for prostitution? Are not the figures you stated, 12,000, for apprehensions for drunk and incapable?—I think those are for drunk and incapable pure and simple.

12,641. It simply says the number of times they are committed to prison, but it does not differentiate the offences?—Taking the drunk and incapable cases alone, I should say the women are very much more frequently also. The class that come before us are very much more of the habitual class.

12,642. It is not the fact that these women are repeatedly run in for the other offences that multiplies the number of committals in the case of women?—I think not.

12,643. Have the policemen any interest in summing up the number of arrests they make?—I think not.

12,644. My reason for asking that is this, that the other evening in an evening paper I saw a report of a constable being tried for assault. In the evidence of

Mr. Archibald A. Young. 21 Dec. 1894.

his good character it was stated that he was frequently rewarded for the number of arrests he made?—That was an incorrect report. That prisoner was tried before me, and the statement made in his defence was that he had been twice rewarded for arresting house-breakers in a brave manner. It was not for the number of arrests he made. [The witness then withdrew.]

Mr. Archibald A. Young. 21 Dec. 1894.

Miss Mary Paterson.

Miss MARY PATERSON, Factory Inspector for Scotland and North of England, called in and examined.

Miss Mary Paterson.

12,645. (*By the Chairman.*) We wish to see you to ask you whether the practice of not inspecting sewing establishments, conducted in charitable institutions, is universal, or whether it prevails only in Glasgow, and, if so, why the exception is made in the case of charitable institutions?—I understand it is universal, so far as I know. I do not know where they are inspected. There is nothing in the Act that I can find that excepts them.

12,646. Can you tell us when that exception came to be made. Was it made by instructions from the Home Office or from the late Chief Inspector of Factories?—I cannot tell; I made some little inquiry and I cannot find. There is nothing in the Factory Act about it, but they are considered exempt, and the only opinion I have got from the Superintending Inspector is, that there must have been an order from some Secretary of State.

12,647. Your district includes not only Glasgow but the North of England?—And all Scotland.

12,648. And the same practice prevails in the North of England as in Scotland?—Yes.

12,649. What is your idea as to the policy of excluding them? Do you think it is right that women, working in institutions where they are more or less under control, and often under lock and key, although not imprisoned actually, but really that; do you think it is right that they should be allowed to compete with the sewing work done outside on different conditions, or do you think they should be under the same law?—I think personally they should be under the same law. I made a good many visits to charitable institutions and places of that kind when making inquiries as to the policy of including laundries under the Factories Act, and I recommended that, in any inclusion of laundries under the Act, that all charitable institutions, laundries in refuges, and convents, and places of that kind, should be included.

12,650. And the same would apply to sewing and other work?—Yes, worked on the same principle.

12,651. Do you know if that is the opinion of the Chief Inspector of Scotland, Col. Meade King?—I don't know, but I think it was recommended by the Chief Inspector, Mr Orme, at the Home Office, in sending up a general report with regard to the laundries.

12,652. I am speaking about workshops. Do they fall under the Workshops Act?—I do not know. Laundries do not fall under the Workshops Act at present.

12,653. Has the matter been brought under the attention of Mr Orme or the authorities in the head office in London?—I know it was at one time, when a request that some prison should be visited. A request came from the governor of a prison, and it was stated at that time by the Chief Inspector, who is not the Chief Inspector now, that these places were all exempt.

12,654. Yes, a prison would be exempt, because it is under more direct inspection from another quarter. Your inspection is for the purpose of seeing as to the hours worked and the sanitary arrangements. You have told us that your personal opinion is in favour of including laundries as well as workshops?—Yes, and charitable institutions. I think pretty much the same rules apply to sewing and such work as is carried on in charitable institutions and in laundries.

12,655. You do not know anything about the hours worked in these charitable institutions?—In connection with laundry work I do; but not in connection with the sewing.

12,656. I think in a statement you have made, you say that a creamery is a workshop. Will you give the definition?—I will give you the clause from the Factory Act of 1878, which says—'Any premises, room 'or place, not being a factory within the meaning of this 'Act, in which premises, room, or place, or within the 'close or curtilage or precincts of which premises any 'manual labour is exercised by way of trade or for other 'purposes of gain, in or incidental to the following 'purposes or any of them, that is to say, in or incidental to the making of any article or part of any article; 'in or incidental to the altering, repairing, ornamenting, 'or finishing of any article; or in or incidental to the 'adapting for sale of any article, and to which or over 'which room or place the employer of the persons 'working therein has the right of access or 'control.'

12,657. There is another clause or part of a clause that also, in your opinion, bears upon the applicability of the Workshops Act to the work done in these charitable institutions. Would you please read it?—It is section 94, and is as follows:—'A child, young 'person, or woman who works in a factory or workshop, 'whether for wages or not, either in a manufacturing 'process or handicraft, or in cleaning any part of the 'factory or workshop used for any manufacturing process 'or handicraft, or in cleaning or oiling any part of the 'machinery, or in any other kind of work, whatsoever 'incidental to or connected with the manufacturing 'process or handicraft, or connected with the article 'made or otherwise the subject of the manufacturing 'process or handicraft therein, shall, save as is otherwise 'provided by this Act, be deemed to be employed there-'in within the meaning of this Act.'

12,658. Therefore you think that the inmates of these places are clearly employed in workshops, and that, if we were to recommend that these places should be inspected, that that could be brought about without any legislation in that direction?—As far as I can find from the Act that is so.

12,659. As far as you have consulted Col. Meade King as to whether he is aware of any decision exempting workshops in charitable institutions, and he has told you that he is not aware of it?—He has just considered them exempt.

12,660. (*By Miss Stevenson.*) In visiting these laundries in those different institutions, did you find the hours were longer than allowed under the Factories Act, or did you obtain that information?—In some of them. The hours varied very much, and from season to season: the work was very irregular. I found there were some of them too long, according to the Factory Act, at times, and that the holidays were irregular.

12,661. Are you aware that in some of these institutions work is taken in to be finished, the previous parts of which have been done under the conditions of the Factory Act in outside establishments?—No, I was not aware.

12,662. In one institution which came under my notice, they take in work from a warehouse where the beginning of the work is carried on under the conditions of the Factories Act, but is finished in this institution outside of the conditions of the Factory Act?—I can quite believe it. It seems quite a consistent arrangement.

12,663. (*By Dr. Sutherland.*) Do you think the same necessity exists for factory inspection in those Homes, managed by charitable ladies, as institutions worked for private gain?—I have not sufficient experience to give information on the subject.

12,664. Supposing you are assured that the hygienic surroundings, and the moral and social influences, in such a home are superior to what is experienced by women who work in other places, would that be sufficient extenuation for the length of hours which are

Miss Mary Paterson.
21 Dec. 1894.

worked in some of these charitable institutions?—I think it would be almost impossible to find people working under better conditions than in some of the public laundries.

12,665. I am not speaking of the laundries. I mean when they go to their homes; would that be sufficient to exclude them in regard to time?—Not in my opinion.

12,666. And, supposing I tell you that 30 per cent. less work was done in the same amount of hours by women working voluntarily in charitable institutions than in public laundries where they work for the day's pay or piece-work, do you think that would be a reason for excluding them from the rigid enforcement of the Factory Act?—One would need to know why less work was done.

Miss Mary Paterson.
21 Dec. 1894.

12,667. It has been found in all institutions, prison and others, and voluntary institutions, that the same amount of work is not got from the inmates as from free labourers. Would not that be some justification for the longer hours?—I think the hours allowed by the Factory Act are long enough.

12,668. Provided they do the amount of work?—No. Whether the work is great or small.

12,668A. You would make no allowance?—No.

[The witness then withdrew.]

Dr. Batty Tuke.

J. BATTY TUKE, M.D., Edinburgh, called in and examined.

Dr. Batty Tuke.

12,669. (*By Dr. Farquharson.*) You are a physician in practice in Edinburgh?—I am.

12,670. How long have you practised there?—Thirty-five years.

12,671. And your degrees are?—M.D., and Fellow of the Royal College of Physicians.

12,672. And you are a member of the General Medical Council?—Yes.

12,673. You have given special attention, have you not, to matters connected with lunacy?—Yes.

12,674. And also matters connected with habitual drunkenness?—Yes.

12,675. Would you care about hazarding any opinion as to the connection between lunacy and the tendency to habitual drunkenness?—It is rather a large question. Of course undoubtedly the excitement of insanity very often shows itself in drink, and in drink only. You can put it in this way. An attack of acute mania in one case may be represented by an attack of heavy drinking; that is the means by which excitement is shown. Then again you have the hereditary class of drunkard, who breaks out at various periods of his life, or continuously.

12,676. Are habitual drunkards a fairly numerous class?—They are numerous, I am sorry to say.

12,677. And, do you think, they are increasing?—I cannot say. Of course my experience has lain almost entirely with the better class of society. I cannot offer any opinion as to the pauper class.

12,678. Do you think that the present means of dealing with the class of offenders—if we may call them so—of which you have experience, are sufficient?—They are entirely inadequate. In fact, practically, there are none for Scotland.

12,679. Are you satisfied with the present definition of habitual inebriety?—I do not know of any definition there is, except in the 1879 Act.

12,680. Do you think that is sufficiently good?—It is one that might be misapplied in many ways.

12,681. Have you any definition of your own that you would like to substitute for it?—I should take the very simple one of following the Lunacy Act, in which a lunatic is defined for the purposes of the Act. 'Lunatic, when used in this Act, shall mean and include 'every person certified by two medical persons to be a 'lunatic, an insane person, an idiot, or a person of 'unsound mind.' I hold that a definition of a similar kind, in connection with inebriates, would remove all difficulties as to definition. I would put it in this way:—'A habitual drunkard shall mean and include 'every person certified to be so by the order of the 'chairman of the court provided in this Act, or who 'voluntarily submits himself to its provisions.'

12,682. The class whom you have had to do with is not those who make ostentatious display, but who drink quietly at home and do not come before legal authorities. What would your machinery be to get hold of them?—I hold, if it is proposed to limit their liberty, it should be done by a properly constituted court, very much in the same way as a court interferes in the matter of the lunatic. In Scotland and now in England there is a calm judicial procedure, by which a petition is sent to the sheriff, who obtains such evidence as satisfies him before committing the person to an asylum. This procedure is conducted *in camera*.

12,683. *In camera*?—Yes, mainly because the public at large are very well aware of the necessity of such procedure, and they do not ask for it to be conducted in public.

12,684. But, would your court carry on its operations in public?—I believe it would be better for the sake of the public, and so obtain a thorough feeling of public confidence in the working of the Act.

12,685. Then you would have a judge sitting as a High Court. Would you have any other officials?—I ventured to suggest, in an article in the *Nineteenth Century* (June 1893), that the judge might be assisted by two assessors, one appointed by the inebriate himself, and the other by the petitioner.

12,686. Where would the medical evidence come in?—Simply by evidence in court.

12,687. Not by certification as in lunacy?—I do not think that would be sufficient. I do not think the public would be satisfied with that at present.

12,688. It would only be one part of the other evidence that would combine to ensure a committal?—I believe the action of such a court as that would very seldom be brought into play, for this reason, that the person who submitted himself or herself voluntarily to seclusion would not require to go before a public court; but one would have it always in reserve. Let me mention a case that occurred only last Sunday. A man came to me and said—'What am I to do with 'my wife, she is ruining my business; she is making my 'house uninhabitable.' I said 'Will she submit herself 'to confinement. Would I do any good by seeing her.' 'No,' he said 'I do not think it will do any good, but 'what can I do.' I said 'You can do nothing. You 'are absolutely helpless.' But if there was an Act, such as I am suggesting, it would be there to enable the husband to say 'Well, in that case, we will see what 'the sheriff says about it.' That threat being held over the drunkard would, in nine cases out of ten, be effective. I believe the drunkard would then feel that a stronger power being over him or her, voluntary seclusion would be acceded to.

12,689. (*By Dr. Sutherland.*) It would not do away with the voluntary method now in operation?—Far from it.

12,690. It would work side by side with it, and make the voluntary more operative?—Yes. In America, for instance, 94 per cent. of the inmates of retreats are "voluntaries."

12,691. (*By Dr. Farquharson.*) In America?—In those states in which you have the strong compulsory Act.

12,692. But the essential part of your plan is compulsory power?—Always to have it to fall back upon.

12,693. Have you formed any definite opinion as to the length of detention to abolish the drink curse?—Not less than two years. My experience is, that not less than that period has produced anything like perfect recovery.

12,694. Would you make that a minimum or maximum?—I should make it a maximum, I think.

12,695. Do you think your court would involve much expense either to the State or the individual?—

Dr. Batty Tuke.

21 Dec. 1894.

I should think not. I should think it would be very cheap. Of course the expense would be more in the matter of defence than of prosecution. I should think there would only be the cost of the evidence of half a dozen respectable persons, medical or otherwise.

12,696. What advantage do you expect to get from this detention. Do you expect reformation or cure?—In a certain proportion you get recovery.

12,697. How much?—10 to 15 per cent.

12,698. We have had it put at 30?—I think that is over-stating it, judging from my own experience.

12,699. (*By Dr. Sutherland.*) Is there sufficient experience in Scotland to warrant any percentage being given regarding the cure of inebriety?—There are no public figures.

12,700. (*By Dr Farquharson.*) But, after you have got your 10, 15, or 30 per cent. cured, what are you going to do with the others?—That is the difficulty in the whole question.

12,701. Have you any suggestions?—Supposing a man has gone through his two years' seclusion and breaks down badly again, and is going back to his old habits, you can always make it possible for him to be recommitted on the sentence of any magistrate. It would be unnecessary to go through the courts again.

12,702. Recommitted from time to time?—Yes.

12,703. How do you deal with the person who is shut up. Would you have curators?—Having been found a habitual drunkard, I should then place him immediately under a curator, and I would not allow the curatory to cease and determine with the period of incarceration.

12,704. Would you approve of making any use of lunatic asylums for the detention of drunkards, such as setting apart a wing for the treatment of these people?—My own experience is that they are not a class to be dealt with together. I doubt about the propriety of herding them together.

12,705. You think they would be better in small groups?—I would not prevent an asylum taking them in. I would leave that very much to the feeling of the friends of the patient.

12,706. We have had the opinion that the disadvantage of the large institution is that the patients conspire as to how to get drink?—That is not my experience. I have known a man make a bolt once or twice. I have known a man out walking to make a bolt into a public-house, but what you have said is not within my experience.

12,707. Have you an opinion as to how these institutions should be maintained—I mean in the case of those people who cannot maintain themselves. Would you put it on the State or the locality?—You are speaking of the pauper. That would have to go upon the State.

12,708. Without any local contribution at all?—It is a matter I really have not considered. As I say, I have been mainly taking into consideration drunkards of the better class of society.

12,709. Have you any faith in drug treatment for inebriety? I won't ask you about those quack cures. I probably know your opinion in advance?—No.

12,710. Have you any faith in any sort of drug cure?—No. In the case of a man who has allowed a sufficient time to get the poison out of his system, and who has regained his general health, there is nothing more to treat. It is a mere matter of time for him to regain his general health.

12,711. And that is by eliminating the liquor from the tissues?—It wears out, and the tissues recover their tone in the absence of the liquor.

12,712. Do you think you could cure a large number of these cases if you got them before the tissues began to suffer?—Yes, no doubt.

12,713. But would not the public consider it rather a drastic step to deal with a man before there was sufficient evidence?—You will never get that.

12,714. And that makes the treatment much more hopeless, the fact that they have often got beyond the curative stage before you can lay hold of them?—That is so. There is nothing so hereditary as drinking. There is no form of insanity or disease that is so thoroughly hereditary as drinking. *Ebri gignunt ebrios* is the old proverb, and it is true.

12,715. Do you find hereditary cases very difficult to treat?—No, not at all.

12,716. You think not?—No; not more so than others.

12,717. Have you any experience of morphia, chloral, and other such cases?—Yes. They are more difficult to deal with.

12,718. Would you give them the same mode of treatment?—Yes, but they are more difficult because they are not such a nuisance to society as the others are. They kill themselves in time.

12,719. They are not violent?—They are not such public nuisances as the others.

12,720. Is there any other point upon which you wish to give information?—One reason why I desired to come here, was to urge the necessity for a strong Act to prevent what occurs now very frequently, and that is the sailing far too close to the law in connection with the liberty of the subject. I mean this, that a large number of people are detained in various establishments nominally, voluntarily who are not voluntary. Take, for instance, a woman who is sent up from the South of England. I know a case now. She is placed in one of these establishments as a voluntary patient. She gets wearied, and tired, and sick of the thing in a week, or a fortnight, or three months, and she says: 'I 'want to go away.' The answer, is 'Well, go away.' 'But I can't get home, I have no money to go home with.' She writes for money and does not get it. She is there, and there is no power to enable her to get out, except by money being provided for her. Now, I say that is a state of matters that should not exist.

12,721. Assuming we are not able to go so far as you want in the way of compulsion, would you be in favour of putting these institutions under inspection?—Certainly.

12,722. That would meet your point?—Certainly. I would have no objection to their being detained. It is good for them that this irregular thing should be done. It is necessary, I have done it myself, but it is interfering with the liberty of the subject in a way that is not proper.

12,723. It is good done in a wrong way?—Yes. That I hold is one of the strongest reasons for the compulsory power.

12,724. (*By Dr. Sutherland.*) Do you find many victims of the paraldehyde, cocaine, morphia, ether, &c. habit among your patients?—Not paraldehyde; morphia frequently, and cocaine.

12,725. Not paraldehyde. I think Dr. Norman Kerr speaks of that habit?—I do not remember.

12,726. Do you not think that the definition of a drunkard in the Act of 1879 is an admirable one. It says:—'Habitual drunkard means a person who, not 'being amenable to any jurisdiction in lunacy, is, 'notwithstanding, by reason of habitual intemperate 'drinking of intoxicating liquor, at times dangerous to 'himself or herself or to others, or incapable of mana-'ging himself or herself and his or her affairs?'—It includes a large number of people whom you do not wish to shut up.

12,727. You would shut up nobody who was not dangerous to himself, or herself, or others, or incapable of managing his or her affairs. If the court you suggest were established, would not that prevent any injustice being inflicted upon any individual?—Yes.

12,728. With a definition such as this, would not a court, such as you suggest, be sufficient to protect the liberty of any individual?—Undoubtedly.

12,729. In speaking of the court, do you refer to the procedure adopted in regard to the ordinary lunatic, in regard to whom two certificates are produced to the sheriff, and he signs a warrant for his committal to an asylum, or that followed in regard to dangerous and offensive lunatics?—The ordinary procedure.

12,730. You think there would be danger in the mere production of two medical certificates and a

committal thereupon to a retreat or reformatory?—Yes, possibly.

12,731. And you would approve of the procedure where the lunatic himself is present—and may speak for himself or cross-examine the witness?—That would protect the individual.

12,732. In answer to Dr. Farquharson, you stated that the absence of licensed homes had led to the existence in Scotland of these irregular homes where people nominally went voluntarily, but were really detained against their will?—Yes.

12,733. You are of opinion that, if licensed homes were established, this kind of *quasi*-asylum institution would be unnecessary?—No. I say that the people would be detained in a legal manner instead of now in an irregular manner.

12,734. You spoke about the homes in America. I suppose you are quite satisfied as to the American law as regards the definition of inebriety?—I have not looked it up for some time.

12,735. Have you visited any of the homes?—No.

12,736. The ways and means of maintaining drunkards of the poorer class is very important, and perhaps the most difficult phase of this inebriety question; because, it is hardly possible to get class legislation which would provide for the rich and leave the poor still to go on unchecked. Would not the same rules as in lunacy apply to them as regards their maintenance. Would that meet your view?—Yes.

12,737. You suggested two years as the period of detention. If satisfactory proof were given you that an inebriate might be liberated sooner, you would have no objection, on proper information being furnished, to his being allowed to go?—If the information were trustworthy, no.

12,738. You would allow them to go out on *parole*, and be liable to recommittal on violation of the conditions?—Yes.

12,739. But, suppose an inebriate behaved himself for five or more years, would not that necessitate a new trial?—Yes. If a man kept well for three years, I would give him a clean bill of health. I would not say he would never relapse, but I think it would not be a just and proper thing to keep him for more than three years.

12,740. (*By Dr. Farquharson.*) You would not say for two years after he got out? I would say three years altogether.—A year on *parole*.

12,741. If you had the means, you would be inclined to treat drunkards in a separate institution from lunatics?—Yes, certainly, in the great majority of cases.

12,742. We have been told by experts like yourself that the drunkard has an unsettling effect on the lunatic, in so far as the drunkard, not being an insane man, is apt to disturb the quiet of the asylum?—I have never had difficulty in managing the inebriate. If a man does not behave himself I threaten to send him away; it is the easiest way to manage him, as he generally submits.

12,743. (*By Professor Dove Wilson.*) Would you interfere with the power of a committed person to make a will?—Not if he is sane between bouts.

12,744. (*By Dr. Sutherland.*) As a matter of fact and experience, the same civil and social disabilities do not attach to a drunkard that attach to a lunatic?—There are no civil disabilities attaching to a lunatic, except loss of personal liberty.

12,745. He cannot manage his affairs, and requires a curator. Can he make a valid will?—Yes, he can.

12,746. In a lucid interval?—No, he can make a will if he likes. It is only liable to be called in question. Many so made have been upheld. There is nothing except his personal liberty interfered with. The lunatic does not suffer from any social or civil disability. It is a fact that at last general election several of the lunatic asylums were scraped for electors to go and vote for members of Parliament.

12,747. The public do not attach the same stigma to an inebriate as to a lunatic—I mean to say that people have less objection to marry a drunkard than a lunatic, or associate with them?—I suppose that is so.

12,748. Have you any experience in those cases of inebriety, perfectly well known to the friends and neighbours which is allowed to go on unchecked, even in the upper circles, until a fatal assault is committed?—Yes; at least until a serious assault is committed.

12,749. In such cases, would it not be desirable that someone should take the initiative, so as to prevent the inebriate arriving at that point when he is liable to commit a fatal assault?—No doubt, but who is to do it?

12,750. Supposing the neighbours or the police did so, or the doctor along with others?—Anybody should be able to ask the Sheriff to take up an inquiry.

12,751. On the information that the man, like a lunatic, was dangerous?—Yes.

12,752. We have heard about incipient lunatics who were removed to private houses on a single certificate?—Yes.

12,753. These lunatics are only amenable to jurisdiction after six months?—Yes—after six months.

12,754. Would you approve of those lunatics being supervised by someone responsible to the Board of Lunacy?—It works very well as it is.

12,755. You have no experience that would tell against it?—I have known one or two cases that were not exactly as they might be, but I do not know that they would have been improved by inspection by the Lunacy Board.

12,756. You mentioned to Dr. Farquharson that you did not believe in herding a large number of drunkards together. In that connection, have you heard of the *asile* that is about to be established in Paris to hold 600?—Yes.

12,757. For inebriates and lunatics whose insanity is directly traceable to alcohol?—Yes.

12,758. I suppose you are willing to admit that the French specialists have hitherto had very sound views on lunacy?—Yes, Dr. Magnan is undoubtedly a very good man.

12,759. The *Asile Alcolique* is not yet constructed, but things are maturing in that direction?—It is very difficult to arrive at a just conception of the results of putting a lot of these dipsomaniacs to live together.

12,760. I suppose the danger of large numbers might be lessened by the adoption of a proper classification, according to temperament and the physical and moral condition of the individual?—The moral classification, I am afraid, would not be easy.

12,761. They are all bad?—They are all liars.

12,762. (*By Dr. Farquharson.*) Do you think that, in the case of the individuals of the upper classes, among whom your practice has mainly been, that there would be much difficulty in getting a conviction. Do you think their relatives would readily come forward to start the inquiry?—The force of circumstances would do it. I know many cases at present. Four or five suggest themselves to me, who are simply ruining themselves and their families, making life unbearable, who would be dealt with, were it possible in law. I suppose it happens about once a week that I am asked, 'What are we to do in such a case' and I answer 'Nothing.'

12,763. (*By Dr. Sutherland.*) Would you recommend that medical men should be protected if they gave certificates which might lead to the committal of an inebriate?—A medical man must just take the risks of that work.

12,764. Evidence, documentary or oral, before a legal tribunal is privileged, I understand?—A certificate in lunacy is.

12,765. But you suggest that the medical man should make his statement merely as evidence?—Yes, and that is privileged.

12,766. In terms of sec. 6 of the Dangerous and Criminal Lunacy Act of 1871?—Yes. [The witness then withdrew.]

[ADJOURNED.]

TWENTY-FOURTH DAY.

DUNDEE, Thursday, December 27th, 1894.

PRESENT:—

SIR CHARLES CAMERON, Bart., M.P. (*Chairman.*)
Col. A. B. M'HARDY, R.E.
Dr. FARQUHARSON, M.P.
Dr. J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Chief-Constable Dewar. — 27 Dec. 1894.

MR. DAVID DEWAR, Chief Constable of Dundee, called in and examined.

Chief-Constable Dewar. — 27 Dec. 1894.

12,767. (*By the Chairman.*) You are Chief Constable of Dundee?—Yes.

12,768. How long have you occupied that position?—Eighteen years.

12,769. And what was your police experience prior to that?—I joined the Glasgow police force in 1858—that is 36 years ago. I was there for 18 months as lieutenant. From Glasgow I moved to Lanarkshire as Deputy Chief Constable. I was there for two and a half years. I then went to Greenock, where I was nearly 14 years as Chief Constable.

12,770. Would you please explain to us your system of pledges here? Take the case of 'drunk and incapables'?—Well, we have five lock-ups here, and there is an officer on duty in charge of each. The officer has no absolute order as to the amount of pledge that he is to take from a person who is in custody on a charge of being drunk and incapable. It is left very much to his own discretion. The penalty for being drunk, according to our Police Act is 40s. or one month, and the pledge never exceeds 10s.

12,771. This introduction of the 40s. penalty is of recent date?—1892.

12,772. Prior to that what were your powers?—Prior to that a person drunk and incapable was liable to a fine of 5s. or 24 hour's imprisonment under the Public-Houses Act.

12,773. How did you treat them then—a small pledge?—The pledge was as a rule 5s. then.

12,774. When did the higher penalty come into force?—In 1892.

12,775. In what part of the year?—It was in the autumn.

12,776. Could you give us the figures of 1891, when you had the 5s. system, and those of 1893?—I have prepared a return here showing the figures for each year from 1844 down to the present year.

12,776A. Is that of all crimes?—I have special columns for different offences.

12,777. Give us two or three years before 1892–1890 and 1891, if these were not exceptional years.—In 1890 the number taken into custody for being drunk and incapable was 1133; in 1891, 1131; in 1892 (the transition year) 1110; and in 1893, when the penalties had increased, 1615.

12,778. Could you supplement that by giving us the figures of 1864?—The number of persons dealt with for being drunk and incapable in 1864 was 989, but the population has since then increased to the extent of between sixty and seventy thousand.

12,779. These are rather remarkable figures, because they show, that when you had the heavier penalty you had the greater number of arrests, and 1893 was a very good year in point of trade depression?—Well in 1893 we had a large increase for all offences over the previous year, and in my annual report I endeavoured to explain that away by referring to the climatic conditions. It was a very open season, and the labouring classes had much less broken time during that year.

12,780. Therefore, practically, Dundee trade was better?—Well, amongst the labouring classes, from which drunk and incapables are largely recruited; but I do not think that our staple trade—viz., jute manufacturing—was better. I may remark that during the year 1892, there were 5504 arrests and citations for all crimes and offences, while the number for 1893 was 6989. Perhaps you will allow me to read a paragraph from my annual report for 1893 in regard to the difference in numbers in these two years. It is as follows:—'It is somewhat remarkable 'that such a large increase in the number of offenders 'should have taken place during the year when the 'staple industry was in a somewhat languishing condi-'tion. As a rule, drunkenness and kindred offences 'increase when trade is prosperous, and decrease when 'it is dull. During 1893, the climatic conditions were 'such as to cause out-door workers to have very little 'broken time. On this account they would lose less 'wages than is usual in an ordinary year.' There is another reason which I think may account for it to some extent. Under the Police (Scotland) Act, 1890, which provides for aged and infirm constables being superannuated, a number of officers have been retiring. Their places have been taken by young and active men, and I believe there has been more activity on the part of the police, although there was no special order given in order to bring about any change.

12,781. Can you give us some figures for breach of the peace and petty assaults?—Yes. I can give you these from 1844 down to the present year.

12,782. Give us them for the same years as you did for drunkenness.—Assaults, breach of the peace, and disorderly conduct for 1890 numbered 3291; for 1891, 2803; for 1892, 2388; for 1893, 2896.

12,783. There has been a rise of some 500 on the breaches of peace, and drunk and disorderly cases, and there has been a rise of about the same number in the drunk and incapables?—Yes.

12,784. My point in asking you this is to endeavour to obtain, by any evidence or statistics, whether the increased severity of the power of dealing with drunkenness has diminished the amount of drunkenness or not.—Well, I may explain, that though the magistrates got these increased powers, they did not change their system of dealing with drunk and incapables to any great extent. The penalty was slightly increased, but although the powers were obtained, it was left entirely to the discretion of the magistrates what punishment should be imposed.

12,785. You materially increased the penalty by putting the pledge up to 10s. instead of 5s.?—Yes.

12,786. I presume the magistrates would put on an extra 2s. 6d. or 5s.?—They did increase the penalties slightly.

12,787. But the deterrent effect was not sufficient to counteract any meteorological and superannuation causes?—It had very little effect in that direction. While on this subject I might say that I got a note made out of the sentences imposed during last month upon drunk and incapables. There were in all 75 persons arrested for being drunk and incapable whose cases were brought before the court—47 males and 28 females. Of that number, 22 forfeited pledges of 10s.; six were admonished; 14 fined 5s. or 24 hours; 14 7s. 6d. or five days; nine 10s. 6d. or seven days; five

Chief-Constable Dewar.

27 Dec. 1894.

15s. or ten days; four 20s. or 14 days; and one 40s. or one month.

12,788. Would you please tell us how many were dealt with up to the old maximum, and how many more severely than they could have been dealt with under the Public Houses Act?—Twenty up to the old maximum, keeping out forfeited pledges.

12,789. Thirty-three above the old maximum, and 22 pledges double the old maximum?—That is so; that is for the current year.

12,790. I suppose that is very much the system that was pursued in 1893?—Yes.

12,791. (*By Col. M'Hardy.*) It would make that very much more complete if you could put in results of the alternatives?—8 paid their fines before going to prison, 4 after going to prison, and the remaining 35 served their terms of imprisonment.

12,792. (*By the Chairman.*) Do you think that this return for 1894 would fairly represent the system pursued in 1893?—Oh yes, it does.

12,793. I suppose it may be taken as representing very roughly since the new powers came into operation?—Yes.

12,794. And therefore there has been a material increase of punishment in 55 out of 75 cases, and notwithstanding that—possibly for the reason you have mentioned—the amount of drunkenness has increased?—That is so.

12,795. I show you this return that you have handed in 'The number of persons accused of drunkenness 'breach of the peace, and disorderly conduct since 1844, 'with number apprehended or cited for all crimes or 'offences each year.' I see that 1893 has been higher than in 1883. In 1883 you had 2027 drunks?—Yes. And, in the following years, it was 1573, 1182, 1176, 1202, 1061, 1241, 1133, 1131, 1110, and then 1615. Was there anything exceptional in 1883 that gave it such a rise?—Not that I can point to.

12,796. I notice that the number of persons apprehended and cited in 1877 and 1878, given in your 'annual return from the years 1844 to 1893, both 'inclusive,' is very much higher than at any other time, being 7772 in 1877, and 7674 in 1878, as against 5504 last year, and 6989 this year. What was the explanation of the very great rise in these two years?—Trade was in a fairly prosperous state at that time, but I don't know that there was anything exceptional about it.

12,797. It looks as if trade were remarkably good then, although you have pretty well come up to it in point of arrests for drunkenness since.—There is one fact to which, when looking at this return, I might direct attention. The Forbes-Mackenzie Act came into operation in 1854, and you will observe that there was a remarkable decrease immediately thereafter for a good many years.

12,798. In 1853 the number apprehended was 1625 for being drunk, and in 1854, 1352?—The Forbes-Mackenzie Act came into full operation in 1855 when there were 952 arrests for drunkenness; in 1856, 1130; in 1857, 876; in 1858, 696; and in 1859, 598.

12,799. The number in 1859 is a great fall down from 1856—598 as against 1130. Can you account for that?—I cannot; I had no knowledge of Dundee at that time.

12,800. There does not appear to have been any transfer from the breach of peace and petty assaults to the drunk and disorderly this last year in consequence of your being enabled to inflict a bigger penalty on the drunk and disorderly?—None whatever.

12,801. Take the other class we have to deal with—begging and vagrancy.—Well I have got returns of these also—the census of vagrancy. The returns commenced in 1888.

12,802. Will you give us the results generally? Take the last census, we have all the others.—The census was taken on Sunday last, and there was a remarkable decrease. There were 91 vagrants found—against 153 in June last.

12,803. But there is generally a great decrease in the winter months?—There is generally an increase in the winter months, but that is not the case in Dundee.

Chief-Constable Dewar.

27 Dec. 1894.

12,804. Last year you had 126 in December, against 124 in June?—That is so.

12,805. Now tell us how you would divide these vagrants—how you find them?—There were 12 in prisons or police cells; 27 in houses of refuge, hospitals, and poorhouses; and 52 in common and other lodging houses.

12,806. And of the total you had 74 males, 14 females, and 3 children? That is surely a small percentage of children?—Remarkably small.

12,807. What were the nationalities of the vagrants?—60 were Scotch, 11 Irish, 19 English, and one foreign.

12,808. Then give us the classification by sex and age of the total.—74 were males, 14 females, and three children—total 91.

12,809. So that in Dundee, apparently, the difficulty about children in custody or in care of parents does not crop up? You appear to have very few children in charge of your vagrants?—Very few.

12,810. How do you deal with vagrants?—I have got a return here of the number of cases of begging and vagrancy brought before the Police Court from 1844 down.

12,811. Has it increased of late years?—It has not materially increased of late years.

12,812. In fact it appears to have been very much greater before your time?—It was. In 1844 there were 90.

12,813. In 1875 there appear to have been only three vagrants here?—Only three were apprehended and brought before the magistrates.

12,814. In 1881 you mounted up to 107; and in 1893 you had 57?—Yes.

12,815. What are your powers of dealing with them? Are they under a special Police Act?—Under the General Police Act of 1862.

12,816. Was there any change made in that vagrancy class under the Burgh Police (Scotland) Bill?—None. For begging, first offence, 30 days is the punishment which can be given; for a second offence, 60 days, under the General Police Act.

12,817. Now take prostitution. Has there been much increase in that?—There has been a very considerable increase.

12,818. According to the figures we have before us, whereas there were only 20 apprehensions in 1885, there were 335 last year?—Yes.

12,819. Have you got a return of these?—No.

12,820. Was last year exceptional as against the year before?—It was.

12,821. I have the returns here for 1893—the number is 335; for 1891, 95; and in 1885 you have 20?—Yes.

12,822. How do you account for that enormous increase?—Well, trade has been somewhat depressed, and the police have had instructions to be more vigilant in seeing that the streets are cleared.

12,823. I imagine it depends more upon police than upon trade, because I see the drunks in the two years that have been taken had a very large increase, indexing good trade?—It is mostly to be accounted for by police instructions.

12,824. What are your men's instructions with regard to prostitution? That is to say, what is the offence?—The offence is loitering and importuning passengers.

12,825. Do they arrest for simple loitering, or do they require importuning?—Importuning is not necessary under the Act, but the constables do not arrest here unless there is importuning.

12,826. You never, I suppose, require the evidence of the men importuned?—No; we do not consider that necessary if we have two officers who can speak to the fact of the importuning, although the constables are instructed to obtain the names of the parties importuned where that can be done.

12,827. Have you ever had, during the past year, any man appearing as a witness in such a case?—I do not think we have had a single case in which the party importuned gave evidence

Chief-Constable Dewar. 27 Dec. 1894.

12,828. There is another class that is not embraced in this return, and which we have added to our remit. That is the class of juvenile offenders.—I have got a return with regard to them. Here is a return showing the number sent to the Reformatory and Industrial Schools since 1869.

12,829. Read that for the last ten years:—In 1883, 76; 1884, 74; 1885, 63; 1886, 61; 1887, 81; 1888, 59; 1889, 49; 1890, 49; 1891, 22; 1892, 35; and 1893, 44.

12,830. These returns show a very great disproportion of the sexes, there being a vastly larger number of boys than girls, and in order to illustrate that, would you please read the figures since 1890?—In 1890, 47 males, 2 females; in 1891, 18 males and 4 females; in 1892, 31 males, 4 females; in 1893, 41 males, and 3 females.

12,831. That shows that in Dundee you have had only 13 girls sent to Reformatory and Industrial Schools within the past four years?—That is so.

12,832. There seems to be surely a necessity for dealing with a larger number of girl prisoners?—Well, we have comparatively few girls before our courts.

12,833. Not even for stealing?—Very very few. This return does not include cases dealt with before the sheriff.

12,834. But I mean cases dealt with before the magistrates.—Very very few girls.

12,835. I suppose the majority of the boys would be charged with petty offences?—A few of these boys were found destitute, who had committed no offence, and we sent them to Industrial Schools.

12,836. Do you happen to have any record of the ages of people sent to the prison?—Yes, we keep a note of these.

12,837. But you do not have any figures, have you?—In regard to habitual offenders, I have the age of every one of them.

12,838. It is juvenile delinquents I should like. What I want to know is, considering you have had so few girls—only some three per annum—sent to Reformatory and Industrial Schools, you must have had a certain number of very young females sent to prison?—We have had very few young girls sent to prison. Of course, this return only deals with boys and girls under 16 years of age.

12,839. You appear to be very free of juvenile delinquency?—We are very free.

12,840. Can you account for that; are they exceptionally largely employed in mills?—They are; they go to work in the mills when very young.

12,841. We are told in other towns that girls who sell newspapers, matches, and so on about the streets, are very apt to go wrong, and find themselves fit subjects for reformatory treatment of some sort or another.—That has not been our experience here.

12,842. You have not distinguished between Industrial Schools and Reformatories in this return?—No.

12,843. What Reformatory do you send to?—Rossie, near Montrose, for Protestants.

12,844. Does the town make any grant to Reformatories?—The Town Council does to that Reformatory, and to the 'Mars' also.

12,845. About your mode of procedure—would you please tell whether, in bringing a charge, you prove previous convictions before the prisoner is found guilty, or whether you withhold from the magistrate the knowledge of that fact until after the prisoner has been found guilty?—In every summary complaint, where a party is previously convicted, we require in the complaint to condescend upon the date of the convictions, and, in adducing evidence, we invariably adduce evidence to prove the conviction before the case is closed.

12,846. And I understand you follow that plan in pursuance of some decision recently pronounced in Edinburgh?—There was a decision pronounced on the matter on 3rd November 1891, in the case of Gordon *v.* Scott in the High Court.

12,847. Have you got a summary of that case here?—No.

12,848. Can you tell us very briefly what it is, and we would like you to put in the case in full. Tell us the effect of it briefly.—Well, this was a case where a publican was charged at Peterhead with an offence under the Public Houses Act, aggravated by the party having been twice previously convicted. It was a third offence, in fact, and the prosecutor proved the applicability of these convictions to accused previous to his case being closed. The agent for the defence objected, and contended that the proceedings were nullified in consequence of his having taken that course. He argued that the information should have been kept back till the justices gave their verdict as to the guilt or innocence of the accused on the main charge.

12,849. That is, it should be kept back under Lord Kingsburgh's Act?—Yes. Well, the Justices gave effect to the contention. The Procurator-Fiscal appealed to the High Court, which held that the justices were wrong, and that in a summary complaint the section of Lord Kingsburgh's Act did not apply.

12,850. Can you refer in the judgment to the precise point there bearing out your contention that in summary cases Lord Kingsburgh's Act does not apply?—It was contended in that appeal, before the High Court, that it was absolutely necessary for the prosecutor to condescend in his complaint upon the date of the previous conviction. Well, the magistrate trying that case is both judge and jury, and he is bound to see that complaint, because he is asked to sign a warrant for either the citation or the apprehension of the party, and he is not going to sign the warrant without knowing what the complaint is. If he reads it, he is bound to know of the previous conviction, and therefore the clause of Lord Kingsburgh's Act could not apply.

12,851. I want to know whether you agree with the Chief Constable of Glasgow that, in a case of assault, or a drunk and disorderly, where the magistrate might or might not be influenced by previous convictions, you would consider it proper to prove the previous convictions?—Yes, undoubtedly. I think the Glasgow Procurator-Fiscal takes a different view, Lord Rutherford Clerk, in the case before alluded to, stated that the question was not arguable. In the *Scottish Law Times* of 8th July, 1893, Lord Young is said to have dismissed with contempt a fishing poaching appeal, tried a few months previously, where an objection of the same kind was stated. In Edinburgh, I have been informed, they are going on as they did before Lord Kingsburgh's Act was passed. I took the opinion of Lord Advocate Balfour when that Act came into operation, and he advised us to keep back information in regard to convictions, and crown counsel, I understand, adopted the same view, after hearing that the Lord Advocate had expressed that opinion, and that was acted upon for a number of years, until this judgment in this particular case.

12,852. Have you got the Lord Advocate's opinion?—Yes, I have a copy of it at my office.

12,853. Can you give us the Lord Advocate's opinion and the judgment?—I may explain in regard to the report in 3 White, p. 251, that it is a brief report of the decision, and I put myself in communication with the reporter. He had taken no notice of this very important case, and it was after having written him twice that he gave a report, long after, in the official reports. I sent him a copy of the report which appeared in a Peterhead newspaper. It was the fullest I could get of the case, and I have given the report from that Peterhead newspaper in the second edition of the 'Liquor Laws' for Scotland which was issued this year, so that I think that is where the fullest report is to be got of this case. The official report in 3 White is rather meagre.

12,854. You will give us a copy of your report from your book?—Yes; I shall send it to the Chairman.

12,855. Perhaps you could also let us have along with it the Lord Advocate's opinion on the subject?—Yes; I shall do so.

12,856. Now there are some points about your police statistics regarding which I should like some explanation. I find that in Dundee, either the police

Chief-Constable Dewar.

27 Dec. 1894.

are a most infallible set of men, or the magistrates appear to place an extraordinary amount of confidence in them. Last year there were 1615 persons arrested for drunkenness, being drunk and incapable, and the whole lot were disposed of by way of conviction, admonition or pledges forfeited; that is to say, not one got off as not guilty.—That is so.

12,857. I find that of the prostitutes—335—every one arrested was disposed of in the same way.—Well, only one was liberated without trial.

12,858. That does not appear in your report?—Well there is 'not tried' in regard to loitering and importuning. There were 11 not tried.

12,859. (*By Col. M'Hardy.*) Do you mean to say they were let off without being tried?—They were not tried.

12,860. (*By the Chairman.*) But they would figure among the charges all the same?—Yes.

12,861. But they don't, and I want to test the accuracy of the returns you see, there is your return. —They do figure among the charges, chiefly under the heading 'Forfeited pledges.'

12,862. Am I to understand that these 11 are included in the forfeited pledges in the return you have handed in?—8 of them are. The 11 are made up in this way. There is one against whom no proceedings were taken; eight forfeited pledges; one was otherwise disposed of; and one was not disposed of at the end of the year.

12,863. The forfeited pledges are included?—Yes.

12,864. What does 'otherwise disposed of' mean? —'No proceedings' would be a party liberated by the lieutenant without being brought before the Court; 'otherwise disposed of' would be a party perhaps brought to the bar, and I, as Procurator-Fiscal, then departed from the charge for some reason.

12,865. In cases of illness or something of that sort? —Yes.

12,866. Does 'otherwise disposed of' in your case ever mean sent to some refuge as an alternative?—Yes, it does in some cases; although we send to refuges very frequently by the magistrate admonishing the party on volunteering to go to a refuge.

12,867. You have been in the Glasgow police force —that is a considerable time ago—and the arrests in Glasgow are enormously greater in proportion to the population than here. In Glasgow, there are arrested every year for breach of the peace, petty assault, drunk and disorderly, and drunk and incapable, 60 for every 1000 of the inhabitants. In Dundee there are only 28 per 1000. The larger the city the more you have.

12,868. Not per 1000?—London, for instance has only 8 per 1000.—The system is quite different.

12,869. Take it for instance in your own case—Dundee has 28 and Edinburgh 24.—It is a different class of population we have.

12,870. You have got Paisley 21, and Greenock 23. That shows that the size is not the entire thing; but can you, from your experience, explain it?—No; I cannot account for it.

12,871. I repeat the question—May I rely upon these statistics which you handed in of 1893 as quite correct?—Undoubtedly.

12,872. Is there any other point you wish to bring before us?—Yes; there is one point in regard to a question which very often crops up. There were 171 persons brought before our Police Court in the month of November last, charged with the crimes of assault, breach of the peace, and disorderly conduct. Well, I caused very careful inquires to be made in order to ascertain the number of those persons who were under the influence of liquor when apprehended, and the number who were sober, and I find that 87 per cent. were the worse of liquor, and 13 per cent. sober.

12,873. Did you make any similar inquiries with regard to petty thefts?—No, I did not, but I made similar inquiries with regard to begging and loitering, and I find about half were sober and half under the influence of liquor of those apprehended in the same month.

12,874. Could you do the same thing in regard to petty thefts for the month?—Yes; I could without difficulty.

Chief-Constable Dewar.

27 Dec. 1894.

12,875. (*By Colonel M'Hardy.*) Give us the number of those under liquor in your total apprehensions?—I fear I have not that information.

12,876. Most Chief Constables have that?—We don't take special note of that. We do it in such cases as those of disorderly conduct and breach of the peace, as it is made part of the charge, but in thefts and many other cases we don't take note of it.

12,877. (*By the Chairman.*) And you could not without difficulty get the information?—Not without very considerable difficulty. At our lock-ups we keep a note of the state of the persons brought to the police office, but do not tabulate the information unless it is required for the aid of justice.

12,878. Have you any other point?—Yes; I made out a special return, which I sent to the secretary, bearing upon table C of the return required by the Committee. It is an analysis showing the various crimes for which habitual offenders have been convicted. This 'abstract of' particulars *re* habitual offenders' shows the various crimes for which they have been arrested during 1893, and also gives a note of their total appearances before our Courts.

12,879. You seem to have very few men as compared with women?—Only three men in No. 1 return, and in the return which I call No. 3, I give particulars in regard to eight men who were convicted more than four times during the course of the year. Some of the convictions treated of in the latter return took place before the Police Court, and some of them before the Sheriff Court summarily.

12,880. But that makes only 11 men altogether as against 79 females?—That is so.

12,881. Do you think it would make much difference to you if any means could be devised to clear your hands of these 11 men?—It would certainly be a considerable improvement.

12,882. And the women even more?—Very much more.

12,883. Have you anything else?—I have a return here which I submitted to the departmental committee on inebriates, showing the number of persons in Dundee who had more than 20 convictions recorded against them. The figures are given from 1876 down to 1893.

12,884. In connection with the habitual offender or habitual drunkard, what number of convictions would you fix upon?—Well, I think three convictions during the course of the year should be sufficient, and I find that has sanction of legislation in a way already, and it has been brought before that departmental committee above referred to. It was also suggested to a similar committee in Canada in 1891, and it is in operation in Australia, where 12 months' imprisonment can be given to the habitual offender.

12,885. Have you at Dundee many men who regularly get drunk every big pay?—I am of opinion that many get drunk without falling into the hands of the police, so that if there are three convictions against a man appearing before the Police Court, you may take it that he has been often drunk without falling into the hands of the police.

12,886. Would you take it that for twice he escaped the police he would get once into their hands?—Oh, more than that. I may explain that the Greenock Police Act authorises habitual drunkards to be sentenced to 60 days' imprisonment if they have been six times previously convicted. I had something to do in getting these powers for Greenock. In the Bill, as originally drafted, we asked for 6 or 12 months' imprisonment, but we got power only to impose a fine of 40s., or send 60 days to prison persons convicted of drunkenness, aggravated by previous convictions, irrespective of time.

12,887. You say 'we got it'?—I was then Chief Constable of Greenock. The Bill was got shortly after I came to Dundee, but I assisted the authorities in Greenock to obtain these powers.

12,888. Do you know if these powers have ever been made use of?—I have no definite information on the subject.

Chief-Constable Dewar.

27 Dec. 1894.

12,889. When you were Chief Constable of Greenock did you know anything about Paisley?—No. The Burgh Police Act also recognises three convictions in twelve months.

12,890. But it limits the amount of extra punishment to 14 days?—It does.

12,891. Might I ask how you deal with shebeeners? Do you deal with them under a Local Act?—No; under the Public Houses Act.

12,892. Do you issue warrants for their being searched, or how do you do?—We issue warrants for their being searched if we want to seize liquor, but we require no warrant to enter a shebeen with the view of making a detection.

12,893. Do you not require sworn information that there is reasonable grounds for believing that the place is a shebeen?—We do not require sworn information, but the officer or constable making the entry must know the place to be kept by repute as a shebeen.

12,894. Can he enter lockfast places? Can he break open a door for instance?—No; not without a warrant.

12,895. Do you give many warrants here? The Chief Constable of Greenock says that he signs 150 warrants a week, that they remain in force only about a week, and that his men go about with these?—The warrant runs for a week, but I don't find it necessary to issue many of these warrants, although I do occasionally. Shebeening is down to a very low ebb here.

12,896. It does not flourish as much here as in Greenock?—It does not.

12,897. Was it as bad in Greenock in your day as it seems to be now?—It was; shebeening was most difficult to suppress.

12,898. In your day, in Greenock, had you any reason to believe that the shebeeners paid blackmail to any of your constables?—Not the slightest; I never had the slightest suspicion or reason to believe that.

12,899. Do you think it unlikely, because a Greenock shebeener with whom I had an interview yesterday in prison said, that if he were entrusted with that department, he could show them how to put down the shebeens, but the fact was that they were carried on with impunity by men who paid?—I don't believe one word of it.

12,900. You don't think there are nearly so many in Dundee?—Not nearly.

12,901. Can you give us any reason for that?—Well, there is a very much larger male population, and a great number of iron-workers and Irishmen, and men from the Highlands, and the males are more given to drink there than they are here.

12,902. Is there anything else?—I made out a list of the nature of convictions in four sample cases of habitual offenders who have not been more than four times convicted during the course of the year.

12,903. Are there many of those?—We have in Dundee about 200 persons who have been over 20 times convicted of various crimes and offences.

12,904. So, besides having a number of convictions for a single year in your definition, you would have another number spread over a larger number of years?—I think it would be desirable; otherwise we would not be able to secure a number of the habitual offenders.

12,905. A suggestion has been made to us that it would be necessary to safeguard those men by bringing them before the sheriff, and asking him to pronounce them habitual offenders?—Yes.

12,906. It would not do to try them in the Police Court?—Either before the sheriff or the Police Court. I think it would be desirable to have a fixed period for which the magistrate or judge would require to send the parties away, because if it is left to the discretion of the magistrate—especially a citizen magistrate—the thing would not be done.

12,907. No; but do you think if you were proposing a long period of confinement in an adult reformatory of some sort, would you entrust a citizen magistrate with the power to order such confinement?—I would, but the party to be dealt with would come within the definition of an habitual drunkard who had been convicted a certain number of times, or over 20 times, of various offences within a given period.

Chief-Constable Dewar.

27 Dec. 1894.

12,908. There is no precedent for giving a magistrate the power to commit an adult to confinement for a lengthened period?—Our citizen magistrates can give sentences, under the Prevention of Crimes Act, for 12 months.

12,909. And they can send young people to a reformatory for five years?—Yes. There is a report of a committee which sat in Canada in 1891, in which there is much valuable information bearing on this matter. I have marked the parts in the report, which I hand to the secretary.

12,910. (*By Col. M'Hardy.*) Take the case of the four habitual offenders you mentioned—how many convictions had they?—The first one is a female aged 33 years, with 66 appearances, and only 2 in 1893.

12,911. Leaving out of account breaches of peace and disorderly offences, has she got any serious crime charged against her?—Thefts.

12,912. Are they petty thefts?—Yes. She had four or five of her heaviest sentences for theft—60 days.

12,913. Then the next one?—The next is a man with 50 appearances—three in 1893.

12,914. Are there any serious offences charged against him?—None.

12,915. Take the next case—This is a female, 75 appearances—four in 1893.

12,916. Are there any of these convictions for serious crime?—There are six charges of theft, and the highest sentence is 50 days. She is also convicted of brothel keeping.

12,917. Then the next one?—This also is a female—31 years of age, 100 appearances, 3 times in 1893; two charges of theft—14 and 7 days respectively.

12,918. The thefts must have been trifling ones?—Yes.

12,919. So that you can have persons with a very long series of charges of disorderly conduct and drunkenness without any crime allied to dishonesty?—That is so.

12,920. Do the persons you have referred to not produce around them very serious disorder, and attract drunkards about them?—They do; no doubt of it.

12,921. And if we were to remove them, it would not only stop their personal drinking, but it would probably reduce the drinking of their locus and neighbours?—It would undoubtedly.

12,922. The numbers in 1893, as shown in the tables, are excessively high in comparison with former years?—They are.

12,923. Is it not a fact that they are still continuing to be very high during the year that is just closing?—Speaking roughly, I expect we shall have 500 fewer arrests than last year. The figures are not made up, but there is a considerable decrease.

12,924. It is within my knowledge that there has been a very great increase in the movement of prisoners from Dundee to Perth, even greater than last year, so that that must arise from the magistrates of your Courts giving longer sentences, or more of them?—Well, I am speaking of the total number of persons apprehended or cited for all sorts of offences. Of course we may be up in the number of petty breaches of bye-laws, that is to say, contraventions.

12,925. But they would hardly go to prison?—Well, hardly.

12,926. (*By the Chairman.*) When will you have your figures for this year?—In the course of a month or so.

12,927. Will you send the secretary of the Commission an early proof?—I shall do so.

12,928. (*By Col. M'Hardy.*) A good many of those who are sentenced and sent to prison are for very short periods?—A great many of them.

12,929. Without the alternative of a fine?—As illustrated by the return I have given in.

12,930. Are there not a good many fines paid after the prisoners are received into prison?—There are a good many.

12,931. Do you give these prisoners sufficient time

Chief-Constable Dewar.

27 Dec. 1894.

for their friends to find money to pay their fines?—Well, if they have money, or if their friends have money, they have really sufficient time. They are not sent to prison as a rule before an hour and a half or so after the Police Court is over. That is our usual practice, and I think an hour and a half would be sufficient time for a messenger to get the money.

12,932. Are there messengers at their disposal?—Their friends are very frequently inquiring for them, and if not, we send messages for them.

12,933. It is very undesirable to have more people in prison than you can help?—Undoubtedly.

12,934. I wanted to know if you made it a matter of arrangement to see that every man who had any likelihood of getting his fine paid did get the opportunity of finding the money?—They have got every facility for sending messages.

12,935. Do you ever give a man time to pay a fine?—Oh yes.

12,936. How often is that done? You said there were 6989 convictions, I think, last year—these were people sentenced was it?—That is the number of persons who were apprehended and charged before the Police Courts.

12,937. Can you say how many of them were found guilty?—4953 were convicted before Summary Courts.

12,938. Can you say how many of these who were sentenced to a fine got time to pay?—In every instance they get sufficient time to pay.

12,939. But does a magistrate ever give a man a week, or ten days, or a month, to pay his fine?—No, that has not been done by the police magistrates in a single instance.

12,940. Have those sentenced ever asked for that, or are they aware of the existence of the law?—They have not asked, and I do not think that the parties brought before the Court, as a rule, know that such a law exists. There may be a few of them that know of it, but very few.

12,941. Is it desirable that it should be utilised where the offender is a known resident of your city? Is there any reason why he should not get time to go to work, and raise his fine, rather than be locked up in prison?—There is no special reason.

12,942. Would it not be a great restraint upon a man during the time until his fine was paid?—There is no doubt it would tend in that direction.

12,943. Then is the First Offenders Act in full force here?—It is; but the powers of that Act are very seldom put in operation in our Police Courts.

12,944. Why?—Well, previous to that Act coming into operation, the magistrates in our Police Courts were in the habit in very many cases of admonishing first offenders, and imposing no punishment upon them at all, and they have continued to do that in many cases. In some cases they have exercised the powers conferred upon them by the First Offenders Act, but in very few.

12,945. The number of vagrants you had in the town, according to the last printed return, is 125?—Yes.

12,946. The number seems to vary very little in summer or winter, are they resident in the way of sleeping always somewhere in the city, or are they different people, like the bubble on the stream every day?—They are different people for the most part.

12,947. And there is just a depot of about 125 people on the march?—That is so, if you strike an average.

12,948. Are they different people every night?—Not necessarily so, because in the Night Asylum they are allowed two or three nights if they profess to be on the outlook for work, but not more than three nights in succession.

12,949. Are there a certain number of people who go out from Dundee every morning into the country to beg, and come back with the produce of their begging?—I believe there are. They beg in the surrounding towns, such as Broughty Ferry, and in the outskirts of Dundee.

12,950. Broughty Ferry would be under the Burgh Police Act?—Yes, it is.

12,951. Therefore they could not beg there?—Oh yes, and in Dundee too. There is a good deal of begging in the outskirts of Dundee where the police are somewhat more sparse, and have long beats.

12,952. From what you and your men know of these people are they actually in search of work, or are they mostly professional beggars?—For the most part they are professional beggars.

12,953. The Chairman asked you about the number of apprehensions in Dundee being very low in comparison with what it is in Glasgow; now the character of the two cities is very much the same?—It is.

12,954. Your population here is a somewhat unruly population, broadly speaking, is it not?—Yes, it is, no doubt.

12,955. In proportion, the number of the lower orders of the labouring classes are equal, in fact, I think greater than in Glasgow.—Well, the female population greatly preponderates here.

12,956. You have a large class of quay labourers, those men who wait for ships discharging and loading, and that sort of work?—Yes.

12,957. Well, the difference proportionately in the number of your apprehensions is very startling. You have been in Glasgow—I suppose you go to it from time to time, and of course you know your own city—do you see any appreciable difference between the two?—Well, of course, in Glasgow the thoroughfares are very much more crowded than in Dundee.

12,958. Is that so?—No doubt of it.

12,959. But is there not part of Dundee very crowded, even as much as any part you could find in Glasgow?—Especially on a Saturday night it is, but during other nights of the week it is not so busy as Glasgow.

12,960. And you think it is simply due to the increased numbers of the people?—There is another factor in the matter. In Glasgow they have a constable to every 522 or so of the population, and we have just one to about every 877 of the population.

12,961. How does that make a difference?—It makes a difference in this way, that a great number of persons who commit offences are not taken into custody who would be taken if there were a larger proportion of police.

12,962. Oh, no doubt 'would be,' but would you say 'ought to be'?—No doubt they commit offences.

12,963. Statutory offences?—Yes, statutory offences, and therefore they render themselves liable to apprehension.

12,964. But what advantage in your mind would accrue to the city of Dundee in doubling the number of your police, and I suppose, as you say, the number of your prisoners?—I think no great advantage would arise. Certainly there would be less disorder on the streets and fewer scenes.

12,965. Would there be more apprehensions?—Yes.

12,966. How could you say there would be less disorder, because if you had not disorder you could not have the apprehensions?—Well, the disorderly parties would be taken into custody.

12,967. But would it not be that you would have a larger proportion of the population becoming acquainted with the police, and circulating through prisons and Police Courts?—No doubt of it.

12,968. Do you think it is a good thing or a bad thing for them?—Well, I don't think that our present system of punishment for these offenders has a good effect.

12,969. Your suggestions and views, I think, lie in the way of lengthening the sentences in order to reform these people?—Well, I have been reading up a good deal on this subject, and I am very much inclined to think that a system of reform colonies would be the most appropriate method for dealing with these petty habitual offenders.

12,970. Yes; but have you departed from your own faith?—I have.

12,971. That is the most important statement we have got to-day?—I have to that extent. I have derived a lot of information from this book, *The Prison and Reformatory System of Ontario*, and also

Chief-Constable Dewar.

27 Dec. 1894.

from the Consular Reports obtained by the United States in reference to farm colonies, especially in Germany and Switzerland. I think there are no fewer than 26 of these colonies in operation in Germany, and there are places on somewhat similar lines in the United States.

12,972. You say you have considered this matter very thoroughly; I want to know why it is you have gone away from the simple augmentation of sentences?—Well, the parties to be dealt with require to be usefully employed while they are under detention, in order, among other things, to enable them, when they get their liberty, to be in a position to earn their own livelihood. I do not think prison is the place where suitable employment could well be provided for such a class.

12,973. And they would not be, when confined there, trained to ordinary kinds of life in the outside?—Well, there is far more to be got in farm work, market gardening and such like in the summer. In winter, they would require to be put to industries indoors, or in sheds.

12,974. (*By Miss Stevenson.*) In the figures you gave to the chairman as to the number of persons brought up during last month, I think you said there were 25 that forfeited their pledges; were any of these women?—Three.

12,975. Do you find that they, as a rule, are able to leave a sufficient amount as a pledge?—As a rule they are not.

12,976. Do you take a pledge in cases that are brought in for solicitation and loitering?—We do.

12,977. As well as for the drunk and disorderlies?—We do.

12,978. What is the longest time that anyone is kept at a police station before her case comes before the Police Court?—The longest is about 48 hours.

12,979. That would be if she was brought in on a Saturday morning?—Keeping in view Saturday night, they are, of course, kept in from Saturday forenoon till Monday morning. On other days they are not kept more than 30 hours. We had, for instance, a woman brought before the Court yesterday, who was apprehended at four o'clock the previous morning. We endeavoured to get her before the magistrate on the morning she was brought in, when the Court began at half past nine, but she was not sufficiently recovered from the liquor she had, and we had to keep her till next morning,

12,980. At your police stations have you female turnkeys or police matrons?—We have a matron on duty night and day.

12,981. Who can attend to and look after these women?—Yes; and we have got an addition made to our police office, which has only been in use since yesterday, where the females are to be kept in 12 cells specially set apart for them, and with a matron's room.

12,982. In reference to juvenile delinquents, you have stated that the girls are very small in number in proportion to the boys; is the reason of that that you have the Mars Training Ship here? Do you think that the facility for sending a boy to the Training Ship has anything to do with it?—No; very little; we find that the boys get into mischief.

12,983. Have you a Girls' Industrial School in Dundee?—We have, and it occupies a very central position in the city. A new school also is being erected in the outskirts.

12,984. How is the population provided for that school if you have so few?—They are all sent under the Industrial Schools Act.

12,985. Have you many School Board cases?—Not many, but we have a good many sent by the sheriff; there is an agent appointed for the Industrial Schools in Dundee.

12,986. Do you get them from other parts of the country?—Yes; from the surrounding districts.

12,987. Under what section of the Act are they sent?—The fourteenth as a rule. If accused of a petty crime, they are sent under the fifteenth section, under 12 years of age.

12,988. Do you find any difference from two years ago when the order came from the Crown Office that the two sections were to be kept very distinctly apart?—We were very careful in sending children to condescend upon the section, and to see that they came within the scope of the section before being sent by the magistrate. We find that the Industrial Schools will not take children under the fifteenth section.

12,989. Because of the smaller allowance?—Yes.

12,990. Many of the warrants sent to the Home Office under section 14 were returned, as the children were not without proper guardianship, being at the time in custody of a parent: have you found that difficulty here?—If it does exist it has not come under our notice in our Court.

12,991. (*By Dr. Sutherland.*) Your idea of an habitual is three convictions during 12 months, and six convictions irrespective of time?—Well, there is considerable warrant for that I find, in what I mentioned before—existing legislation, and the opinion of the Commissioners in Canada, who appear to have come to the conclusion that three times in one year were sufficient.

12,992. Do you think public opinion in this country would support anything of that kind after what took place just two years ago in the discussion on the Scottish Burgh Police Act?—I would be inclined to think that public opinion would, because public opinion seems to be alive to the fact that it is absolutely necessary to have some better method of dealing with habitual drunkards than we have at present, and, as I mentioned before, although an habitual drunkard only happens to be convicted three times during a year, the very fact of his having been convicted these three times indicates very clearly that the person must have been intoxicated very frequently during the year.

12,993. That, after all, is presumption, and not fact; it may be true, but it has not been proved. Don't you think that it would appear oppressive to dub any person an habitual offender who had, say, six convictions during a period of three years, more especially when you propose to remove them from society, and deprive them of their liberty for a considerable period?—Well, I think it would be a mistake to condescend upon a time rather than upon convictions. As I mentioned before, we have in Dundee about 200 persons who have been upwards of 20 times convicted. Quite a number of these have not perhaps been six times convicted of drunkenness during the last two years.

12,994. That suggests reformation and fairly good conduct?—Not necessarily; they may have been convicted of other offences.

12,995. Such as?—Well, there is loitering, importuning, petty thefts, malicious mischief, committing nuisances and quite a number of other offences.

12,996. Do you make any hard and fast line of distinction between prostitution and drunkenness among women?—Certainly; we are bound to do it.

12,997. Do you not find in Dundee, as in Glasgow, that the two are very closely allied?—Not necessarily. I have looked into the statistics of November last, and I find that half of the women arrested for importuning were sober.

12,998. But you give a return of 79 women who have been over 4 times convicted, 75 per cent. of whom had almost an equal number of convictions for drunkenness and for prostitution; does not that go to show the intimate connection between the two, that is to say, that prostitution may be the result of drunkenness, or drunkenness the result of prostitution?—They go, no doubt, hand in hand.

12,999. In the consideration of any case of habitual drunkenness, would you consider that any other circumstance than the mere fact of being three times in the hands of the police should come into play?—Undoubtedly.

13,000. That is to say, if you found that a working man had been three times in the hands of the police, and convicted during the year, and yet it could be shown to a demonstration that that man maintained a home and kept his family in comfort, you would not dream of removing that man from society and making him a certified drunkard?—Not if he was not convicted

Chief Constable Dewar.

27 Dec. 1894.

before that year, but if there was a string of previous convictions before that, it would be high time that he was dealt with.

13,001. But suppose his convictions were numerous before that, and that during the last year he had only three convictions, would that not indicate an encouraging improvement in his habits?—No; it might probably indicate that he had escaped the police.

13,002. I see from your return that 551 persons would come under your definition of habitual offender, that is to say, they have been three times in your hands in the year: now, how many of these would be workingmen, or fairly respectable people who occasionally go astray?—A very small proportion.

13,003. But still there are some?—There are some.

13,004. I find from your return that you have apprehended 6956 persons?—There have been that number of apprehensions or citations.

13,005. Of these only 895, or 12 per cent., came back to you again during the year?—Yes, and some of them as often as 17 times.

13,006. Only 12 per cent. came back; does not that go to prove that the police have sufficient powers now to deal with those of the population who are turbulent and noisy, and who occasionally get drunk?—We don't want any more powers so far as the apprehension is concerned, but I contend that they ought to be dealt with in a different way, reformatory treatment ought to be meted out to them.

13,007. But if you find that of your 6956, so many as 6100 never come back to you in the course of the year, does not that go a long way to show that a few hours in the police office, or a pledge, or a short period of imprisonment is enough for these?—Yes; for those that don't come back.

13,008. And now for the few, do you think the police magistrate has the time to conduct such an inquiry as would be necessary before a person is removed for a long time from society for the purpose of reformation?—Well, I do not think the police magistrates in Dundee would grudge the time for that purpose, and I think they would discharge the duties satisfactorily.

13,009. Seeing they are subject to public opinion, don't you think they might prefer that such powers were not placed in their hands?—I would not leave it to the option of the magistrates.

13,010. You would fix a time?—I would. If it is left to citizen magistrates it will not be done, neither will it be done by certain stipendiary magistrates unless it were made imperative.

13,011. Do you think a stipendiary magistrate would be a qualified or suitable person to conduct the inquiry?—Yes.

13,012. Compared with other cities Dundee makes a poor show in the matter of fines?—We have a poor population.

13,013. What is the amount of pledge money?—The amount of fines received was £784, 2s. 6d., and the amount of forfeited pledges £502, 11s., being a total of £1286, 13s. 6d.

13,014. Have you any suggestion to make in regard to drunkards who do not come into the hands of the police, but who are notoriously addicted to drunken habits, and who only find their way into the hands of the police after they have committed a dangerous assault or some serious offence?—There are a great number of drunkards who don't get into the hands of the police, who ought to be dealt with in Retreats the same as there are in England.

13,015. Who should initiate proceedings in these cases?—I would allow the same parties who can take the initiative in lunacy cases—the Procurator-Fiscal, the Inspector of Poor, or the relatives.

13,016. And the drunkard might have a public or a private inquiry, just as he wished?—I would treat them on the very same lines as lunatics.

13,017. Do you find that petty thefts, as a rule, are committed by young people or elderly people in a state of intoxication?—A great many petty thefts are committed by people who are not intoxicated at all.

13,018. They are pilferers?—Yes. We have also oldish women who go about stripping articles from greens and such like.

Chief Constable Dewar.

27 Dec. 1894.

13,019. Do you connect petty theft with drink at all?—Oh yes.

13,020. In what respect?—The desire for means to procure drink.

13,021. Do you birch boys?—We have not done so for years.

13,022. What do you do with them?—There are some boys sent to prison, others are admonished, and others are sent to Reformatory Schools.

13,023. Do you believe that a boy of tender years, who has done some malicious act, should be sent to prison?—No; I am not in favour of boys being sent to prison for first offences, and they never are sent here.

13,024. But for second offences, if birching would succeed, why not give them it?—Our magistrates never order it.

13,025. What is your own opinion?—I am not in favour of whipping boys publicly; I would leave that with the parents. I would be more inclined to whip a man who beats his wife.

13,026. You are not a disciple of Solomon's with regard to the rod?—I do not want the rod spared, but I want it administered by the proper parties.

13,027. If a magistrate ordered a boy to be whipped in his presence by the parent, would you approve of that?—I do not think a magistrate would do that. A magistrate has no power to order a parent to do that.

13,028. (*By Dr. Farquharson.*) Is it in consequence of general instructions that you give your policemen here that evidence of importuning as well as loitering is required before the apprehension of prostitutes?—It is.

13,029. But you say that, according to the law, loitering of itself is denounced?—Yes, loitering *or* importuning passengers to the annoyance of residents or passengers.

13,030. It is purely a female offence?—Yes.

13,031. It is not an offence for a male to loiter?—Not under the Local Police Act, but it is under the Burgh Police Act.

13,032. (*By the Chairman.*) You say that it is 'loitering to the annoyance of the residents and 'passengers'?—Yes.

13,033–34. Is that the phraseology of all the other Scottish Acts?—I don't think it is in the Burgh Police Act. [*Dr. Farquharson.* There is a phrase 'loitering for immoral purposes.']

13,035. It is an important addition?—Unfortunately I have not got the words here, but I have the number of the clause.

13,036. How do you prove annoyance to the passengers?—By the constables seeing them.

13,037. But that depends upon the passengers, and not the constables, if you have to prove annoyance to the passengers?—We have a clause in our own Act which makes it an offence to loiter and importune.

13,038. (*By Dr. Farquharson.*). Your constables then have to speak to the fact of importuning; how do they find it out? Have they got to find out the words used?—Well, there are various ways of importuning. The actual words do no require to be given in evidence; our magistrates do not hold that. But there are several persons accosted as a rule, according to the evidence.

13,039. But you have not the evidence of the men who were importuned, only the evidence of the constables who cannot have heard the words used; what is the actual evidence?—The actual evidence is that a female is seen loitering about on a certain street or streets, and that in the course of half-an-hour or so, during which the officers have been watching her movements, she has gone up to two, three, or four different men, accosting them.

13,040. Has a previous conviction to be known against her, or does her character require to be known to the police?—It requires to be known to the police. Our magistrates invariably admonish a person convicted of that offence for the first time.

13,041. Suppose a strange woman came into Dundee

Chief Constable Dewar.

27 Dec. 1894.

and addressed a man at the corner of the street, would that be held as accosting?—Oh no; we would have to prove that the person is a prostitute.

13,042. You must prove that?—Yes.

13,043. (*By the Chairman.*) Is there anything else you would like to bring before us?—Yes; there is a paragraph from the late Sheriff Barclay's book in reference to breach of peace, which, I think, might be of interest. It is from *Barclay's Digest of the Law of Scotland*, 4th edition, under heading 'Breach of the Peace,' second paragraph. It is as follows:—'Previous convictions of breach of the peace may be charged to aggravate the offence and increase the punishment. But a charge of 'assault cannot be aggravated by a conviction of breach 'of the peace, or the reverse. A woman was charged 'with breach of the peace, aggravated by 21 previous 'convictions, in the Police Court of Dundee, and received 'sentence of 18 months' imprisonment.—Perth Autumn 'Circuit, 1850, Margaret Grant or Broun (not reported). 'There was at the date of publication of the third edition 'of this work a woman in Perth County Prison for the 'one hundred and fortieth time, on police convictions 'for breach of the peace, punished, or rather rewarded, 'by sentences of short imprisonment. The same 'woman, after adding several more convictions, at 'length, in a fit of intoxication, drowned herself in the 'Tay. She had spent about 12 years in prison, where 'she worked at remunerative needlework, at which she 'was most skilful and tasteful. An institution where 'such persons could be detained would be merciful to 'themselves, and liberate the public from much annoy-'ance and great expense. [The witness then withdrew.]

Chief Constable Dewar.

27 Dec. 1894.

Mr. William Doig, and Mr. James Campbell.

Mr. William Doig, and Mr. James Campbell.

MR. WILLIAM DOIG, Bailie of Dundee, and MR. JAMES CAMPBELL, agent of the Society for the Prevention of Cruelty to Children, Dundee, called in and examined by the Chairman:—

13,044. I understand that you, Bailie Doig, are connected with the Society for the Prevention of Cruelty to Children?—I am.

13,045. Do many cases occur in connection with the Society here?—(*Mr. Campbell.*) We have an average of 20 cases in the month—about 240 in the year.

13,046. How are they as between boys and girls?—The majority of them are girls. Of the 240 about 140 would be girls.

13,047. We were told a minute ago by the Chief Constable here that there had only been 13 girls committed to Reformatories or Industrial Schools within the last four years, that is about an average of three each year?—We have a good many more children than that. We sent about 80 children to different institutions last year.

13,048. Including Industrial Schools?—These are all sent to institutions of detention, that is Industrial Schools.

13,049. But how do you reconcile that with the Chief Constable's statement?—(*Mr. Campbell.*) These would not pass through the Police Court.—(*Bailie Doig.*) They pass through the Sheriff Court, that is the explanation of it.

13,050. I show you the Chief Constable's last annual return, can you show me these cases here?—(*Mr. Campbell.*) Under the heading No 17 'Contra-'vention of Prevention of Cruelty to and Protection of Children Act,' there were 31 persons apprehended or cited within the year and committed.—(*Bailie Doig.*) I may explain that the operations of the society are wrought very largely through the Sheriff Court. Our Procurator-Fiscal has very kindly backed up our society in the prosecution of our cases, and a proportion of the number don't come directly under the control of the police.

13,051. It appears from this that there were 31 cases of offence against the Cruelty to Children Act made known to the Police Authorities in the year, and there were 31 convictions obtained.—(*Bailie Doig.*) That is perfectly correct, but the greater number of our convictions have been got in the Sheriff Court from the fact that many of the cases have not been brought under the police notice at all. Information is lodged with our agent that a case of cruelty has taken place, and he communicates directly with the Procurator-Fiscal of our Sheriff Court, and the sheriff has convicted the greater number of the parents.

13,052. Do you think there is any extension necessary of the powers for the protection of children, or the reduction of the crop of young criminals and vagrants that naturally arises from families in which you have parents guilty of offences against the Cruelty to Children Act?—(*Bailie Doig.*) The fact is, one has a very strong feeling that it will become almost necessary that something should be done to take these poor children altogether away from their parents. In many cases there is no parental control or supervision, and there is a great amount of ill usage.

13,053. What are the operations of the Society in Dundee?—They are in the first place to receive information from the police or from outsiders as to parents ill-using their children. These are then followed up by our officer, and reported to the Procurator-Fiscal of the Sheriff Court generally, and if he thinks there is a case that ought to be prosecuted, then a prosecution is carried through, and the prosecutions have been very successful in obtaining convictions. There are other cases where, after careful investigation, the society thinks that perhaps a warning and supervision on the part of the officers may be quite sufficient to answer the purpose, and in that way I think the society has been immensely helpful. It has been helpful in the cases that have been brought under our notice, as well as in deterring acts of cruelty to children.

13,054. You speak of 240, are these of supervision and prosecution?—That includes the whole number of children. I may say that we have a Shelter in connection with our society, and that brings a good many cases under the notice of our officer. Often children themselves, knowing that their case will be inquired into, come to the Shelter. That is the first stage often of our investigation. If we have reason to think that the child is being unkindly dealt with it is taken into the Shelter, and our officer and a constable goes and makes inquiry. Our Shelter is in Constitution Road.

13,055. How many children can it accommodate?—Fourteen or fifteen. It is both for boys and girls, and it is so divided that we can control that number of boys and girls.

13,056. In the case of a prostitute, for instance, are her children made over to your control?—Yes; and that increases the number that Mr. Campbell is able to send off to institutions. The sheriff has properly said that such a person is not a proper guardian for the child. We have sent a number to Quarrier's Homes for instance, and also Catholic children to Catholic institutions. In all cases, when we have shown the parent not to be a proper guardian, the sheriff has granted the guardianship to these institutions.

13,057. You don't take the guardianship yourselves?—No.

13,058. In the case of children sent to Industrial Schools the government pays, but is the parent practically thereby relieved of the charge of maintaining his children?—No; wherever we find there is any possibility of getting assistance for payment of the children, we follow it up, and the agent of the Industrial Schools also reports to the Government agent here.

13,059. Is it successful do you know?—*Mr. Campbell.* On an average, I think the parents will pay about 10s. a year. I was looking up one of our returns lately, and I saw that was about the amount.

13,060. That is practically getting the children off their hands without any expense to them?—*Mr. Campbell.* That is so.—*Bailie Doig.* There are cases, of course, where the father may be well-doing and the mother intemperate, and where the father is anxious to have his child sent away, and makes proper payment for it.

Mr. William Doig, and Mr. James Campbell.

27 Dec. 1894.

13,061. But the profligate practically gets off?—*Bailie Doig.* That is quite correct. On the other hand, if you can save the child from a life of sin and crime, it is a saving to the city in another direction. It is the least of two evils.

13,062. But do you see any way by which the parent could be better got at?—That is a problem I have studied hard, and it is exceedingly difficult to know how to get at these parents to punish them directly, except by imprisonment.

13,063. Is it an alimentary debt?—I do not know how the law would apply in that direction.

13,064. I suppose you know that for an alimentary debt limited imprisonment can be obtained?—I do not think we ever had any case where our agent has prosecuted for that.

13,065. How long has your society been in existence?—Since 1891.

13,066. You send the greater proportion of your children to free institutions like Mr. Quarrier's?—Well, a large number are sent to Industrial Schools, and likewise to Catholic institutions in Edinburgh, Glasgow, and Aberdeen.

13,067. Does Dundee make any contributions to the Industrial Schools to which you send these children?—No; except perhaps to Rossie Reformatory.

13,068. How much?—I think they supplement the funds by £20 yearly.

13,069. Do you subscribe to the Mars?—Yes, we give £20.

13,069A. But, as a Town Council, you don't subscribe to Industrial Schools apart from the Mars?—No, I don't think so.

13,070. You say you have more girls than boys through your hands?—I think so; there is more ill-usage towards girls than to boys.

13,071. The boys, I suppose, are more venturesome, and they run off?—There may be a great deal in that, but a girl will suffer more than a boy will.

13,072. Have you come across many who are trained to thieve, or sent out to beg or steal by their parents?—We have a large number of children sent out to beg, and if they cannot get it by begging they are to steal.

13,073. They are thrashed if they do not bring it in?—(*Mr. Campbell.*) Yes; and that is the cause of many of them being found in the streets.

13,074. Do you go round and hunt them up?—Yes; I go round the slum districts.

13,075. From your experience of the lives of these children, I suppose prison would have no deterrent effect upon them?—I do not think it would. On the opposite, I think it would have a bad effect.

13,076. But so far as physical comfort is concerned, prison would be more comfortable?—Oh, much more so, because it is in dens of disease they live.

13,077. Have you got a copy of your report?—No; but we shall send in one. The Rev. Mr. Grant has got a copy of the report, and also what I asked Mr. Campbell to get up in reference to gipsy children. I shall see that they are sent to the secretary.

13,078. The Chief Constable handed in a return of vagrants found in Dundee at the recent half-yearly census, and one very remarkable thing about it was the very small number of children under 14 years of age found in charge of vagrants. For instance, on last Sunday, December 23rd, there were 91 vagrants found in Dundee, and there were only 2 children among them. At the June census, there were 153 vagrants found, and only 8 children. Again, on December 24, 1893, there were 126 vagrants found, and only 9 children among them; and in the June census of that year there were 124 vagrants, and only 5 children?—That is a very remarkable feature that I cannot very well explain, all the more so when I think of the return that Mr. Campbell will be able to hand in. I asked Mr. Campbell to write to the Chief Constable of Forfar to see how many vagrants had come under his supervision during the last 12 months, and there have been 1301 vagrant children.

13,079. During the last 12 months?—Yes.

13,080. Yes, but they enumerate vagrancy in two ways; they give you the number of challenges, and one vagrant may be challenged 20 times, but then they have a census which I am giving you?—It is a very remarkable feature, and it rather surprised me. There are a large number of children who come into the Curr Refuge for destitute people, of which I am a director.

Mr. William Doig, and Mr. James Campbell.

27 Dec. 1894.

13,081. This census includes persons in prisons, hospitals, refuges, poorhouses, in gardens, streets, outhouses, sheds, &c.?—It is a very remarkable feature. I should have thought it was much greater. As to gipsy children, the number is rather surprising. There are 54 gipsy children within this area of Forfarshire, the immediate Dundee district, and these children are practically growing up without any supervision of any kind.

13,082. How do you propose to deal with them?—I think it must be a drastic remedy to deal with them. The only solution would be to take them away right off from their parents as soon as possible.

13,083. Well, the evidence we have got, and we have had a great deal about it, is that the gipsies are fond of their children, and are kind to them except when they are in drink, and except in the matter of education?—Education is the great difficulty, and how to prevent them from following the wandering habits of their parents is a difficult question, unless they are got hold of at any early age. I would corroborate the statement as to their being kindly with their children. I might also say that we have had several of these children in our Industrial Schools.

13,084. With what result?—Very unsatisfactory; they have just gone back; but the question is whether we did not get them too late. I have a very strong feeling too, that if these children were to be boarded out we are more likely to benefit them, than in an institution such as we have with 100 or 200 children.

13,085. You are a bailie and you understand administrative machinery, how would you do that?—Very much in the same way as, I am glad to say, the Parochial Board in Dundee is doing. They have a large number of these children—poor children who land in their hands—boarded out. I would apply the same plan.

13,086. Would you have Parochial Boards dealing with gipsy children who are not paupers?—Well, that is a very difficult problem.

13,087. They are the only authorities that do anything in the boarding out line?—That is so.

13,088. At whose expense, then, would you have them boarded out?—At the expense of the Parochial Board.

13,089. Let us go a little bit farther: where are you to get the gipsies settled?—That is an exceedingly difficult thing, and that is where the School Boards have been unable to deal with them.

13,090. But the settlement does not matter to the School Board; because, if they were living in any parish, they would have to educate the children?—Any difficulty would be in the payment of the fees.

13,091. The difficulty would come in with the Parish Council or the Parochial Boards if you were to suggest that they should board them out?—Yes; it is an exceedingly difficult question.

13,092. If you took the children from the gipsy and assume him to be a worthless fellow, he would probably be rather obliged to you for relieving him of the expense?—I do not think, so far as my experience of gipsies goes, that we have that class among them. They have usually an intense love for their children.

13,093. You have got intense love and a good parent in every respect except as regards education, what precedent can you find for taking the child from the parent in this case?—We have none. The only feeling we have is that these children are growing up without any moral or religious teaching, or any education whatever.

13,094. But a bigotted person of one religion might apply the same argument regarding the children of people of another religion?—That is so.

13,095. Take a bigotted Presbyterian; he might say these unfortunate children of my Roman Catholic neighbour are well loved by their parents, but they are

being brought up in a path that will land them in perdition; would you have the State interfere there?—Oh no; the State could not interfere there.

13,096. Well, take the gipsy children?—When I speak of moral and religious teaching, I mean without any denominational connection. I feel that the State is not doing its duty to these 54 gipsy children.

13,097. But there is no use making any proposition unless we can work it out to a practical issue?—Well, so far as my judgment goes, it seems to me needful, in pure self-defence, to take possession of these children in some way.

13,098. Try another way by means of School Boards. I take it that you are connected with School Boards?—I am not now, I was 12 years in the School Board.

13,099. Then how can you work it out there? I understand your compulsory officer does not interfere unless in the case of persons who have been three or four weeks resident in the district?—That is so.

13,100. Is that limited by law?—I think so.

13,101. Assuming the period to be cut down even to a fortnight, are the gipsies always on the move?—I am not sure, but perhaps you might give them a location in a city district.

13,102. But though they had a location in a city district what better would you be? Would you have the children live in the city district when their parents are on the tramp, and, if so, at whose expense?—That is a very difficult matter. We are shaping just now in a way that might be of use in that case, that is, in the direction of a truant school.

13,103. But they are not truants?—They are truants in a sense.

13,104. But legally they are not?—No.

13,105. In Perthshire we were told, that if gipsy children went to school, the children of the inhabitants would not go to the same school, and that the schoolmaster would turn the gipsy children out of his school?—I could not believe that possible.—(*Mr. Campbell.*) I have been told that by the parents themselves.

13,106. Are the gipsies in Forfarshire a better class, and would the inhabitants of the villages allow their children to associate with the gipsy children?—(*Bailie Doig.*) We have some experience of that sort in our schools here. The very poorest of the children in Dundee—the half-timers—attend the ordinary schools. There may be a little classification on the part of some people choosing a school where there are no half-timers for their children.

13,107. But the half-time children are children engaged in work?—Yes; but they are a very poor class of children.

13,108. At all events you don't know about the state of feeling in Forfarshire?—No, I do not, but I can quite imagine there might be such a feeling.

13,109. Have you many of these gipsy children in the Curr Refuge?—I do not think so.

13,110. Tell us about the Curr Refuge?—A Mr. Curr left a very large sum of money to trustees to disburse in useful and philanthropic work. The necessity was very strongly felt for a resting place for these travellers at night, and the trustees gave as much as paid for the building, I think about £6000. The Refuge has no endowment, and it is supported entirely by voluntary contributions. We require about £400 annually to maintain it, and we generally manage to get about £250 or £260.

13,111. Where do you get the balance?—We just tide over from one year to another, and we usually, in the course of a year or two, get some legacies which help us.

13,112. Can you tell us how many availed themselves of the Curr Refuge in 1893?—8200 men, 3020 women, 1221 children—total, 12,441; average, 34 per night.

13,113. Have you ever heard any complaints, as a bailie, of the existence of that institution increasing the number of vagrants in Dundee or district?—When it was started there was a strong feeling on the part of a number of the members of the Parochial Board, that it tended to increase the number of paupers.

13,114. I do not mean paupers, I mean vagrants?—I do not think so, because a vast number of them found their way before that to common lodging houses, and those that could not afford to pay made their way to the Police Office. So far as my judgment goes it has not increased the number.

13,115. You give them shelter?—They have a good plain board and covering, and they have porridge and milk for supper and breakfast.

13,116. Any labour test?—No labour test. We have had that before us, but have not seen our way to develope it.

13,117. Do you restrict the number of nights?—Yes, to two or three nights in the month, and as far as possible those not residing in Dundee have the preference.

13,118. Does any director attend at night?—The directors go once a week in turn, and acts along with the agent, and sees that the house is all right for the night.

13,119. Have you any reason to believe that any number of those who seek shelter with you have money?—I do not think so. There might be an exceptional case, but it is sheer stress that drives them there in most cases

13,120. Have you visited any of the ordinary common lodging houses in Dundee?—I have not.

13,121. Have you been in them?—Not for some years.

13,122. From what you hear is your Shelter a more eligible place for sleep than a common lodging house? Infinitely better I think.

13,123. Would it not be a temptation then to a person, who had a shilling in his pocket, to come to you and save the shilling?—No; I think the temptation would be the other way. They have an amount of freedom when they pay for their own bed, and food, and other things, that they cannot have in the Refuge, where they are under supervision. There is no supervision in the small common lodging houses.

13,124. Have you police supervision?—No. We are always in touch with the police, but we have no trouble.

13,125. But I mean for the purpose of detecting people they may want?—No.

13,126. The police bring a large number of your people to you?—They advise them in many cases to come to us, because they come across them on their beats.

13,127. But after a certain hour you won't admit them?—That is to say, the place is shut up. I now hand in a copy which I have procured of the Third Annual Report of the Dundee Society for the Prevention of Cruelty to Children.

13,128. Mr. Campbell, you said, could tell us something about vagrants?—(*Mr. Campbell.*) I inquired about vagrants in Forfarshire. I wrote to the Chief Constable of the county asking him the number of vagrant children.

13,129. You have not had any cases of gipsy children dealt with by the Society for the Prevention of Cruelty to Children?—Yes; quite a number of tinker children. They are sheltered by the society in their Shelter.

13,130. Give us an instance, the worst you can?—I have found a tinker's children begging on the street at night, and have taken them to the Children's Shelter. They are kept there till the morning, when their parents usually come for them. The parents know of the Shelter, and when they miss their children they come there for them.

13,131. In these cases I suppose the parents have just got drunk?—(*Bailie Doig.*) Yes, and the children have the good sense to find their way to our Shelter, frequently when the parents are in the Police Office.

13,132. But in the way of protecting them from cruelty have you had many cases?—(*Mr. Campbell.*) We have had only one case where a mother was tried for ill-treating her children. That was a tinker of the name of White.

13,133. What was the ill-treatment?—Keeping the child sleeping out in the open air on a winter night.

Mr. William Doig, and Mr. James Campbell.

27 Dec. 1894.

13,134. They don't think much about sleeping out I suppose?—The sheriff would not convict on that ground, because it was the immemorial right of a gipsy to sleep in the open air, but he convicted her on the charge of drunkenness.—*Bailie Doig.* We had two of these children committed some years ago to an Industrial School.

13,135. What was the result?—(*Bailie Doig.*) As soon as their time expired, it was a boy and a girl, they were sent to employment and service. The parents came and took the girl away, and now both boy and girl have gone back to the old life, and are living in a tent.

13,136. How long were they in the Industrial School?—Four or five years.

13,137. Does not that rather point to the hopelessness of eradicating gipsy life from them?—I believe we would need them to be taken very early. The boy I speak of was incapable of taking any mental education.

13,138. (*By Miss Stevenson.*) As to the different forms of cruelty, you will have cases of neglect, and cases of actual violence towards the children; what class of parents do you usually find guilty of such charges?—(*Mr. Campbell.*) In our short experience we have had all classes. We have had the very poor, we have had the working class, and we have had those in really good position.

13,139. Is it your experience, that in the cases of neglect the parents were poor, and that in the cases of cruelty the parents were better off?—No; I would not say that. The cases of cruelty have occurred very often where the fathers or mothers have violent tempers, and who, for very little, would excessively beat their child.

13,140. Were the parents very poor?—No.

13,140A. I suppose the cases of neglect were where the parents were very poor. I mean the cases where the children were left to starve without food?—I would not say that either. We had a case of a child almost starved to death where the mother was at the time in possession of some hundreds of pounds.

13,141. In the cases of violence had you all classes of parents guilty?—Yes; we had them at anyrate up to a very respectable working man holding a fairly good position in one of our public works.

13,142. Could you give the average wages of the parents convicted under the Act?—They would not exceed an average of 18s. up to £1 a week.

13,143. Your experience is different from other places, where the average has been 30s. for all the cases?—(*Bailie Doig.*) The major part of our cases have been among the labouring classes whose wages would be about 18s. or £1 a week. We have had exceptional cases of people in good position.

13,144. In your experience has the School Board of Dundee ever tried to get hold of the children of the vagrant class?—No; they don't come under our cognisance at all. It is not in Dundee, but in the outside parishes that they are.

13,145. But you say that these people come into Dundee, and the children find their way to your Shelter?—They come in to sell their manufactured articles.

13,146. Could the School Board Officer not give the proper warning to the parents, and threaten to take procedure?—That is a question well worth thinking over. I do not know that the School Board have ever thought that they were called upon to deal with that class. They are just birds of passage, coming into the city perhaps from a distance of six or eight miles to sell their wares, and going back again.

13,147. But should not the School Board of that place deal with them?—Well, I think that ought to be done.

13,148. You know School Boards co-operate with each other?—Yes; that is a very proper thing, and I think if the smaller boards would communicate with the larger ones, I think something might be done. I do not think there is any desire not to give them education; it is simply sheer lack of supervision.

13,149. (*By the Chairman.*) At page 14 of your Annual Report you have got a drawing of a gipsy family on the road; what do you put it in your report for?—(*Mr. Campbell.*) It is to show to our subscribers the class of children for which we wish to draw out sympathy.

13,150. But these children don't really want your sympathy—that is to say, they are not cruelly treated; they don't go to school, about which children are not likely to complain; and they live in a way that we should not like, but which their parents at all events prefer to any other?—Well, I think they are cruelly treated by having to live in these tents. You will see the photo is taken on a winter morning.

13,151. Would you render it illegal to live in tents?—Yes; I would make that mode of living illegal, and I would take the children away, and have them committed under the Prevention of Cruelty to Children Act to some school farm, and taught farm work.

13,152. At whose expense?—Under the same system as the Industrial Schools Act. The new Act for the Prevention of Cruelty to Children has a clause under which these young children could be taken away.

13,153. You have no gypsies in Dundee?—Yes; we have over 50.

13,154. That is in Forfarshire?—They are constantly coming in and out of Dundee.

13,155. The Chief Constable of Dundee gave us a return of all the vagrants found at all the censuses of vagrants in Dundee since 1888. At the last census, on Sunday, there were 18 children in charge of 81 vagrants; in June, there were 8 children in charge of 153 vagrants; in December, last year, only 9 in charge of 126 vagrants; and in the June of that year, there were only 5 children in charge of 154 vagrants; so that the number of vagrant children in Dundee is a mere bagatelle?—But these gipsy children would not be counted at the censuses.

13,156. But the census takes them in prisons, hospitals, poorhouses, lodging houses, public parks, gardens, streets, sheds, &c., or about pits and other works—they would be counted?—These gipsy children go out of Dundee at night altogether. They come into Dundee only during the day.

13,157. And there were only 54 gipsy children in Forfarshire?—Perhaps.

13,158. It is not in connection with cruelty to children, but repulsion to living in tents that has caused you to put in that illustration in your report. It illustrates no particular case, and you did not take any action with regard to it?—No; we merely wanted to show how these children live.

13,159. (*By Miss Stevenson.*) You state that under the new Prevention of Cruelty to Children Act, children can be taken and committed to Industrial Schools the same way as in the Act of 1866. I cannot find the clause, but perhaps you can tell us if there exists any provision for payment by Parochial Boards for the maintenance of children?—There is no provision for payment until they arrive at the age of six.

13,160. I don't find any clause in the Act which refers to payment by Parochial Boards; there is very stringent provision as to payment by parents?—Yes.

13,161. The chairman asked you a question in regard to what kind of liability was incurred by a parent whose child was taken away from him. Paragraph 4 of the recent Prevention of Cruelty to Children Act is as follows:—'If a person fails to pay any sum payable 'by him in pursuance of any such order he may be 'dealt with in like manner as if the same were due from 'him in pursuance of an order under the Bastardy Law 'Amendment Act, 1872, or in Scotland, were the same 'discerned for aliment, or in Ireland, were the same 'ordered to be paid by him under the Summary Jurisdiction (Ireland) Act.' That is an alimentary provision?—Yes.

13,161A. (*By Dr. Sutherland.*) Do you know anything about the Tyson cure?—(*Bailie Doig.*) Not personally.

13,162. You are a chemist?—Yes.

13,163. Do you know the results of the Tyson

Mr. William Doig, and Mr. James Campbell.

27 Dec. 1894.

cases?—So far as my knowledge goes it has not been satisfactory.

13,164. Do you know if there is mental suggestion in the cure?—I don't know.

13,165. It is not like the ordinary medicines scientifically proved to produce a physical effect, it seems to have a mental effect?—Whatever virtue there may be in it as a medicine, I understand that mental comfort and mental surroundings are a very great deal in the cure.

13,166. What is the general opinion with regard to the cure in Dundee?—So far as my knowledge goes it has been considered disappointing. [The witness then withdrew].

Mr. William Doig, and Mr. James Campbell.

27 Dec. 1894.

Mr. William Geddes.

Mr. WILLIAM GEDDES, Governor of Dundee Prison, called in and examined.

Mr. William Geddes.

13,167. (*By the Chairman.*)—How long have you been Governor of Dundee Prison?—Nearly seven years.

13,168. Before that where were you?—I have been 22 years a Governor altogether. I was in Glasgow about seven years as Deputy Governor, and Deputy Governor in charge for a considerable time there, and formerly Governor of the County Prison of Kirkcudbright for six years. Before that I was in Sutherlandshire for two years.

13,169. How many prisoners have you in Dundee Prison?—We average about 120.

13,170. Have you many habituals?—Yes; we have.

13,171. You have both men and women?—Principally females.

13,172. How do you employ the women?—We find it very difficult to get employment for the females. The major portion of them, as a rule, are quite unfit for any sort of work.

13,173. How?—Well, I suppose they are breaking up. They seem to be unfit for even the most ordinary domestic work.

13,174. I suppose you have not very much domestic work for them to do?—Oh yes; we have a good deal to do in the way of cleaning up, and housework of a kind, though it is plain. Then of course there is the cooking, which the females do for the prison. A few of them do sacks

13,175. Many?—Not many.

13,176. The total number of commitments to Dundee Prison for 1893 was 4422, and of these, 3462 were for drunkenness, breach of the peace and assault, begging and vagrancy, prostitution and petty thefts?—Quite so.

13,177. You have got a number of re-commitments?—Yes.

13,178. How do your re-commitments compare with the other prisons that you have been in?—I should say they are somewhat on a par with Glasgow, although one class of them, I might say, varied very much. That was for importuning.

13,179. They have run up?—Yes; it depends very much upon circumstances.

13,180. What circumstances?—Well it might depend entirely upon a change of officer of police on certain beats.

13,181. We were told that there were a number of officers who had been superannuated before a great increase occurred in all classes of offences?—Yes.

13,182. Do you ever have any talk with importuning prisoners?—I have asked them.

13,183. And what is their story—do they admit that they importune?—Their story is that certain police whom they know well enough, take them up although they have not committed the offence, simply because they do know them. That is what the women have told me.

13,184. Did you ever hear the phrase used that 'a 'woman who has been convicted has no chance'?—That is a common expression.

13,185. Do you believe that that is true?—I quite believe that it is quite possible. I do not think that night policemen as a rule are just exactly Solomons.

13,186. Do they ever make charges against the police of exacting blackmail?—I have not heard of that.

13,187. I suppose prisoners occasionally speak of these things in connection with other matters?—Well I have not experienced that in Dundee.

13,188. Have you ever had any shebeeners with you?—Yes.

13,189. Have they ever made that charge against the police to you?—No.

13,190. You found that the change in these police officers was accompanied by a great increase in the number of crimes. The Chief Constable of Dundee mentioned that as a probable thing, and he mentioned another thing, the open season of last year, which he said gave rise to a sort of exceptional prosperity in Dundee, and enabled people to drink more. Do you think that would account for any of it?—Quite reasonably.

13,191. What is the usual sentence in Dundee?—14 days as a rule for that offence; it used to be less.

13,192. When was that?—Speaking generally, 14 days is quite a long sentence in Dundee.

13,193. Five years ago what would it be?—Well I could not say that; I am not prepared to answer.

13,194. You have told us it used to be less?—Well the sentences were almost always very small. I think I made a mistake; I was referring to drunk and incapable.

13,195. In connection with drunk and incapables, has there been any material increase in the sentences of those who come into your hands?—On the drunk and incapables, since the Police Act, there has been.

13,196. Formerly the utmost sentence was 24 hours—Yes, 24 hours is practically abolished except in the case of first offences, and the sentences run up now to 14 days.

13,197. Have you many 14 days men for drunkenness?—Not many. We may have a few now and again.

13,198. The imprisonment sentences have been materially increased?—For the first offence of drunk and incapable it has.

13,199. Have the increased sentences cut down the numbers of drunks that come to you?—Well we have lost one or two familiar faces. I cannot say what has become of them. Perhaps they are dead. I remember one instance. An old woman who had been something like 200 times—certainly over 150 that was—and I remember she remarked on the first time she got 14 days—she had always got 24 hours previously—that she thought it was a very cruel piece of legislation to apply to her, that she should get 14 days for drinking her own money. She lay in hospital all the time, and we have not seen her since. She was removed to the poorhouse.

13,200. You don't know whether she is dead or what?—I could not say.

13,201. Do you know of any case of a person who was more or less frequently with you before, who has been deterred by the longer sentence?—I could not say so definitely at the present moment, but I could easily figure it up by search.

13,202. You cannot search, because the disappearance of a person might be by departure, and not only by death?—That is so.

13,203. In connection with your records of previous convictions, have you any means of knowing when an old offender comes, say from Edinburgh, and falls into your hands—have you any means of knowing whether it is his first or hundredth offence?—Do you mean coming in for a petty offence?

13,204. No; a person who has got many convictions in Edinburgh, and comes through to Dundee where he gets a little more liberty for a time, and then is brought up and sent to you. You put a ticket on his door stating how often he has been in prison?—Well, we generally try to find out if any prisoner has any marks upon him.

Mr. William Geddes.

27 Dec. 1894.

13,205. But does that apply to petty offences?—No.

13,205a. I presume that every habitual offender that comes to Dundee for the first time will try to pass himself off as a first offender?—They mostly do, although we are quite satisfied from certain little traits of character that they have been in prison before.

13,206. If they are expert at oakum for instance?—Well, there are lots of little things whereby the officers know them to be old prison birds.

13,207. So that in any classification of prisoners, based on the number of convictions, there is no means of filling up the gap as to knowledge of offences committed in other places?—No; because we have instances where they cross the water to us from Cupar. We commit them as first offenders, and then discover they have been very old offenders.

13,208. Do you think of any way of getting over that?—Not unless we had time for inquiry.

13,209. It has been suggested to us that habitual offenders might be given a period of detention in an adult Reformatory, and it has been further suggested that the habitual offender should be defined as a man who has been convicted so often during a year, or more times during a longer period, but in order to carry out any such proposal it would be unjust to allow a man, who had done say 50 imprisonments in Edinburgh, to come to Dundee and pass off as a new man, it would be desirable to trace him up. Do you see any way in which that could be done?—It might be done in the manner in which prisoners are identified in regard to prisoners charged with serious offences.

13,210. Does it take a great deal of difficulty?—Considerable.

13,211. How do you identify?—Photographs, and marks on the persons. Most of their marks are indexed.

13,212. Would it be much trouble, for instance, if that system were extended to all prisoners who were with you for a certain number of times in the course of a year, say five or six times, if their photographs and marks were interchanged, would that involve much trouble?—I do not think it would involve a great deal of trouble, at least not insurmountable trouble.

13,213. But you would not register any of these petty offences, of the woman, for instance, who had been with you over 100 times?—Well, no. She was a local individual, and known thoroughly here.

13,214. Do you find that the habitual drunkard sticks to one locality?—Well, as a rule.

13,215. Have you many semi-fatuous prisoners, silly, weak-minded?—We have a few of whom we might use the expression 'they are not all there.' They cannot be classed exactly as lunatics, and they are not exactly insane, but they are on the border line, and every time they come to me they seem nearer insanity.

13,216. Or imbecility?—Yes; it may be better expressed that way.

13,217. You have seen a good deal of both long and short sentences?—Yes.

13,218. Do you think that the present system of short sentences has a good effect in cutting down crime, for instance among those petty offenders?—No. I think that a great deal of good has accrued from the First Offenders Act in giving a chance to first offenders. I think it has done an immense amount of good; but I think there has just as incalculable an amount of injury been done by the repetition *ad infinitum* of very short sentences.

13,219. What would you substitute for that?—Well, there is a medium. I don't care, precisely, about a man or a woman being sentenced to close confinement for 12 or 18 months for a very simple offence; but for habituals having three or four convictions, there might be a sharp sentence to let them understand, and bring them under discipline.

13,220. But don't you find that prisoners who have had very sharp sentences, even 15 months solitary, and that convict prisoners come into your hands again?—No doubt we have them occasionally. I would not claim long sentences as a cure, and I don't advocate them. I think there is a sort of happy medium that might be struck. This repeated sending of prisoners for 7 days or so, for 10 or 11 times in succession, is not a success.

Mr. William Geddes.

27 Dec. 1894.

13,221. Would you run them in for 60 days?—Yes.

13,222. Do you think that would have any particularly good effect?—I think at the commencement.

13,223. Have you any wife-beaters in Dundee?—That is a very common thing in Dundee.

13,224. Are those men often habituals?—Yes; drunks.

13,225. I saw a man the other day in Greenock Prison who had been 8 or 10 times in for beating his wife, who on the last occasion got 9 months for beating her, and who is in just now doing 60 days. The nine months do not appear to have had any effect upon him. Have you had any experience of similar cases at all?—Well, I could not charge my memory with anything exactly just now.

13,226. Have you ever had a chronic wife-beater like that man for beating his wife a dozen times?—Yes, I have one in my mind, who said he could not help it when he got drunk. It was the natural sequence of his having drink to thrash his wife.

13,227. Had he ever been tried with a good long sentence?—Not that I remember.

13,228. Do the Dundee Bailies deal leniently with wife-beating?—Not as a rule. The first time they are brought before them they usually deal pretty sharply with them, and in certain cases they are remitted to the sheriff, and they are treated a little more leniently there.

13,229. The sheriff treates them more leniently?—Yes; and they ask to be sent there.

13,230. The sheriff has much bigger powers than the magistrate?—Yes; and that is the reason the magistrate remits to the sheriff.

13,231. But the prisoner knows better?—Apparently he knows better.

13,232. Have you many juvenile offenders?—Not many. They don't come to prison now, at least very very few.

13,233. Have you any people in prison under 16 just now?—No.

13,234. Any under 17?—No, none just now. There were two lads lately, but they are out. They came from Fifeshire, and had been previously convicted.

13,235. What for?—Theft, an ingenious sort of theft, putting a wire with a fishing hook through the bolt hole of a draper's shop, and pulling out silk handkerchiefs, and articles of that kind.

13,236. You say they had been previously convicted?—Yes.

13,237. What were their ages?—Sixteen.

13,238. What were their previous convictions?—We had one of them a few months before.

13,239. For what?—Theft also.

13,240. Had they been in Reformatories?—No.

13,241. Do you have many Reformatory boys?—No; they used to pass through the prison, but we don't have many in Dundee.

13,242. But do you have many prisoners who have been in a Reformatory?—There are a few whom we know, but very few will admit they have been in a Reformatory.

13,243. An abnormally large percentage, do you think?—No.

13,244. Do you think that the Reformatory and Industrial School lads keep well out of your hands?—As a rule I should say they do. But the Reformateries have had a very poor opportunity of dealing with their lads, because, as a rule, they are very bad before they get them.

13,245. Well, the Industrial School lads?—I think they have a much better opportunity, because they are taken in so young.

13,246. You don't think there is anything to be done in your department so far as juvenile delinquency is concerned?—I do not see anything, because there are so few coming our way, and of course they are always kept separate. They are not allowed to associate with other prisoners.

Mr. William Geddes.

27 Dec. 1894.

13,247. (*By Dr. Sutherland.*) You have had a long experience in various prisons both of long and short sentence prisoners; what do you think is the physical and mental effect produced by a long period of separate confinement—is it good or bad?—I do not think it can be called good.

13,248. For this reason, that it implies in many cases an almost complete withdrawal of the normal conditions of life?—As a rule the criminal is a weak-minded subject.

13,249. But would you expect, from the general appearance of the prisoners, that being kept for 18 months or two years in separate confinement, with the slight relaxations which you know they get—that the effect of that imprisonment is detrimental to them both physically and mentally?—Both I should say.

13,250. And the amount that is given to them in the way of conversation by the governor, doctor, chaplain, or warder, is how much?—You may sum it up as *nil* almost in a large prison.

13,251. (*By Col. M'Hardy.*) I would like to ask a question about weak-minded prisoners—they turn up from time to time?—They do.

13,252. You have got, so far as prisoners are concerned, an abnormal number of insane prisoners committed to you?—Yes.

13,253. How is it that they come?—Well, the party commits an offence, possibly a breach of the peace by being noisy. The police apprehend him, and the police have found out on inquiry that this man is possibly insane. I do not know the *modus operandi*, but the police surgeon examines him, and if there is a doubt as to the man's sanity he is forthwith committed to prison on a charge of breach of the peace.

13,254. Convicted?—Committed, not convicted; and then remitted for inquiry to the sheriff. The case is put into the hands of the Procurator-Fiscal for the County, who in turn communicates with the Parochial Board, who send up their medical officers. Meantime, possibly for days, the prison officials are supposed to have satisfied themselves as to the sanity or insanity of the prisoner.

13,255. But they are sometimes actually convicted?—There have been rare instances.

13,256. Is it the fact that you have at the present time in custody a woman who has been something like four times in the Asylum?—That is true; and she seems as insane at the moment of admission as she was at the most critical time I ever saw her when she was remitted to the Asylum.

13,257. Does she come from the city or the county?—From the city—committed by the City Authorities.

13,258. We were talking to the Chief Constable to-day, and he thought that the number of apprehensions that had run up so very highly in 1893 had fallen. He said he thought they had fallen 500 this year—that was guessing—is it not a fact that there have been more transfers this last year of prisoners from Dundee to Perth owing to want of accommodation?—Yes.

13,259. How has that arisen—is it the increased number of prisoners, or the increase of the length of sentences?—Partly the increase of sentences, and partly also the increase of numbers.

13,260. From the city?—Yes, from the city. There has been no abnormal increase from the outlying stations.

13,261. Has this increase, not only of sentences but of numbers, been since the police had the power under the act of 1892?—The number of females have gone up considerably since that.

13,262. So that the lengthened penalty seems to have an effect, not only of increasing the length of sentence, but the number of individuals upon whom it is inflicted?—I would not go the length of saying that.

Mr. William Geddes.

27 Dec. 1894.

13,263. How is it that the length of sentences has increased as well as the numbers?—There is no accounting for the fluctuations at times. I have made them a speciality at times without being able to find out the solution of the mystery. It has been attributed sometimes to the effect of increased trade, and we have had increase in numbers when there was no increase in trade at all.

13,264. There has been no extraordinary development in trade this year?—It is very difficult to find out from what people in business say. One party says 'Yes,' and another says, 'No.' It depends entirely upon the circumstances.

13,265. (*By the Chairman.*) Have you many fines paid after people are sent to you?—A good many.

13,266. They are sent to you right off?—They sometimes stay in prison till Saturday, which is a day for paying a number of the fines. Unfortunately, a great number of these loafers whom we get in are dependent upon those poor women who work in the mills; and they pay their fines for them often. That is a class I should like to see punished to a greater extent than they are.

13,267. How many would you have dismissed that way last Saturday?—Not many as a number; we don't deal with such large numbers that I could give the number discharged on one particular Saturday night.

13,268. Could you give us the number of discharges through payment of fines for one month and three months?—Yes, on reference to the books. Another thing in reference to the payment of fines is that I know I am frequently applied to to give out a woman's shawl, or other garment, in order that it may be taken to a certain relative of the peoples in order to eke out the fine.

13,269. But you can have no moral objection to that?—None at all: I was only referring to what they would do to pay the fine for those worthless people. It would be better they were not fined at all.

13,270. (*By Col. M'Hardy.*) Are many paid on the day of conviction?—Oh, yes. Frequently we have had them paid just when they were in the baths.

13,271. (*By the Chairman.*) You say you have been asked for a garment of the prisoner—that would belong to the prisoner?—Yes.

13,272. So that they are paying their own fine?—Well, it was asked to eke out the fine that someone else was getting for them.

13,273. When you spoke of being dependent upon those who are working in the mills for them, do you mean their wife, or daughter, or some less legitimate connection?—The woman they cohabit with.

13,274. Do you mean to say that they exercise as much control over the earnings of women with whom they cohabit as they would over the earnings of their wives?—I am afraid they do, in many instances possibly more so.

13,275. Then they must surely treat these women otherwise well, or they would not have them devoted to them?—I do not know; but I know personally a number of these fellows who never work a stroke from one year's end to the other, and who still seem to be comfortably enough clothed, and to be able to get refreshments, loafing about the streets and smoking while the women with whom they live have to work in the mill, and when the men get into trouble they manage somehow to eke out the fine for them.

13,276. Would you prefer in many cases then that fines were not allowed?—Distinctly; in all these cases there should be no fines. It is cruelty to the people who have to raise them.

13,277. I suppose the same opinion would extend to pledges?—Very much. [The witness then withdrew.]

Mr. James Badenoch Nicolson.

MR. JAMES BADENOCH NICOLSON, called in and examined by the Chairman.

Mr. James Badenoch Nicolson.

13,278. You are counsel to the Scotch Education Department?—I am.

13,279. And you have been so for a great number of years?—That is so.

13,280. The point upon which we wanted the highest legal assistance was as to the education of vagrant children. It requires, I understand, under the Education Act a parent to be in a parish four

Mr. James Badenoch Nicolson.

27 Dec. 1894.

weeks before the attendance officer can bring the compulsory machinery to bear upon him: is that so?—No; I do not think so.

13,281. What is the limit, or can you give us the clause as to that?—The Act which regulates the compelling by means of an attendance order, a parent to send his child to school, is the Education (Scotland) Act, 1883. Section 9 of that Act provides thus:—'If the parent of any child, without reasonable excuse, 'neglects to provide efficient elementary education for 'his child, or fails to secure the regular attendance of 'his child at some public or inspected school, it shall be 'lawful for the School Board, after due warning to the 'parent of such child, to complain to a Court of 'Summary Jurisdiction, and such Court, may, if 'satisfied of the truth of such complaint, order that the 'child do attend some public or inspected school willing 'to receive him, and named in the order, being either 'such as the parent may select, or, if he do not select 'any, such as the Court think expedient, and the 'child shall attend the school every time the school 'is open, and during the whole time such school is 'open for the instruction of children of similar age, 'including the day fixed by Her Majesty's Inspector for 'his annual visit, or in such other regular manner as 'is specified in the order. An order under this section 'is in this Act referred to as an Attendance Order.' Then Section 10 of the Act of 1883, has been repealed by Section 4 of the Day Industrial Schools Act of 1893, which provides:—'Section 10 of the Educa-'tion (Scotland) Act 1883, is hereby repealed, and in 'lieu thereof it is enacted as follows:—Where such 'attendance order is not complied with, without any 'reasonable excuse, within the meaning of the Educa-'tion (Scotland) Act 1883, the Court of Summary 'Jurisdiction, on complaint made by the School Board, 'may, if it think fit, order as follows:—(1) In the 'first case of non-compliance, if the parent of the child 'does not appear, or appears and fails to satisfy the 'Court that he has used all reasonable efforts to enforce 'compliance with the order, the Court may impose 'a penalty not exceeding 20s. with expenses, or of 'imprisonment not exceeding 14 days; but if the 'Court is satisfied that he has used all reasonable 'efforts as aforesaid, the Court may, without inflicting 'a penalty, order the child to be sent to a certified Day 'Industrial School, or to a certified Industrial School; 'and (2) in the second or subsequent cases of non-'compliance with the order, the Court may order the 'child to be sent to a certified Day Industrial School, 'or to a certified Industrial School, and may further, 'in its discretion, inflict any such penalty as aforesaid, 'or it may, for each such non-compliance, inflict any 'such penalty as aforesaid, without ordering the child 'to be sent to an Industrial School; provided that a 'complaint under this section, with respect to a con-'tinuing non-compliance with any attendance order, 'shall not be repeated by the School Board at any less 'interval than one month.' That, no doubt, was what was in your mind.

13,282. We shall take the machinery of the first section you read; apply it to the case of a vagrant or a gipsy—in your county have you any?—No; I think not.

13,283. Well, we have had great complaints about gipsies, one of whose most heinous crimes is that they utterly neglect the education of their children, and the question is how they can be made amenable to the Education Act?—This is quite inapplicable to them; you can't catch them to give them due warning.

13,284. And due warning—I suppose a week would be considered as very small warning?—No; I think not. I think you might give them much shorter notice than that, but the difficulty is to get the gipsy at all.

13,285. You mean, if a tent filled with gipsies arrives in a School Board district to-day, and encamps for a week, there would be hardly time to put any of the machinery into operation?—It is quite unsuitable.

13,286. If an order were obtained before further remedies could be enforced, the tent would have decamped, possibly to a long distance off?—I have little doubt that the appearance of the School Board Officer would secure immediate disappearance of the tent, and a change into another School Board area.

13,287. It has been suggested to us that each gipsy should be given a location which should be considered to be his place of abode, and where he might be ordered to send his children to school, but that could not be worked, because if he went off, some one would have to maintain the children.—You mean, what we call in the law a *Commune forum*, such as there is in the Court of Session for purposes of litigation.

13,288. That was broached, the idea being, that given a locality, the School Board should look after the children.—Mr. Smith, of Coalville, in his Bill, if I remember aright, endeavoured to meet that case. I have a recollection that a Bill of this kind came under our consideration in the Education Office, and that we revised it with a view of securing some means to deal with this matter. As far as I can remember I think it was proposed that the children should be sent to the school in each new district they entered. I forget the provisions now, but I think it might be worth while to look up Mr. Smith's Bill.

13,289. There was another point in connection with that. We were told by a deputation who represented the case to us at Perth, that the gipsy children should be sent to school, and that there should be some special schools for them, because the ordinary inhabitant would not send his child to mingle with gipsy children, and a schoolmaster in the deputation said that if the gipsy children were sent to his school, he would turn them out as unclean, the reason being that they were dirty, and swarming with vermin and so on; would the schoolmaster have any power to do that?—Oh, I think he would have power to turn them out if they were in insanitary circumstances.—[*Dr. Sutherland.* They do that in Glasgow.]

13,290. They may turn the children out in Glasgow, but they can compel them to keep them clean in Glasgow, and that can't very well be done with the gipsy children?—In dealing with an ordinary child you would send him back to the parent, and tell him that he must keep the child clean, and if he does not do that, then you would proceed against him under the compulsory provisions. In the case of a vagrant child, if you sent him back, his parents would probably walk off with him into the next parish.

13,291. Then as to the difficulty about children not being sent to the school where gipsies attended; I suppose that would not be taken as an excuse; they would be compelled to go?—If there were no sanitary objections they would be compelled to receive the gipsy children.

13,292. We were told that in one or two cases, in Perthshire, I think, where children were found begging and it was proposed to send them to an Industrial School, the magistrates refused to do so in consequence of the expense of putting the Act into operation?—The expense of the Industrial School or of the prosecution.

13,293. Of both I suppose?—That is quite true.

13,294. Would the parish have to maintain those children committed for begging for instance, or would the Government?—If the child was a pauper the parish would be bound to provide for him. In an Industrial School I imagine it is the Government that would do so.

13,295. In the Industrial Schools the Government do so in the first instance, and recover from the parent if they can?—That is so.

13,296. Then is the child of a gipsy or a tinker a pauper?—No; I do not think so. Under our law a person is only entitled to relief when he is not able-bodied. An able-bodied gipsy would not be entitled to get relief, or to have his child kept as a pauper.

13,297. And if the child were left behind it is not any more a pauper?—Well, if a child were detained from its parents by any Government Authority, I imagine Government would immediately become responsible for its maintenance.

13,298. Government would?—By that I mean the Treasury.

Mr. James Badenoch Nicolson.

27 Dec. 1894.

13,299. We find that in any recommendations made to us the parties are all very willing that the Government should bear the expense?—All parties agree in that.

13,300. Each party is more or less willing that some other party should bear the expense, but no party is willing that they should bear the expense?—Yes. I saw lately that some one had observed that, as education generally was free, why should not this particular kind of education also be free.

13,301. We have had recommended to us sundry modes of taking these children from their parents, and sending them to Industrial Schools, to rescue them from the fate of vagabondage that lies before them; is there any precedent which you would consider applicable to such proceedings?—Certainly no modern one. I am not sure if one were to look back in regard to the history of salters and colliers, that under that old system one might find a precedent. I am not prepared to say off-hand if there is, but certainly there has not been since that time.

13,302. Would it not be difficult to make the gipsy *adscripti glebæ*?—Yes; I think rather.

13,303. We had not exhausted the subject of gipsies?—In regard to the reasons which are sustained as excusing from attendance at school. Section 11 of the Act of 1883 provides that 'any of the following reasons 'shall be a reasonable excuse within the meaning of 'sections 70 and 72 of the Education (Scotland) Act, '1872, and the two foregoing sections, viz:—(*a*) That 'the child has been prevented from attending school by 'sickness, or any other unavoidable cause; (*b*) That there 'is no public or inspected school which the child can 'attend within three miles, measured according to the 'nearest road from the residence of such child.' These are substantially all the provisions in regard to the compulsory powers for obliging attendance at schools.

13,304. It has been suggested that by intercommunication and co-operation between School Boards in a county area, something might be done to get hold of vagrant children and educate them; can you see how it would work out?—I doubt the feasibility of that. If it were possible to put the duty upon a County Authority, such as the district committee, or the County Council, or anything of that kind, you could probably accomplish the object in view, but that is putting upon them an educational duty which has hitherto been confined to the School Board.

13,305. But how would that work out? The tinker families encamp in A parish, or a county, for two or three days, and the child may be got to school there. Then it goes on to B district, and a little time is lost. It might possibly get two or three days in B district school, and so on round the county. You who are thoroughly versed in the working of the Education Acts, can you conceive that that would work out anything like an education?—Not without a power of detention in an Industrial School or something of that kind, and then the county or district authority working out their duties by the aid of the police. I do not think that it could be carried out without the aid of the police, who have got authority over the whole county or district.

13,306. But then the police tell us that the people won't put the police machinery in motion. They don't complain of begging. They don't cause gipsies to be apprehended for begging. They give them money possibly under the influence of the fear of something worse happening. They give them money and food, and they never complain about them?—I think our police now sufficiently patrol the whole county to act without needing to wait for information.

13,307. But why would they interfere?—Statute law would require to put it upon them, but it is a question whether the remedy would not be worse than the disease. The question would be whether you were not putting a *quasi*-criminal character upon those children, in order to save them from a worse hereafter.

13,308. You know what Parliament would be likely to do; do you think Parliament would for one moment entertain the idea of any wholesale seizure of children of persons who are pursuing a lawful occupation, ostensibly at all events, and who are not said to be criminal, although offenders in the matters of begging and getting drunk?—I do not think Parliament would do so. I am only suggesting, if Parliament were willing to do it, what would be a practicable method of procedure.

13,309. How would you work out this practicable method you speak of?—What could be done would be this—I am not in the least saying I would recommend it—that the Chief Constable should instruct all his officers, wherever they come upon children begging, or the children of gipsy or vagrant parents, to report immediately to him that there were such children, and that he should at once go to the sheriff, or two magistrates, or a burgh magistrate, and get a warrant for the child or children being sent to an Industrial School. It would point, of course, to the large multiplication of Industrial Schools over the country, for which Parliament would probably be very unwilling to provide the necessary money.

13,310. That would bring upon the Treasury the duty of maintaining the children of all the gipsies, of all the tinkers, and of all the vagrants in Scotland?—Substantially it would do so, yet I don't believe that anything short of what I have indicated would be effective, and I quite agree that Parliament, neither on financial grounds nor on grounds of interference with the liberty of the subject, is at all likely to give such powers.

13,311. We have some 1200 children under 14 years of age who would have to be dealt with, and that would involve very large expense?—Yes; that is more than one third, I think, of those who are in the whole of the Industrial Schools in Scotland at this moment.

13,312. The Treasury does pay the expenses, or at anyrate the greater proportion of the expenses of some of the Industrial Schools?—Yes.

13,313. Of the Mars we are told it pays a very large proportion?—Both of the Reformatories and the Industrial and Day Industrial Schools. You will find that in the last report of the inspector. The sum paid is a large one.

13,314. Do you know what grant they give the Day Industrial Schools?—I do not. (*Miss Stevenson.*) One shilling.

13,315. Short of that you don't see how, under the existing machinery, it is possible to compel the attendance of these children?—Certainly not in the country districts; in large towns it might be done.

13,316. But the gipsy is not in large towns?—Well no, but the vagrant is.

13,317. There are very few in Dundee. For instance, at the census taken last Sunday there were 91 adult vagrants, and only 2 children, and at the summer census there were only 8 children?—I should have thought it would have been much more; I am glad to hear that.

13,318. You have no tinkers in Kincardineshire?—I would not say that; I thought you meant gipsies.

13,319. Well, take tinkers?—Well, we have tinkers.

13,320. Are you much bothered with vagrancy?—We have been troubled.

13,321. (*By Col. M'Hardy.*) You have got 70?—They are all wanderers over the county; they are not natives of the county.

13,322. (*By the Chairman.*) Have you heard any complaints about them begging or stealing?—Occasionally what look like incendiary fires are attributed to them sleeping out at night.

13,323. Not attributed to malice?—Sometimes, but chiefly to carelessness.

13,324. I suppose they beg as they do in other counties?—Oh yes, they do.

13,325. Is there much complaint as to that?—No; I do not think there is.

13,326. Do they poach?—Not very much; I do not think so. Since the Ground Game Act came into force the inducements to poaching have greatly diminished.

13,327. I suppose that the same thing exists in your county as elsewhere, that the people encourage

Mr. James Badenoch Nicolson.

27 Dec. 1894.

them, and that if the people would stop giving them alms and assistance, and would complain to the police, they would soon be put down?—I suppose they would.

13,328. You are a member of the County Council in Kincardineshire?—I am Chairman.

13,329. Have you got any bye-law about vagrancy?—No.

13,330. Why was that?—There was no need for it.

13,331. So that you have all the powers you want?—Yes.

13,332. You are aware that a number of the counties tried to adopt bye-laws?—Yes.

13,333. And there was some decision of the Court of Session?—I am not a great believer in bye-laws.

13,334. Do you think it would be a good thing to extend the vagrancy clause of the Burgh Police Act to counties?—Well, I can imagine that it would be in an area round the large towns. It must be a disadvantage to have a different law just over the border from the towns.

13,335. Would not the simplest thing be to extend it all over?—Generally.

13,336. If the police did not care to work it, and if the County Council did not care to work it, it would not be worked, and that would be all?—It would be a dead letter. I think there should be the same law for town and country in a matter of that kind.

13,337. Don't you think it would be a good thing in the matter of drunkenness? The law, for instance, as to drunk and incapables, under the Burgh Police Act gives pretty severe penalties—40s. or 30 days, and in the counties, drunkenness is only an offence against the Public Houses Act, punishable by 5s. or 24 hours. Have you ever considered about that?—No; I have not thought about that, but in the same way I think the law should be uniform. I see no reason for the more severe punishment of the town drunkard than of the country drunkard.

13,338. It would much simplify matters in having the laws relating to this universal offence assimilated?—Yes. We know that people who really do mean to get drunk, leave the town and go to the country, in the belief that there is a less severe law there.

13,339. Is that so?—Undoubtedly, in the neighbourhood of large towns.

13,340. Well, excursionists very often get drunk when they go to the country, but I did not think it was on any such provident grounds?—Well, I do not think it is absent from their minds at all.

13,341. (*By Miss Stevenson.*) Would there be any possibility of making the complaint of one School Board transferable to another? In an amendment on the Act of 1872, the compulsory clause was changed, the words 'where a parent has failed and omitted, and 'is failing and omitting,' were left out for the reason that some sheriffs would not convict, if the children had been sent to school after a notice had been served upon the parent?—That is true.

13,342. Would it not be possible that this compulsitor could be made retrospective in the case of those vagrant parents, and that by some means the complaint of one School Board could refer to the fact that the proceedings had been originated by another, for instance, in Perthshire, where the vagrants are going about in small areas with a great many School Boards?—I see no great difficulty in that being accomplished by legislation.

13,343. It would not be an unpracticable thing?—Not at all, you could quite well provide that such failure within a limited period, say three months, or something of that kind, could be prosecuted for by a subsequent School Board into whose area the parent had gone. It would be a perfectly easy matter to draft a clause, but it is another matter whether you would get Parliament to pass it.

13,344. (*By the Chairman.*) But how would it work; how would you punish the man? Suppose you say you must send your children to this school, or go to prison—a man is on the tramp; how are the children to be kept within reach of that School Board?—I am afraid it would almost be impossible to work such a power even if it were given, and the great difficulty would be to get one School Board to take it up even although it had the power.

Mr. James Badenoch Nicolson.

27 Dec. 1894.

13,345. (*By Miss Stevenson.*) If the one School Board could produce the complaint of another School Board, and the alternative given to the parent of settling down in that place and sending his children to school, or going to prison, would that not have a tendency to make him settle?—As a matter of practice, I am afraid it would not work.

13,346. Would the provisions of Section 14 of the Industrial Schools Act not apply in the case of those children. Would they not be covered by the words. 'Any child found wandering about and not having 'any home, or settled place of abode'?—That provides for their going to an Industrial School.

13,347. A difficulty we have been told is that, while in one sense they come under this section of the Act, they really have a certain kind of guardianship, and a certain kind of a home 'or settled place of abode'?—It looks as if that would enable a magistrate to send a child, whose parents had no settled place of abode, and who himself therefore had no settled place of abode, to an Industrial School, but then is that a method by which it is practicable to reach them? Would that not require such a great enlargement of Industrial Schools that the method would fail?

13,348. The people in Perthshire spoke as if they would be quite willing to undertake the responsibility of providing school for these children?—Yes.

13,349. But they have got all the requisite power already if the school were there?—Yes.

13,350. I suppose such a school could be adapted on the principles of the 1893 Act, where the children are not detained for such a lengthened period of time, only till they reach the age of 14?—I think so.

13,351. (*By the Chairman.*) That is a very important point. You might look into that and see whether that gives them power?—As far as I can form an opinion, under Section 14 of the Act of 1866, any child found wandering, and not having any home, or settled place of abode, or proper guardianship, or visible means of subsistence, can be sent by a magistrate to an Industrial School. A point of difficulty, of course, is whether these various attributes require to concur, whether they are alternatives or accumulations, and that is a point of very considerable difficulty from the manner in which the Section is expressed. In the first place, he must be found wandering. I am rather afraid that if any of those attributes could not be predicated of the child, you would not be able to send him to an Industrial School under this section, that is to say, although he was wandering, if he had a home or a settled place of abode, or proper guardianship, that you would not be able to send him under this section. I am afraid that would be the construction a court of law would put upon it.

13,352. (*By Dr. Sutherland.*) You would have more power under that Act than the Education Act?—Yes; it is for a special purpose.

13,353. Who would be responsible for the erection and maintainance of an Industrial School in a County?—The School Board may if they like.

13,354. An Industrial School?—They may under Section 41, the Act of 1872.

13,355. Do you think it desirable, having regard to the life, surroundings, and ideas of cleanliness among the tinker race, to ask that the children of respectable ratepayers should be compelled to mingle with them?—I do not know if there are many in Scotland, but in England there are what are called truant schools, and where the population is dense I am not sure that it might not be quite possible to have schools for children of parents who are in what might be called disadvantageous circumstances, but one is very unwilling to advocate any suggestion of that kind. One of the advantages of our system of common schools is that different classes of children mingle together, and that the children of inferior parents, and from inferior homes, mingling with the children of better homes, get an

Mr. James Badenoch Nicolson.

27 Dec. 1894.

education there which is as valuable as the teacher's education.

13,356. It is not the matter of social distinction, but of cleanliness that I am concerned about?—You could not let him in with all his animalculæ on him.

13,357. And he can't be kept free from *pediculi* so long as the parents live as they do at present?—The position is an exceedingly difficult one. It is a question whether it would not be possible to reach them through the Public Health Act, but it is just as difficult to get hold of them for the purposes af the Public Health Act as for the purposes of the Education Act.

13,358. Would the Public Health Act cover filth in this sense?—I am doubtful if it would.

13,359. (*By Dr. Farquharson.*) If they were sufficiently settled down to come under the Industrial Schools Act, they would be sufficiently settled down for supervision by the medical officer of health?—Yes.

13,360. And he would naturally have power to see that these children were sent to school in a fairly sanitary condition?—Yes, but probably in neither case would they be sufficiently settled down to be under the supervision of either of the two officers.

13,361. Would not the school discipline very soon tame down the savage nature of the tramps' children?—I think it would soon bring them into line with the other children.

13,362. I suppose these children are not worse than the ordinary street arab of the city?—They are restless, and I think that is the chief difficulty with them.

13,363. Is your wish to have the begging clauses of the Burgh Police Act applied to the counties for the sake of symmetry only?—I cannot say much about grievances, but I think the proper course for legislation is to have substantially the same provisions for burghs and counties.

13,364. On symmetrical grounds purely?—Yes.

13,365. But do you think these regulations would do as much good in the counties with the scanty police forces they have?—No; but in these places where you have got scanty population, and scanty police force, you don't require these powers at all. It is on the confines of large towns, on the burgh boundaries that these difficulties arise, for which it is better that you should have uniform powers.

13,366. If you had these uniform powers could a Justice of the Peace act and commit him on the road?—No; I do not think so. *Mr. James Badenoch Nicolson.*

13,367. Do you think the justices should have that summary power?—I am not desirous of putting much power into the hands of the Justices of the Peace to exercise on the spur of the moment. 27 Dec. 1894.

13,368. Have you not heard complaints from farmers and others about the way they are bullied by tramps?—No; I have not heard much.

13,369. Do you think that the argument of expense, or the argument of liberty of the subject, would be most operative on the parliamentary mind in inducing them to throw out any Bill?—I think it would differently affect different sides of the House of Commons. The liberty of the subject would probably affect the side upon which you, Sir Charles, sit, and the question of expense might affect the other.

13,370. But the liberty of the subject has been already largely interfered with, has it not, in the operations of the Industrial Schools and Reformatories?—No doubt.

13,371. Then as regards the expense, do you think that, following out Miss Stevenson's remarks, the counties would be willing to do something? Aberdeen already pays to the Reformatories; do you think the counties would be willing to meet Government half way with the expense of supporting these Industrial Schools?—Well, there is never a great disposition on the part of the counties to make voluntary assessments. I am aware that Aberdeenshire has acted handsomely in the matter you mention, but I am not aware of the other counties being willing.

13,372. But would the vagrant class not die out, and the expense would therefore be temporary?—I expect we shall have the poor, and the vagrant poor, always with us.

13,373. So that, on the whole, you don't think there is much demand for exceptional legislation for that class of children?—I doubt very much whether you would get exceptional legislation, and I doubt if you got it whether you would be able to make much use of it.

13,374. At all events we would have to make out a very strong case?—Yes. [The witness then withdrew.]

Dr. J. W. Miller.

J. W. MILLER, M.D., Medical Officer to the Prison of Dundee, called in, and examined by the Chairman. *Dr. J. W. Miller.*

13,375. You are medical officer of the prison of Dundee?—Yes. I also practice in Dundee, and am President of the Dundee Branch of the British Medical Association.

13,376. In the prison do you come across many cases of weak-minded persons?—Oh, yes—not quite insane, but on the borderland of insanity.

13,377. Verging on imbecility?—Yes; weak-minded, and with no power of self-control or guidance.

13,378. Do you come across many of them?—Yes.

13,379. Give us some of them?—The cases I have in my mind are those not certifiable as lunatics, but whose deficiency in mental power or in power of self-control is such as to render hopeless any expectation that they can keep out of crime.

13,380. Have you got any typical case in prison just now?—One came in to-day—a woman, aged thirty-eight, who has been twice in the asylum. She has been arrested on a charge of theft on this occasion.

13,381. She has been with you before?—Yes; mostly for theft.

13,382. But she has been in an asylum?—Yes; twice. She is presumed not to be insane now, seeing she has been liberated, but my opinion is that she will be found to be insane again now.

13,383. Is she convicted?—No; she is untried. We have another woman now who has been in prison twelve times. Whenever she comes in she goes to bed. If she is not allowed to go to bed she lies on the floor. Neither persuasion nor threats can get her off the floor, and we are compelled to let her go to bed to prevent her contracting illness. She lies the whole time she is in prison.

13,384. What is her crime?—Drunkenness or theft, I think.

13,385. What is her object in lying on the floor?—She won't work, and says she is ill. I have examined her repeatedly, but she has no organic disease about her. She is, of course, weak, because she has been drinking for weeks. When the drink is stopped she is in a state of collapse.

13,386. When she first came under your notice she would be punished a good deal for this obstinacy?—No; she was too weak, because of want of food and excessive drinking.

13,387. I suppose you look upon it now as a sort of insanity?—She is not perhaps wholly insane, but of very weak mind.

13,388. You would not allow her to be punished, and punishment has not been tried on her even at the first?—Not to my knowledge. Of course, punishment is simply bread and water, or lower diet than her sentence implies.

13,389. You cannot give the plank bed to a woman?—No; that is never done. The extreme punishment is a dark cell, and I would not put this woman away to a dark cell. Then there is another woman, about twenty-seven years of age, who has been forty-nine times in prison. She is a poor, miserable, weak-minded creature, and, when she is not in one of her tantrums, she is fairly gentle and amenable to reason. When she has come out of one of her violent attacks I have tried to show her how

Dr. J. W. Miller. 27 Dec. 1894.

foolish she was on her own account, but to no purpose.

13,390. What do you call her tantrums—rage?—Yes; just rage.

13,391. Does she ever attack people?—I believe she has struck the warder.

13,392. And has punishment been tried on her?—Yes; but it is useless. She has been put into a dark cell, but the only gain has been that the prison has been quiet. She has come to my house begging, and has received help.

13,393. You encouraged begging?—Yes; after she had promised to behave herself.

13,394. What is her crime?—Drunk and disorderly. There is another miserable, weak-minded woman. She is forty-six years of age, and she usually gets short sentences. She can scarcely answer the simplest questions rationally. She just stands and smiles. But it would be difficult to certify her insane.

13,395. What is her chief crime?—Drunkenness. 'Maundering and silly' is the note I have about her. Then there is a man who came in about ten days ago after a heavy bout of drunkenness. He was not ten minutes in the prison when he fell into an epileptic fit, followed by *delirium tremens* to the danger of his life. His sentence was only five days, and when it was up he was not in a condition to take care of himself.

13,396. Was he fit to be turned out?—No, we sent him to the Parochial Board.

13,397. You mentioned that he had an epileptic fit: the medical officer of Ayr prison classes epileptic cases, combined with drunkenness, as a very bad class of cases, and holds that epileptics are hardly to be considered responsible for their actions?—I agree with that as regards many cases.

13,398. He called it epileptic drunkenness?—Alcoholic epilepsy. Long-continued drunkenness sometimes culminates in epilepsy.

13,399. Have you had cases of the converse—of epileptic depression or the weakness of mind that is so frequently caused by or accompanies epilepsy, leading to drink, and that reacting upon the epilepsy, and the one upon the other?—Such a combination is quite likely, but I have not observed such a case.

13,400. Have you had many cases of epileptics in prison?—No; and I have no particulars of the cases we have had, as we do not put them on the sick list.

13,401. How do you treat them?—We put them in an ordinary cell, but generally associate them. It is a risk to have an epileptic patient by himself, as he might turn or fall on his face. This leads to some trouble in the prison, because a prisoner will allege that when he comes in he takes fits, in order to be associated.

13,402. How do you deal with that?—Our method is to associate him the first time, and make a memorandum as to whether he had a fit or not. Of course, that is not absolutely reliable, as a long interval might pass without a fit. But it is the state of physical illness from drink in short sentenced prisoners that gives much trouble, because frequently the whole time they are in they are not fit for prison treatment. What they need and get is something more like hospital treatment. They are discharged at the end of perhaps five days, and in a few days they are back as bad as ever. A typical case was that of a woman on a five days' sentence suffering from diseased heart. She was in a state of danger to life, and she was not expected to live to the end of her sentence. We got a cab to take her to the poorhouse at the expiry of her sentence, but she refused to go. In six or seven days she was back with us again as bad as ever, and she nearly died during another short sentence of five days. Again, at the close of her sentence, she refused to go to the poorhouse.

13,403. Where did she go?—She went to a village about five miles down the railway.

13,404. To friends?—I think so. The sentence which reaches the climax of absurdity is the twenty-four hours' sentence given on a Saturday morning. The prisoners in these cases are liberated in four or five hours. They are then probably in the paroxysm of depression after drink, and their most likely course is straight to the publichouse.

Dr. J. W. Miller. 27 Dec. 1894.

13,405. We saw in the Glasgow police cells the other night a woman who had been liberated on pledge, and was arrested later on the same night again dead drunk; you cannot deal with that under the present system of pledges and fines?—No.

13,406. How would you propose to remedy that?—I have long thought that after a number of short sentences without remedial effect, the sentence should be made a long one.

13,407. That presupposes a certain number of convictions; but, in the case of these imbeciles or weak-minded people, you say you sent them to the poorhouse, and they would not stay?—No, and there is no power to detain them. I was going to suggest that a new power should be created of compulsory detention in a poorhouse on a long or an indefinite sentence, the prisoner not to be discharged except with the approval of a board.

13,408. That might work out in the case of paupers having a settlement in a parish, or even a Scottish settlement; but you are aware that there has been a cry raised against the deportation of Irish paupers, and that machinery would not work out in regard to them; the Parochial Board in Dundee would not keep them?—But the law might be made so, that the Parochial Board, for example in Dundee, must keep such cases till the parish is found which should keep them. Such law would operate throughout the whole country. I have here another typical case which goes back nearly forty years, and I got my friends in the police, in the prison, and in the asylum, to look up the record for me. He is an Irishman. He gave his age as twenty-two in 1861, as twenty-nine in 1863, and as forty-nine in 1879, and he is now a man, I should say, between sixty and sixty-five years of age. He ran his career for nearly twenty years in the hands of the police, having been some forty times in prison for being drunk and disorderly, and offences of that sort. When not in the hands of the police, he was mostly in the poorhouse. All the time he was more or less insane, although not perhaps certifiable. At length, in 1876, he became insane, and, being in prison, he was committed to the asylum. At the expiration of his two months' sentence, he was reported to the Parochial Board. The medical officer of the Parochial Board not being satisfied that he was insane, he was discharged. In 1877 he again fell into the hands of the police, and was placed in the prison asylum. Then his following record was poorhouse; prison, four times; poorhouse; police, four times; insane; poorhouse for various periods; and in 1886 again in the hands of the police, and insane.

13,409. (*By Col. M'Hardy.*) When you say police, do you mean police and prison?—Yes. To my judgment, during the whole of these ten years there existed a state of great danger with regard to that man. He was extremely violent, and had homicidal tendencies when he got the least drink; and the last charge against him was an alleged attempt to ravish a girl in the Barrack Park in daylight. It seems ridiculous that such a man should be at liberty.

13,410. (*By the Chairman.*) What became of him?—He escaped from the poorhouse, and made a rush for the country. He went some twenty or thirty miles away to a farm; and he kept, as he said afterwards, clear of wires, lest they would know in Dundee where he was. That was in 1888. He was in that country place for a year or two, and then he appeared in the hands of the police in Dundee for drunkenness and assault. His last appearance was in 1894, when he got seven days. He had not been in prison for two years. When I saw him he produced a handful of silver, and said he only wanted a shilling in order to be able to pay his fine, and he said that if he could get the shilling he would go off back to where he had been, and where he had work. His fine was paid, and he went off by the first train, and he has been doing well now for the last eight months.

Dr. J. W. Miller.

27 Dec. 1894.

13,411. When did he escape from the poorhouse?—That was from the lunatic wards of the poorhouse—it was, I think, at the end of 1887. He was well behaved when off whisky.

13,412. (*By Dr Sutherland.*) You recommend farm work for all such inebriates and weak-minded people?—Yes. But I think a great deal more could be done with our present institutions without going into a very expensive scheme, and a large new staff. The worst cases, dangerous lunatics, might be kept in the lunatic departments of the prisons; those who are undoubtedly insane but not violent or dangerous might be placed in asylums; while the harmless and weak-minded might be committed to the poorhouse for an indefinite time, and liberated only when, in the judgment of a board, they were fit to be discharged on parole.

13,413. Do you mean the lunatic asylum in Perth Prison when you speak of the worst being kept in the prison lunatic department?—Yes.

13,414. But, if you have a lunatic prisoner, don't you send him to it?—Yes; but they get out at the end of their sentence. I would send them for an indefinite period, until their condition seemed such as to admit of their being set at liberty with safety. That is the alteration which, it appears to me, ought to be made.

13,415. But you would have to alter the whole law of the land?—Yes; I am anticipating some alteration of the law as the result of this committee.

13,416. You propose to take these cases which are now dealt with—these which are discharged from prison, sent into a lunatic asylum, and put under treatment, and are discharged by the medical officer when he thinks they are recovered?—That is the very point. I do not think the discharging should be left to the discretion of any one medical officer. The discharging ought to be in the hands of a board.

13,417. What board—the Parochial Board?—No; a board of perhaps half a dozen, specially applied to deal with these cases.

13,418. That would be putting a person who had become a lunatic through drink, or who might have the misfortune to become a lunatic in prison without any drink, on a different footing from the ordinary lunatic?—I am speaking of habitual offenders and weak-minded people. Each case must be judged by itself.

13,419. You have got an exceptional number of lunatics in Dundee prison?—Yes; but I see the police deal with many others without sending them to the prison. We had ten cases in prison last year, but the police dealt with other fourteen cases.

13,420. How do they come to you?—Some of them are sent in to us as insane, merely for detention till they can be taken charge of. Others come to us waiting trial, and others come in sentenced. We had one case—a woman—on a three days' sentence. She came from a town in Fife, and she said that the people there were all conspiring against her and her children, and that a great Christian war was going on.

13,421. Why didn't the police surgeon certify her?—I don't know that the police surgeon necessarily sees these cases before they are tried.

13,422. But that woman did not think she was insane?—I was told that her neighbours knew well enough about her eccentric behaviour.

13,423. But, until you alter the legal definition of insane, you cannot send these people to an asylum?—That is so.

13,424. (*By the Chairman.*)—If that woman had been brought up for an offence as insane, would she not have undergone a much worse fate?—She would have had a chance of recovery by asylum treatment.

13,425. But if the offence had been a little more serious, she might have been sent to a criminal lunatic asylum to be detained during Her Majesty's pleasure?—Yes.

13,426. And her detention might have been longer than any sentence she was likely to get?—Yes; but if she had been found to be insane when she committed this assault, she might have been taken charge of by her friends or Parochial Board, and sent to an asylum for curative treatment.

Dr. J. W. Miller.

27 Dec. 1894.

13,427. Do you find that Parochial Boards and officers are particularly anxious to charge themselves with the maintenance of lunatics that they can pass on to the Prison Commissioners?—Certainly not. If a person is certified insane by myself as Prison Medical Officer, the Parochial Board does not act on that. Their own medical officers see the person for themselves, but, as a rule, we generally agree.

13,428. Therefore you have no reason to complain of the action of the Parochial Board medical officers here?—No. Occasionally we do differ, but that is to be expected.

13,429. (*By Dr Farquharson.*)—Would you go as far as to hold that a man who has been in prison a certain number of times for offences, and is called a habitual offender, is of unsound mind?—No.

13,430. In the case of a man who has entirely lost his self-control in regard to drink, would you call him of unsound mind?—Well, that is a difficult question. I do not think he is without responsibility. I think he is still responsible.

13,431. You propose to shut the weak-minded people into lunatic asylums?—I would shut them up in the poorhouse, not the lunatic asylums, and I would suggest a new power to detain them in the poorhouse until some board, to be created, was satisfied that they were fit to be discharged.

13,432. These weak-minded people are very near the border-line of insanity?—Yes.

13,433. Suppose one of these weak-minded people committed a murder, would they be held fully responsible?—No, I think not. Medical men, at any rate, would go in that direction whether the judges accepted it or not.

13,434. At all events, there would be a claim set up for inclusion in the lunatic class?—Certainly; but the lawyers very often take a different view from the doctors. Some years ago a man was brought in to prison for an attempt to ravish. Another medical man and I certified him insane. When he was asked to plead, he did not understand the question. There was no malingering in the case. The plea of insanity was put aside. He had been able to go about hawking some dishes, and could give change of a shilling, and was in consequence not regarded as insane. He got five years, and was sent to Perth, where he was soon placed in the lunatic department, and afterwards to England.

13,435. Is it your experience that the habitual criminal class in Dundee is a small class?—A great many of them undergo repeated and frequent imprisonment.

13,436. You concur with Chief-Constable Dewar in that?—Yes.

13,437. If you had power to shut up these people more or less permanently, would you relieve the criminal reputation of Dundee or any other large town?—Yes. To my mind the expense of keeping these people shut up would be more than compensated for, because, as things go on at present, they are a constant cancer in society. They are contaminating the people round about them, and, if they are young, they are procreating their kind, and the children have little chance of growing up different from their parents.

13,438. Like contagious disease, you would stamp it out?—Yes.

13,439. (*By Dr Sutherland.*)—Do you believe in eighteen months in a separate cell in prison as a method of curing a habitual offender or a habitual drunkard?—Not very much. To a certain extent it is in the direction of cure, because he cannot get the stimulant.

13,440. But what is the physical or mental effect, or both, produced by such a lengthened period of separate confinement?—We do not have prisoners long enough in Dundee to enable me to speak to the effect, but my impression is that it would be bad.

13,441. It is a complete departure from the normal condition of life?—Certainly.

Dr. J. W. Miller. 27 Dec. 1894.

13,442. And, when they leave this confinement, they are suddenly thrown among their associates?—Quite so.

13,443. You propose to classify these—some for the poorhouses, some for the asylums, and some for the farmhouses?—Yes, and some for lunatic departments of prisons.

13,444. That is to say, you are of opinion that outdoor, healthy work and exercise is much more likely to cure the mental and physical infirmities caused by a long course of drunkenness?—Yes.

13,445. (*By Col. M'Hardy.*)—I would like to hear your general scheme. You were to utilise some portion of the criminal lunatic asylums of prisons—you would have the semi-lunatic drinkers put in there?—I was referring to the habitual offenders.

13,446. But they are not all insane, are they?—Oh, no.

13,447. They are not all weak-minded?—No.

13,448. Then you would put some of them—those who were weak-minded—into some special department or lunatic asylum?—Also to the poorhouse.

13,449. Would you go on to fill up your general scheme of treating the habitual offender?—A very large number of them would be consigned to the poorhouse for an indefinite period, to be liberated, as I suggested before, on the judgment of a board.

13,450. Medical men?—No; certainly not. One or two might be medical men. Others, again, would be in the asylum as persons of unsound mind. Dangerous or violent insane persons I would have in the lunatic department of a prison.

13,451. (*By Dr Sutherland.*) That, of course, would involve a new definition of insanity. These people don't fulfil the requirements of the lunacy certificate at present?—Oh, no; the latter do fulfil the requirements of the existing form of certificate.

13,452. (*By Col. M'Hardy.*) The great bulk of them, I understand, you would send to the poorhouse?—Yes.

13,453. How long would you propose to keep them there?—I could not answer that right off—a year or two years, or an indefinite period, such as is practised in America.

13,454. There is no precedent in this country for an indeterminate sentence?—No; but there is in Germany and in America. *Dr. J. W. Miller.* 27 Dec. 1894.

13,455. What would be your minimum?—A year at least.

13,456. Have you seen any cases of habitual drunkards cured as the result of continued deprivation of liquor?—Yes, I have; one or two complete cures.

13,457. And you think there might be a considerable portion of these people recovered under some system of treatment?—Yes.

13,458. Work would be an important feature?—Yes; and especially outdoor work.

13,459. Both for men and women?—Yes.

13,460. What outdoor work could women do?—Farm work, dairy work. On this subject I shall give you the opinion of the Dundee Branch of the British Medical Association. In view of this inquiry, we held a meeting, and drew up the following;—

'6th December 1894.

'To the Honourable the Members of the Commission 'on Habitual Offenders, the Council of the Dundee 'and District Branch of the British Medical Association 'desire to submit the following resolutions, which 'they have unanimously agreed to:—

'1. That the present procedure for the detention of 'Habitual Drunkards is ineffectual, inasmuch as it 'requires the consent of the patient; and there is 'urgent need for amendment of the law, so that this 'consent shall not be necessary.

'2. That, considering the failure of repeated short 'sentences, either as punitive or reformatory, for 'habitual offenders, the advisability of imposing a 'long term of detention, after a certain number of 'convictions, should be considered, and also the 'system of the indefinite sentence as adopted in 'several of the American States.

'We desire to convey these resolutions to you by 'J. W. Miller, M.D., the President of this Branch of 'the British Medical Association.

'I am, your obedient Servant,

'R. C. Buist, M.D.,

'Hon. Sec.'

[The witness then withdrew.]

Rev. D. M. Ross.

Rev. D. M. ROSS, M.A., Dundee, called in and examined. *Rev. D. M. Ross.*

13,461. (*By the Chairman.*) You represent the Free Church Presbytery of Dundee, and, I believe, you have got some facts about the number of habitual drunkards at present known to ministers in their pastoral work?—Yes.

13,462. Please state the result?—Returns were sent in by, I think, 28 ministers in the presbytery; that is, the whole of the ministers, with the exception of one—and the number of habitual drunkards returned is 87.

13,463. And the class to which they belong?—Of these 87, nine belong to the middle class, or at least a class above the working class; 78 belong to the poorer class, those who would not be able to provide for the maintenance of inebriates on their own part.

13,464. These, I suppose, are non-criminal; they are not the drunks of the Police Court?—I imagine they are almost entirely non-criminal.

13,465. Seldom coming within the cognisance of the police?—Yes.

13,466. Would you state the population represented by this return?—It is somewhat indefinite, but I think, perhaps, 40,000 might represent the population. But that is very much a matter of guess work.

13,467. And what is your calculation as to the proportion of the non-criminal population?—The calculation is that in Dundee there may be 320 such persons. Then for the burgh population of Scotland, on the same basis, there would be 4000.

13,468. For the burgh population?—This is, a population of two millions.

13,469. Why do you take the burgh separate from the county? Is it that you can only extend the comparison of Dundee to the burgh population?—Yes; and on the understanding that there are perhaps fewer habitual drunkards in the county.

13,470. And you could not argue from the case of Dundee to the case of the counties?—No.

13,471. Now, the majority of these people are of a class too poor to avail themselves of the present remedies; do you think they could pay for the maintenance of their friends in retreats however cheap?—In regard to 90 per cent., I think not.

13,472. How would you arrange about the finances?—It seems to me that the only way in which a retreat would be of any use to 90 per cent. of these persons would be if they were maintained by the State.

13,473. Of course, the State—the Chancellor of the Exchequer is always very hard-hearted, and he has got a great number of appeals to him for money; but, if you were to ask him to maintain three or four dozen habitual drunkards at the cost of the State, he would probably turn you away with a very short answer?—Yes.

13,474. Then you are aware of retreats in Scotland that are very cheap. There is one at Peebles, I think, 7s. a week—1s. a day; that would be greatly beyond the means of the people you have referred to?—Well, I have a case here where even a small sum like that would probably be beyond the power of the persons.

13,475. Of course, you are in favour of compulsory powers in consigning to retreats?—Yes; every answer returned has signified approval of compulsory detention.

Rev. D. M. Ross.

27 Dec. 1894.

13,476. I suppose you do not go into the details of the process in connection with the answers?—No; we considered that was rather for lawyers and medical men than for ministers.

13,477. Well, could you now tell us about the case of the maintenance?—Well, this is a case which came under my own observation quite lately. The wife of a mechanic came to me after a drinking bout, during which she had left her husband's house for ten days. She wanted to know if there was any home to which she could go to get over the drinking habit. I made inquiries, and tried to get her into Paton's Lane Home, Dundee. Her husband was willing that she should go, but the charge of 10s was too much for him. Last time I was in the house, the woman had got drunk, and stripped the house. That was a case of a woman who would have gone into a retreat voluntarily had the difficulty of maintenance been got over.

13,478. But we have come across habitual drunkards in retreats—one a case in the Magdalene Asylum in Glasgow, a woman sent there by her husband; but, are you aware that in Edinburgh Queensberry House is much smaller than 10s. a week—I think it is 4s. 6d. a week?—That might be within the power of a considerable number of the habitual drunkards given in this return.

13,479. But, of course, there are no powers of compulsorily detaining them if they were in this retreat?—In Paton's Lane Home?

13,480. In Paton's or Queensberry House; do you think she would have stayed in if she had got in?—Yes.

13,481. Had you known her?—Yes. I had known her for two or three years before.

13,482. Was she a respectable sort of woman when not drunk?—Yes, but she had bouts of two or three months' drunkenness.

13,483. Do you think philanthropic effort should be brought about to assist poor people in that condition?—If a new philanthropic society were started I should think there might be sufficient support, but there does not seem to be any philanthropic society in existence at present which could undertake such cases. It would mean the starting of a new society, I should think.

13,484. Well, there is a society in England got up for the purpose of running a home on partly philanthropic lines?—Yes. The answers given by my co-Presbyters say this, that if the State undertook the responsibility of committing persons against their will to such a retreat, that the State ought to bear the maintenance.

13,485. Well, that would not hold in the case of lunatics?—The State commits lunatics to an asylum, but the friends, so far as they are able, bear the cost?—Well, of course, when I speak of maintenance by the State, that applies only to cases where the friends could not help. The returns have all contemplated that the friends should bear as much of the cost as they are able.

13,486. Did you elicit any view from your brethren as to how the initiative was to be taken in these compulsory committals?—Yes. They suggested that it might be on the initiative of the relatives or friends, and that in either case an outside opinion should be got lest there should be any malice. Probably the answers were based upon the recommendation of the Commission of 1892, in which the words are given there—'On the application of their relatives or friends, 'or other persons interested in their welfare.'

13,487. (*By Dr Sutherland.*) Would that include neighbours?—Oh, yes; 'other persons.'

13,488. (*By the Chairman.*) There are a number of points I do not ask you, because we have had them so frequently before us from others?—I quite understand.

13,489. From the schedule you sent out, I see the first matter is that, 'power of detention might have a 'wholesome effect in deterring drunkards from reach-'ing the state of habitual drunkenness'?—That is evident.

13,490. The next to adopt measures whereby drink should not be supplied; did that refer to inhibited drunkards being supplied by publicans, or did it refer to temperance legislation?—Both. That the present law should be more strictly applied, and that any future legislation on this point should be more particularly noticed. A most notorious drunkard in Dundee, who was once in my own congregation, stated to me that he had never been refused drink.

13,491. There never has been any attempt on the part of any section of public, either in connection with churches or temperance societies, to put into effect the existing law against supplying liquor to drunken persons?—It so happens that within the last two or three years individuals have spoken on the subject, but no special action has been taken.

13,492. Temperance societies have never sent men to watch places and get convictions?—No.

13,493. (*By Dr Farquharson.*) Did the man mean he never was refused drink when in a state of drunkenness?—That was what he meant; but, of course, I cannot vouch for the veracity of the man.

13,494. (*By the Chairman.*) Then the necessity of stricter legislation to prevent persons from reaching a state of habitual drunkenness?—That, I believe, refers to temperance legislation.

13,495. In the individual statements of points not sent up in the schedule, is there anything noteworthy beyond what the letter mentioned?—No.

13,496. (*By Col. M'Hardy.*) I did not gather if you referred to the criminal classes?—No. The notice that was sent to me by Dr Sutherland was to the effect that the information wanted from the Presbyteries was information regarding the habitual drunkards of the poorer class not coming under the cognisance of the police.

13,497. You have thought a good deal about the subject? Have you thought about these habitual offenders who come under the cognisance of the police?—Well, I have had several conversations with the Chief Constable of Dundee and others interested in the question, and I very much sympathise with the desire of several of our citizens in Dundee that something should be done to keep them in detention longer than is at present the case.

13,498. You think that society, so far as you have learned, is prepared for some more stringent measures being used in order to try the effect of reformation on these people?—Every person who is acquainted with the statistics of the police-court, I have come across, has expressed the opinion that the present method of short sentences has little effect in reforming the people.

13,499. And they are prepared for stronger measures?—I think so.

13,500. (*By Miss Stevenson.*) Of the numbers you gave us as returned by the ministers to whom these schedules were sent out, can you tell us what proportion were women and what proportion were men?—I did not ask in the returns that ministers should state the sex. In some cases they have stated that, but the figures do not supply that information over all the returns.

13,501. In your own experience of those with whom you have come in contact, have the greater number been men or women?—I should think they are pretty equally divided.

13,502. You do not think there is a preponderance?—There is not a preponderance of men; there may be of women.

13,503. On the whole, you think they are more given to habitual drunkenness?—Yes, but I have no figures.

13,504. Have you ever considered what could be done in the case of respectable workmen who only get drunk periodically, say on pay nights, and yet manage to keep their family in comfort?—That refers to a very large class of persons in Dundee, but these persons have not been under our review in this schedule. The number of working men who are in the habit of getting drunk on Saturday, and especially on Trade

Rev. D. M. Ross.

27 Dec. 1894.

Holidays, is very great. I was going to say that I have taken occasion, within the last few years, to ask the men who have been in the habit of going to the public-house regularly, who have given over the habit, I have been in the habit of asking their experience, and, from what they told me, we have got thousands of working men in Dundee who are in the habit of getting the worse of drink occasionally on Saturday.

13,505. Then, is it within your experience at all that the class of habitual drunkards to which your return refers is recruited from this source of what you might term respectable inebriates?—I think they must begin in that way.

13,506. You have no information to show that a man could go on very long with this being habitually drunk every fortnight without becoming deteriorated, and becoming habitually intemperate?—I think there is a very large number of men in Dundee who get the worse of drink periodically, and never become habitual drunkards.

13,507. (*By Dr Farquharson.*) Do you think it would do a man's circumstances very much harm to get drunk once a fortnight, if he restricted it to that period?—Well, I happen to know a good many cases where people do get drunk once a fortnight, or once a week, and who do not go further. Many of them do, but many do not.

13,508. Do they go to the public-house, and get drunk there, and go home afterwards?—Yes.

13,509. Do many of these men lay in a bottle of whisky, and drink it quietly at home?—As far as my experience goes, the most of it is purchased in the public-house.

13,510. Is it a temptation in the public-house?—In the first place, they go to the public-house, not for the sake of the drink, but for the sake of the social attractions, and the habit which I suppose exists in every large town to stand a glass all round. Six or eight men stand a glass all round. From what men have told me, that is the beginning of a great deal of drunkenness.

13,511. Do many of these men have the faculty, which many old soldiers have, of pulling themselves together to get home without attracting notice, and tumble into bed drunk?—I am afraid I cannot answer that. Saturday night is the night when most of the drunkenness is produced in Dundee, and I am very seldom abroad on that night.

Rev. D. M. Ross.

27 Dec. 1894.

13,512. (*By Dr Sutherland.*) You suggest that philanthropy might do something towards maintaining these people in Dundee, now studded with charities and hospitals? Are the funds of these institutions languishing?—I think not.

13,513. That is more than can be said with regard to Glasgow, and Edinburgh, and English cities?—Well, in regard to the hospital, there has always been plenty of money. Of course, there are many other institutions which we should like to see better provided for.

13,514. Would you not have to charge the church with the maintenance of such people?—The difficulty with regard to the church taking up any duty of this kind is, that those who are habitual drunkards are for the most part away from church influence. They are looked after by the church, but they often have been for years, perhaps, separated from the fellowship of the church and membership of the congregation, and, in consequence, the members know little about them. The ministers know them, but the people who might do something for them are out of touch with them. The church would perhaps see it done rather than it should not be done at all

13,515. Supposing the drunkard is to be confined, who would be the best party to decide? Do you think the Sheriff is the proper authority?—I am afraid that is a question on which I have no special information, and I would rather not express my opinion, as not being worth anything on such a point.

13,516. (*By the Chairman.*) One point I omitted. As the result of your correspondence with the Presbytery, you mentioned among the conditions of detention that there is a general agreement that patients should have some employment, and that there should be legal safeguards included. Do you mean employment should be in the retreats?—Yes.

13,517. Can you give us any hint as to the employment that could be found for males, for instance, confined to such places?—I have not thought of that.

[The witness then withdrew.]

[Adjourned.]

TWENTY-FIFTH DAY.

Dundee, Friday 28th December 1894.

Present:

Sir Charles Cameron, Bart., M.P., *Chairman.*
Col. A. B. M'Hardy, R.E.
Dr Farquharson, M.P.
Dr J. F. Sutherland.
Miss Flora C. Stevenson.

Alexander Guthrie.

28 Dec. 1894.

ALEXANDER GUTHRIE, of Horsewater Wynd, off Guthrie Street, Dundee, called in and examined by the Chairman.

Alexander Guthrie.

28 Dec. 1894.

13,518. You are at present on ticket-of-leave?—It is twelve years since I was liberated, and I have been in employment, with various employers, for periods ranging from three years downwards, and I have had occasion lately to make application to the Charity Organisation Society, but it appears to me that that body is indifferent, more especially as far as the welfare of any individual is concerned.

13,519. The Charity Organisation Society is a perfectly voluntary body, without any Government aid, or any status, and, therefore, I do not think we can deal with any complaint against that society; but there is the Prisoners' Aid Society—it is assisted by Government?—Well, I made application to that society also. I have a wife and family dependent upon me, and I got a donation of 1s. 3d. from the society.

13,520. What were you in for?—It was for going into a bank office at Ellon in Aberdeenshire. I was in financial difficulties at the time.

13,521. What were you?—Simply a labourer.

13,522. And you went into this bank. What was the charge against you?—A charge of theft.

13,523. And your sentence was?—Five years.

Alexander Guthrie.

28 Dec. 1894.

13,524. And the date of your sentence?—1880.

13,525. What establishments were you in?—First in Wormwood Scrubbs, and then in Chatham.

13,526. When did you get out on license?—31st July 1884, I was dismissed from Chatham.

13,527. And the license extended for how long?—It expired, I think, in April 1885.

13,528. What was your experience when on license? Had you any complaint against the police?—When I was liberated the first employment I had was by the Charity Organisation Society in Aberdeen. I got employment afterwards at the making of a new reservoir, and the first week I was in that employment the Cults policeman made his appearance in the works, and suggested to the manager that I was an ex-convict. 'Well,' said the manager, 'have you got any-'thing to say against him? You have no right to state 'this. Unless there is anything against him, he will be 'here as long as the job lasts.' I was there one year and nine months. I don't think that was fair of the policeman.

13,529. The authorities do their best to prevent anything of that sort; so let us pass on to the next. You did not lose the job; you worked on there for a year and nine months?—Yes.

13,530. After that job, what did you do?—I was employed in the shipbuilding trade three years in Aberdeen. The first two years I was disturbed all along the line. If anything occurred in the district—such as a house-breaking—the police were on my track. I had a great deal of difficulty to contend against, owing to policemen coming to my house at night, and other disturbances—which I don't think was fair.

13,531. After your license was over, had they any right to do that?—Yes.

13,532. (*By Col. M'Hardy.*) Was there any police supervision in your sentence?—Yes, seven years.

13,533. (*By the Chairman.*) Of course, you were sentenced to police supervision, and were liable to it; I don't see how you could get out of it?—Well, it is a hardship.

13,534. You are still under police supervision?—No; I am clear of that.

13,535. You had three years' work in a ship-yard—that brings you down to 1889. You had still three years' police supervision. What did you do after the shipbuilding?—I have various credentials here from various employers by whom I have been employed. Since 1892, in fact, I cannot say I have been in steady employment. I have been working only a few months now and again. The last employment I have had at the present time was at the harvest. Work now is so dull that it is impossible to get it.

13,536. How have you been living?—Well, the wife got work the other day; but it is not fair that the wife should be working for the man. I believe that the majority of working men here are kept by their wives working in the factories. I made application to the Charity Organisation Society; but, as we had 6s. or 8s. a week coming into the family, they said that was sufficient.

13,537. The Charity Organisation Society is a philanthropic society of voluntary persons, and it is out of their own pockets that they give help. We have nothing to do with them. They could say to us simply, 'We won't contribute.' You say you got assistance from the Prisoners' Aid Society?—Yes, I got at the rate of 1s. 3d. a week to keep three of us.

13,538. But they had no right to give you that. Any help that they give you is outside any connection they have with Government?—Then what would be the best steps for an individual who happened to be out of employment, and destitute, and could not see his way to get the necessities of life?

13,539. I am very glad to have your advice on the subject, and we have not had it. Therefore we would like you to tell us what you would wish to be done?—There are various proposals. As far as I see, the only way is for the Government to take steps to give work to people on the land. I am a farm labourer, not with Chamberlain's three acres and a cow, but even if I could get work on a farm. I was brought up on a farm, and my parents came to the town.

13,540. How old are you?—I am 35.

13,541. Were you ever in the hands of the police before?—No.

13,542. Not even for drunkenness?—No; I am a total abstainer.

13,543. Have you ever been in the hands of the police since?—No.

13,544. Not for anything whatever?—No.

13,545. (*By Col. M'Hardy.*) I don't know why you got police supervision for stealing from the bank, if you had no crime before that?—I could give an explanation of it. When we were living in Peterhead there were four or five of us, young boys, who got into trouble about pigeons, and that was the matter that was brought against me.

13,546. (*By the Chairman.*) You did not tell us that?—It was a mistake that I did not tell you. That was the reason I got police supervision.

13,547. Then you cannot complain of police supervision. That was part of your sentence, and the judge awarded it in consequence of this state of things disclosed to him. So you have been doing nothing but odd jobs for how long?—Since I left the harvest I have not been employed more than four weeks, or thereabout. I have had to depend upon my relations for support; but they are all poor, and cannot support me continuously.

13,548. What are they?—Just working people. It is more especially the wife's relations I have had to depend upon.

13,549. Talking about the Charity Organisation Society—in Glasgow they have a place where they will take any man and give him work either at wood-chopping or stone-breaking, and so on. Would you be willing to take that employment, for instance?—Yes, that was what I was working at in Aberdeen.

13,550. What?—Wood-chopping. I see the wood-chopping is stopped now; but that would be better than doling out a man perhaps 2s. a week.

13,551. But you cannot go to people and say, 'You must give money for this particular object.' You must allow them to help you in their own way?—Well, of course, when it is voluntary subscription they have a right to do as they like; but it is not necessary. In a thoroughly just state of society every individual ought to be employed.

13,552. That is true, and what I would like to see. Would you like if we could say to you—'Well, you 'want employment; we can give you employment at 'hard work for a couple of years.' Would you take that?—In reference to hard work—I was working at the extension of the Esplanade before harvest, in all the bad weather.

13,553. How many holidays did you take?—There were no holidays during that time.

13,554. Did you do all the work you could do?—Yes, for three months.

13,555. You have nothing to complain of in the way of police supervision now, and you seem to have been worse off since the police supervision ceased?—Well, that depended greatly on the amount of work that has been going. If it had been the reverse, I very likely would have been worse.

13,556. We were told there was extra work here in Dundee this year; that trade, or in certain branches of labour, work was exceptionally brisk. That was given to us as an explanation of the extraordinary increase in the number of drunks. You say you are a teetotaller—do you belong to any of their societies?—Not any local organisation, because I can see my way to keep myself clear without joining any body so far as pledging is concerned. But I advocate it on every opportunity I have.

13,557. But you are aware that the Good Templars have lodges, and that they assist their fellows, try to keep them straight, and get them into work, and so on. Why have you never tried that?—It is quite obvious

Alexander Guthrie.

28 Dec. 1894.

that no influence of individuals could be of use. I have been at different persons of influence, and they have failed to get me work, simply because an employer will not take on a man unless he has work for him.

13,558. Have you any church connection?—Well, no; I belonged to the Established Church, but not now.

13,559. In that way you have cut yourself adrift from another organisation that might have helped you?—Well, it would have been hypocrisy on my part to have connected myself with them.

13,560. How many children have you?—Three altogether. One up to maturity is away to farming this last half-year.

13,561. How old is he?—16; the other is 13 and the other 11.

13,562. We cannot alter the state of society, but, if you could give us any practical suggestion, we should be happy to have it, and consider it?—I do not know that I could suggest anything. I know that the Government of this country should take active means to provide employment for those who are out of work. We know that private employers are not doing anything for the benefit of the labourers. The more unemployed there are going about, the better it is for them, as they can take better advantage of them. I do not believe they will try to do anything.

13,563. Have you not tried any of them?—Well, I am a hammerman.

13,564. Have you never gone among smiths to get work?—There are about 70 or 80 idle among 222 in Dundee already.

13,565. Have you been working at your trade since you came out of prison?—I was not a hammerman before that. It is only within the last two or three years that I have become a hammerman.

13,566. Are you a member of the Society?—I was a member, but, owing to my being out of employment, I am out of membership.

Alexander Guthrie.

28 Dec. 1894.

13,567. Have you not got any assistance from them?—No; they have only a strike fund. They have no idle benefit.

13,568. I see from your credentials—'Aberdeen, 'May 30. From James M'Hardy, two years in his 'employment. Steady, honest, and sober'?—I started work here two days after I came from Aberdeen. I was five years in steady employment; only these two days out of work between Aberdeen and Dundee.

13,569. What wages are you earning in the shipyard?—16s. a week. I was also six months at Craigie Quarry.

13,570. (*By Dr Sutherland.*)—How many months had you of separate confinement?—Nine months.

13,571. How did you like that?—I would rather have been in a public work, working outside.

13,572. Were you allowed to speak much in separate confinement?—The rules are, that you are not to speak, but generally you cannot keep people's tongues quiet altogether, and we spoke when we got the opportunity.

13,573. How would you have liked a second nine months' separate confinement?—I would have been indifferent to it, but I believe there are others who might not settle themselves in separate confinement, and they would be miserable.

13,574. You don't think it would affect your health?—Yes, I think the close confinement would.

13,575. How?—In the matter of exercise. When a person cannot get enough exercise, I know it is injurious to him.

13,576. (*By the Chairman.*) What wage is your wife making?—She started only to-day. Her wage will be about 8s. 6d. per week. [The witness then withdrew.]

Dr. Rorie.

JAMES RORIE, M.D., Physician Superintendent Royal Lunatic Asylum, Dundee, called in and examined.

Dr. Rorie.

13,577. (*By the Chairman.*) You are the Physician Superintendent of Dundee Royal Lunatic Asylum?—Yes.

13,578. And you have occupied that position for many years?—35 years.

13,579. And, during that time, you have had to deal with private as well as pauper cases, and have had a good deal to do with cases arising from inebriety?—Yes. The asylum just now has about 420 patients altogether, and between 80 and 90 are private patients, paying various rates of board.

13,580. What percentage of the total would you say was due to drink?—The cases of insanity actually resulting from drink will be about 16 to 18 per cent. That is, insanity as the result of drink in one way or other. Of course, I do not mean cases of dipsomania.

13,581. Have you received many voluntary cases?—Not many, but we have had several cases.

13,582. I suppose many of these have been drink cases?—Several of these have been cases of pure dipsomania—persons who, beyond the loss of ability to control themselves, have shown no other evidence of insanity.

13,583. We have had a good number of gentlemen connected with asylums, and they have all told us that they consider the asylums, or most of them, to be very unsuitable for these cases?—All my experience is that ordinary lunatic asylums are not good places for these cases. We get individuals sometimes as voluntary patients, unable to restrain their desire for alcohol, and sometimes they come at the earnest solicitation of their friends under certificate as morbid cases.

13,584. Do you draw the line of dipsomania at a case where the craving for drink is an insanity, or the drink habit amounts to an insanity; that is, where the person cannot see drink but he or she will get at it by hook or crook?—I consider dipsomania is a form of moral insanity, where the desire for intoxicants is the only symptom—I mean the only mental symptom—because, in all cases of dipsomania, during the paroxysm, there are other physical symptoms present.

13,585. Do you think that restriction from drink for, say, twelve or eighteen months, would cure many of these cases?—Every case would require to be judged very much on its own merits. In well-developed cases of dipsomania, detention would require to be at least for twelve months.

13,586. I see you would like some committal on the application of friends, and under safeguard from the sheriff?—My opinion is that the arrangements for the detention of inebriates should be very much the same as exists in regard to the ordinary insane. That there should be public institutions, and that there might be private houses as well, and also houses for the admission of single patients under special license.

13,587. Who would pay for the public institutions?—They would require to be provided for by the public rates. That is the great difficulty.

13,587A. Do you think that Dundee would entertain or acquiesce in the proposition of rates for the maintenance of an inebriate asylum?—It is just a question how far it might be shown that there would be a saving in these cases which otherwise would be lodged in prison.

13,588. The cases that come into your hand are not the quasi-criminal kind?—No, they are private patients, chiefly paying from £40 to £80 a year.

13,589. Have you ever sent cases to other places, such as, for instance, to Peeblesshire?—I have been applied to for information by medical practitioners in regard to such places, and clergymen sometimes offer to take charge of inebriates, but I never have had occasion to send them there.

13,590. Among your pauper lunatics, have you many who have been in prison?—A good many have been taken charge of by the police and placed in the police office previous to admission, and I find that about one-tenth of the pauper patients recently admitted have been sent at the instance of the Fiscal,

Dr. Rorie. 28 Dec. 1894.

but these are, many of them, cases which should have been taken charge of by their friends.

13,591. We find in the prisons certain people who have been in and out of lunatic asylums. Their course has been, perhaps, poorhouse, lunatic asylum, prison, and so on. Have you had many of these?—Yes, and several of these I might mention in particular. There is one very prominent case to my mind—a man who was admitted seven times. He was just one of these cases. He was a sort of half imbecile. His name was W. H. From 1857 to 1871 he was admitted seven times—for housebreaking, was dangerous and troublesome, frequently made his escape and suffered from maniacal excitement. Another case was P. S., who had been admitted five times between the years 1876 and 1887. This is a case that has already, I presume, been brought under your notice by Dr Miller. He was harmless so long as he was in the asylum, was discharged as harmless, and then he appeared to get dangerous when he was at liberty. He generally landed in the hands of the police, and gravitated between the prison and the asylum. Then there are a number of others, who belong to what may be termed the vicious criminal classes, and they are extremely troublesome cases.

13,592. I want to ask you this point. Would you suggest very long detention; and, if so, would the detention be in a lunatic asylum or in the prisons?—My opinion is, that the class of habitual offenders, and also the vicious class of insane—those who are known to the police—should be in a special institution.

13,593. Take the vicious insane, and the insane offenders, would you have them in a criminal lunatic asylum, or would you have them dealt with by prolonged detention in the pauper lunatic asylums?—I would rather have them in a special lunatic asylum, the same as Broadmoor.

13,594. To Perth Prison?—The lunatic wards of Perth Penitentiary are only for those who have been sentenced by the Court.

13,595. The complaint against your pauper lunatic asylums by the prison authorities is that they get a prisoner insane, then he is sent to the lunatic asylum, and is discharged, and he goes out and re-commits the offence, and the same process is gone through, and that you don't exercise your powers of detention, and that the Parochial Board, not wishing to be at the expense of keeping him, dismisses him when he is really a lunatic pauper?—Well, as to the discharge of patients, we are obliged to discharge them as soon as they have recovered their reason.

13,596. But you are obliged to be satisfied that he has really recovered, and that there is no danger of immediate relapse?—Yes; that he has ceased to be dangerous to himself or to the public in ordinary cases.

13,597. Take this case you have mentioned—that is, harmless in confinement and dangerous when he gets out?—He was sent in for assault, then put into the lunatic asylum wards, and afterwards transferred to the lunatic wards of the poorhouse. My opinion has always been that there is too great a proneness on the part of the parochial authorities to discharge persons from the lunatic wards of poorhouses.

13,598. Exactly. Here is a man who is liberated, and has committed the same offence again. Could you not have kept this case in the asylum, instead of putting him to the lunatic wards?—No; any such lunatics for the poorhouse are selected by the poorhouse officials, of course with our approval. There was nothing against this man while with us to show that he was a dangerous patient and required special detention in the asylum.

13,599. You, then, who are a neutral party, have told us a very important point, namely, that you think there is too great a laxity, or too great a proneness, on the part of the parochial authorities to allow these cases to leave the lunatic wards?—Yea.

13,600. Do you think that that would extend to cases of parochial boards that have asylums of their own, such as, for instance, Woodilee Asylum?—I presume it would extend in the same way to that class of cases. In the parochial asylums for the reception of the insane poor there is a tendency to discharge the patients earlier than from the ordinary county asylums.

Dr. Rorie. 28 Dec. 1894.

13,601. Do you think any method could be devised requiring the intervention of the sheriff before the discharge, the same as in the case of the committal of a lunatic?—I think that is a question more for the General Board of Lunacy. They encourage the discharge of these patients from the lunatic wards of poorhouses, to be boarded out; and they encourage these patients being looked after as unrecovered lunatics.

13,602. But those are silly patients, boarded out by the Lunacy Board?—Yes; and still on the Lunacy Board registers.

13,603. (*By Dr Farquharson.*) Are you sanguine that the prolonged detention of dipsomaniacs in institutions would be curative?—I think the benefit to be obtained from long detention is rather over-estimated. No doubt there are cases where it would have a beneficial effect, but I believe it will be found that the number of cases will not be so great as expected. Prolonged detention might cure in some cases for a time, but not permanently.

13,604. (*By the Chairman.*) Supposing this man, who was harmless when he was in the asylum, but dangerous when out, had been a paying patient, paying forty or fifty pounds a year, so that any monetary inducement to get rid of him would be out of the question, would you have discharged him when the parochial boards did so?—It would have made no difference.

13,605. But, if he had been in your hands, paying for his support, would you have thought him a fit case to discharge, or would you say, 'I have discharged 'you before, and you have been dangerous, and I can-'not certify that you will not be dangerous again, and 'I cannot discharge you now?'—The probability is, that if he had been sent in by his friends, and them paying, he would have been sent out on probation, and then the question of his return to the asylum, or his discharge, would have depended on how he would have conducted himself during the twenty-eight days of probation.

13,606. Is there any system of probation in the case of pauper lunatics?—Yes; it extends to them also.

13,607. When this man was discharged from the pauper wards of the lunatic asylum, was he discharged on probation or right off?—I could not say with certainty. My impression is that he had been boarded out—taken from the asylum to the lunatic wards of the poorhouse, and from that had been boarded out; that is to say, as a silly patient.

13,608. And that is practically probation?—Not exactly probation. He is still a lunatic boarded out.

13,609. But he must be cured?—Or struck off the register in some way.

13,610. How can he be struck off the register?—He might be discharged, allowed to leave the poorhouse on probation, and then fall off the register.

13,611. But you cannot tell us, as a matter of fact, whether his friends had taken him out?—No.

13,612. (*By Dr Farquharson.*) Have you any faith in drink cures?—I find administration of bitter tonics very beneficial.

13,613. They diminish the crave?—They appear to take the place of alcohol, and satisfy the craving. In one private case, in particular, of dipsomania, I gave tincture of *calumba* with marked benefit. The patient came backwards and forwards for eighteen months to get his bottle of medicine replenished, and he kept quite well.

13,614. (*By Dr Sutherland.*) In speaking of dipsomania as moral insanity, do you come across cases where to that is super-added other phases of insanity directly traceable to alcohol?—In true cases of dipsomania you very seldom find the simple craving for drink alone.

13,615. You seem to have received a considerable

Dr. Rorie. 28 Dec. 1894.

number of prisoners of this drunken class; do you consider them in greater number as suffering from moral insanity?—Well, I should say sixteen or eighteen per cent. of the insanity admitted from the pauper class where the drink may be traced is that class of insanity, but it is not dipsomania, but one of the ordinary forms of insanity, such as acute mania.

13,616. What percentage of insanity in your asylum is directly traceable to alcohol?—About sixteen or eighteen per cent. perhaps, but it is difficult to say, because you sometimes find that the tendency to intemperance is the result of insanity.

13,617. Have you any experience of the results obtained in inebriate homes in America and other countries?—Not beyond what I have read of them.

13,618. Are you hopeful of the effects of long detention?—I think that detention for twelve months would possibly be the shortest period in a confirmed case from which benefit might be expected; but I think that, although prolonged detention might cure a certain proportion of these cases, there is more expected from it than would be found to result from actual experience.

13,619. I understand you are opposed to mixing habitual drunkards with the insane?—Yes; I think the lunatic asylum is not a suitable place for the treatment of inebriates.

13,620. Do you know anything about the Tyson cure?—I have read about it but have had no actual experience of it.

13,621. Have you any opinion about it?—No; I have no opinion to give on it. I have found the administration of ordinary bitter tonics very useful, and I have never found the slightest bad results from complete stoppage of the drink at once, even in very bad cases.

13,622. The only thing approaching a cure that you know about is simply a tonic?—Simply a bitter tonic.

13,623. (*By Miss Stevenson.*) What is your reason for saying that there should be a special institution for the people you describe as making the round between the prison, the asylum, and the poorhouse?—When I speak of a special institution I refer to special forms of establishments for the treatment of inebriates, apart altogether from the asylums.

13,624. Then the insanity of these people, I take it, you attribute to inebriety?—They are insane in this sense of the term, that their moral faculties are perverted—what we call a form of moral insanity—and the perversion assumes the form of a strong desire for alcoholic liquors.

13,625. Would you be against their being detained in the lunatic wards in the poorhouse if the authorities had the powers?—There would be the same objection as in the ordinary asylum.

13,626. What are the objections?—In the first place, they are too sane to be detained in an institution for the insane. They feel out of place and out of keeping with the institution. Then, as a rule, they are very restless and discontented during the time they are confined, and they very often, by insubordination, give rise to a deal of trouble in the administration and management of the place.

13,627. Then, do you think that that class of inebriates who are really insane, and can be certified as insane, could be put into an institution along with those who are not insane? Would there not be the same objection to having these insane patients in an institution among other people who could not be certified as insane?—If there were an institution established for the treatment of inebriates, I would have that institution very much on the same principle as the asylums—that there should be provision made for the admission of patients voluntarily, and for patients requiring to be sent on the certificate of two medical gentlemen and the sheriff's order. There could be no objection to them being associated. My reason for suggesting the continuance of the voluntary provision would be that a larger number of inebriates might take advantage of it, when they knew that there was a considerable danger of being sent to the institution at the instance of the sheriff.

Dr. Rorie. 28 Dec. 1894.

13,628. (*By Col. M'Hardy.*) To create a special institution is not a very desirable thing to do, if we can get along with what we have; why should not those persons who move between the poorhouse and the prison not remain in the particular part of the poorhouse in which they usually are at present?—That is a question I have never been exactly able to understand.

13,629. I am not talking about the lunatic wards. The class I am speaking about is the inebriate or disorderly. These people are not lunatics, and they are not treated as lunatics. There are a great number of them who are not able-bodied, and are simply disorderly people who go in and out of the poorhouse; why should they not be simply kept where they are?—In the ordinary wards of the poorhouse?

13,630. Or, in a particular ward; it might be more convenient to set apart a special ward?—I see no objections that could be urged against that. If a certain portion of the house was set apart for them, with the authority of the sheriff for their detention, I think that would be a very good arrangement.

13,631. (*By the Chairman.*) In the course of your experience, have you come across any opium or chloral, or bromide, or any other form of drug drunkards?—I have had these sometimes as ordinary cases of insanity, but never as patients sent in specially for the cure of the habit.

13,632. In ordinary cases of insanity, what sort of intoxicants have you seen used by the insane?—Laudanum frequently, but no case resulting from that alone. Of course, the abuse of chloral and laudanum is, I believe, common.

13,633. How much laudanum would your most remarkable case of laudanum drinking take per day?—Not much; perhaps two drachms at the outside per dose.

13,634. There is a point you might explain to us. There is quite a different proceedure in the case of lunatics committed as dangerous at the instance of the Procurator-Fiscal from what takes place in regard to other lunatics?—There is a difference in the Lunacy Act between the admission of patients at the instance of the Fiscal, and those from the prisons whose sentences are not expired.

13,635. But, in the case of lunatics sent to you at the instance of the Fiscal, the proceedings are public, and the Sheriff has to be satisfied, by evidence, that the man is a dangerous lunatic?—Provided that the parochial authorities, or the friends of the patient, do not at once take over the case. Take the case, for instance, of an ordinary pauper patient found wandering about the streets in a state dangerous to the public. He is taken up by the police, and the Fiscal obtains a warrant for his detention, till an inquiry is made into his condition of mind. It is only when the Parochial Board fails to take charge of the case that evidence is led in open court as to the condition of the patient.

13,636. And then he is sent to you?—Yes.

13,637. It is only when the Parochial Board refuses to take him up?—Yes; or his friends.

13,638. (*By Dr Sutherland.*) Suppose you were to apply either to inebriates—which is the more satisfactory form of procedure—the open inquiry or the private system of committal, accompanied by two medical certificates?—In the case of a private patient, it would be more agreeable to the feelings of the relatives that the examination should be made by two medical men, and the Sheriff grant the warrant.

13,639. But, suppose an inebriate wished a public inquiry to protect himself against oppressive seclusion, would it not be better to have the examination before the Sheriff?—If the patient preferred an open examination, I do not see why he should not have it.

13,640. You mean that, as regards the dangerous lunatic, there is very little possibility of his being sent unfairly to an asylum, but that, as regards those

Dr. Rorie. 28 Dec. 1894.

sent upon certificate, there might be a possibility of his being unjustly confined?—Well, even if a patient were sent in unjustifiably, with the amount of supervision there is in the asylums, and the free access that the Lunacy Board have to the patients, he could not be long detained. During all my thirty-five years' experience, I have had one or two cases of patients sent to the asylum who on admission were not insane, and in these there was ample evidence that, at the time they were examined, they had been suffering from temporary excitement or something of that kind.

[The witness then withdrew.]

Dr. Rorie. 28 Dec. 1894.

Mr. D. H. Saunders.

MR. DAVID H. SAUNDERS, Merchant, Dundee, called in and examined by the Chairman.

Mr. D. H. Saunders.

13,641. You have long taken an interest in the question of the treatment of habitual offenders, and you have got some practical suggestions?—Yes.

13,642. Please give us them?—It may be convenient and save time if I may be allowed to make a short statement. For five and twenty years I was the managing partner of spinning mills in the neighbourhood of Dundee. During the past fourteen years I have resided in Dundee, and have taken a deep interest in those questions regarding the condition of those with whom this Royal Commission is now concerning itself. Allow me, as one of the public, to express my horror of the working of the present system of repeated imprisonment, its utter futility, and, after a long experience of mission work, of its utterly detestable results upon whole circles of the neighbours and the children, who see shame, womanly modesty, human feeling outraged from day to day, and who are brought by their poverty into constant touch with the poison and the debasement of this pollution. Now, the question really is what is to be put in the place of the present system. Before venturing to suggest what I propose, will you permit me to look at the causes in which this degradation originates. Conversing a few days ago with Mr Robbie, the School Board Officer, he confirmed what I have seen from my own observation. He says the records of his work are now long enough to assure him that this evil is hereditary, that the children are born with this terrible inheritance, and, in this debasing environment, criminals and sluggards breed criminals and sluggards. Now, the practical suggestions I venture to make therefore include that treatment which would prevent these evils, and, in the second place, the modes of dealing with those who are already men and women, and habitual criminals. Regarding the habitual criminals, I believe that by far the most successful experiment with them has been made by the Municipality of Berlin. Permit me to quote one or two sentences from Mr Pollard's book on the Berlin experiment. 'The first-class consists of persons who 'have either actually been, or were in danger of 'becoming, the subjects of police correction; the 'latter are invalids, for the most part worn out and 'helpless. In so far as they are able-bodied, the 'first-class are put to work on the fields in the neighbourhood of the workhouse, and are treated as if 'they might yet become respectable members of 'society. They are kept to steady employment, get 'sound, plain food, are obliged to lead a regular life, 'and, when it appears that they are safe to be trusted 'once more to maintain themselves in an honourable 'way, they are permitted to return to whatever 'decent employment they can obtain. Many men, 'and not a few women, are thus detained in the 'workhouse for years, not because they cannot work, 'but because they have not moral stamina enough to 'prevent them from becoming pests to the community 'if they were at large. In short, at Rummelsburg 'you shall see fully at work the Berliners' method of 'treating their police court criminals, their habitual 'drunkards, wife-beaters, and street brawlers. Such 'persons are not allowed to go at large after enduring 'the short term of imprisonment which is the 'immediate punishment of their offences. They are 'looked upon as hinderers of decent industry, and as 'likely to make other people like themselves if they 'are left at liberty. If permitted to drift about, they 'would only be a source of mischief, and would sorn 'on the community. The community simply refuse 'to be sorned upon by them, and pack them off to 'Rummelsburg, where they may have a chance of 'mending their ways, and where they are meanwhile 'compelled to do at least some work for the bread 'they eat. All such persons are subject to a longer 'or shorter period of police supervision; and it is, 'after all, a merciful arrangement that during that 'period they should be under such reformatory 'treatment as may perchance result in their ultimate 'restoration to respectable life.' I feel satisfied that, at any cost, it would pay Dundee to deal in the same way with some seventy or eighty habitual offenders. Their will is gone, their power to resist temptation has been eaten out of their hearts. Their present environment is fatal to a new start in life; and, miserable themselves, like persons suffering from small-pox, they are a danger to all they touch with their contaminating influence. Furthermore, I would be disposed to make cruelty to, and neglect of, children a much more serious offence. I would visit this with a year or two years' hard, real work on a farm. At any cost I would do this, and I would break the parental authority of the parent over the child which suffers such wrong. Here I touch on the second series of suggestions. In Dundee, after all that has been done—and much good work has been done—we have still over 1000 habitual truants, and we have close upon 1000 children in public institutions. In 1879, the Dundee Default List showed 3305, or 12 per cent. defaulters. Since free education and compulsory attendance, this has been reduced to 1752, or only 5½ per cent. Of this 1752, about 1000 children are neglected, and are in great peril of becoming associated with this habitual criminal class. Now, I would deal with these children in this way. Many of these children suffer wrongs of a kind so terrible that only personal observation enables me to believe such unnatural cruelty is possible. The poorhouse is their refuge when their parents, the habituals criminals, are in prison. Now, you have always 100 to 150 children there, and they, from the very nature of the case, must injure each other. To the deserving poor I would show all consideration, and give them their children with them. But I should, by law, at once break the parental control when it is grossly abused, and so enable the Parochial Board to send the children out in respectable families; nor would I give back the children to the parents. I would make the recovery of parental rights the prize and reward of well-doing. Permit me to again quote from the experience of Berlin. I have seen the children there in the common school, a very different and a much more pleasing sight than even the best conducted school here, where only these outcast children are congregated, and where, from week to week, a steady stream of degraded children flow in to contaminate the rest. The law at present does not allow the Parochial Board to separate the children from the most cruel parents, nor, more important still, can the parents, however degraded, be prevented from having the custody of their children restored to them after the public has washed and educated and brought them up for years. I would not propose to relieve drunken and criminal parents of all their children without any inconvenience to them. They should find it to involve permanent and severe hard work, if their children are taken from them, and the restoration of parental rights should be one of the chief inducements to their reformation. Permit me to quote one or two lines, from Mr Pollard's book, on this vital point:—'There are over 5000 orphans under 'the charge of the municipality, and of these more

Mr. D. H. Saunders. 28 Dec. 1894.

'than four-fifths are boarded out in families which 'have been carefully selected by the district com- 'mittees. The children are sent to the common schools 'of the town where they mingle with the children of 'ordinary citizens, and, as far as possible, any stigma 'attaching to the fact that they are maintained at the 'public cost is sought to be removed. After leaving 'school they are put to various occupations, the 'boys to handicrafts, and the girls for the most part 'to domestic service. Their future career is carefully 'watched until they grow up to maturity. It is 'claimed by the administration, from the reports 'which they annually receive of the conduct of the 'children after they have begun life for themselves, 'that these orphans turn out, on the whole, better 'than other children, and that of the girls 98 per 'cent. do well.' There are, as the officer of the Dundee School Board truly observes, 10 to 12 per cent. of the city population living in what may be termed a state of chronic destitution through enforced or voluntary idleness and loose living. I submit that the dumb, suffering masses demand much more thorough and efficient government. Their houses, for I see them often, are deplorable, and there is no sharp, efficient dealing with their abodes. Berlin is greatly in advance of us here, and her example should strengthen our government mightily. When our Lord Provost and other public spirited men propose to handle this subject with decision, they are paralysed by local interests and half-hearted support. Twenty-five years ago Berlin was worse than Dundee. With a population of 800,000, the death-rate was 30 per thousand, and of these 11,136 were children under one year. To-day, in that low-lying great city of 1,635,000, the death-rate is now under 20 per thousand, and is steadily falling. A criminal population cannot but result from the demoralisation of the one-roomed house in Dundee. For 28,000 of our people still live in abodes of one room. My suggestions, then, are six in number:—(1) At all costs isolate habitual offenders for a long period, and insist on honest hard work being done, if possible in the open air. (2) Break the parental tie where it has been abused, and make cruelty to children a crime, with the penalty of hard work for all the period the public has to maintain the child, and make the restoration of parental rights the prize and inducement for well-doing. (3) The boarding out, into families, of the children with special and careful supervision, and I do not see that, with sufficient care and with strict supervision, after a time farmers, gardeners, and others should not be encouraged to take as a boarder one of the parents to encourage habits of industry, and make a bridge back to honest respectability. (4) A much more drastic mode of dealing with one-roomed and insanitary abodes by central authority and paid inspection outside local influence. (5) I would have school boards to be induced by large grants to bestow special care, and to give the very highest salaries in those schools where half-timers and the neglected children are trained. This is the class which concerns the public most. The destruction of the stores from which habitual criminals spring depends largely on the successful handling of these children. The very best men and women, the most competent and most highly paid, should be selected for this the most difficult, the most valuable of all service to the public. (6) Lastly, and above all, the public must have the law changed so that they can resist the intrusion of the pubic-house against their will and interest among these abodes of the weak, defenceless poor; for, in all my experience, I never knew a case of a neglected child or habitual offender that did not have its evil root in drunkenness.

Mr. D. H. Saunders. 28 Dec. 1894.

13,643. You speak of 70 or 80 habitual criminals in Dundee — the Chief Constable spoke of 200?—There are 200; but there are between 70 and 80 notorious, dreadful, fearful criminals.

13,644. You will find that, by Custody of Children Act, 1891, powers of taking away children from parents have been already given, and that the authorities won't exercise them?—I don't think the authorities are aware of them, else they would use them. [The witness then withdrew.]

Miss Walker. Miss WALKER, Dairywoman, Oldmill Reformatory, Aberdeen, called in and examined by the Chairman. *Miss Walker.*

13,645. You have got charge of the dairy department at Oldmill Reformatory, and you have been nine years there; and I understand you left it a year ago in order to inform yourself about poultry, and you have had a year's experience at poultry farming?—Yes.

13,646. When we saw you at Aberdeen, you said, in answer to questions, that you thought poultry farming would be a suitable thing for the employment of women or girls?—Yes; I think it would be.

13,647. In reformatory institutions?—Yes; in reformatory institutions, so be that there were land allowed for a run for the poultry.

13,648. Where were you gaining your experience about poultry?—I was just at a gentleman's private house to see the working of incubators. I was not on a poultry farm, as we have no poultry farms in our district. My object was chiefly to learn about the working of the incubators—the heating of the chambers, &c.

13,649. What was the size of the establishment?—It was only a gentleman's private area, with one incubator and 200 chickens. At a place like Oldmill there could be a great many more raised, as there could be a larger run. It was at Murtle, and there the poultry did not thrive very well, as it was too much surrounded by trees, and there was so much fallen leaves.

13,650. Supposing you aimed at Oldmill at 500 poultry to commence with, how much land would you think necessary for that?—Two acres, with coops, would be quite enough for that number.

13,651. If you have too many poultry on a run, are they not very apt to get diseased?—But that would not be too many if they were kept clean.

13,652. How many girls could you employ in connection with 500 poultry?—With dairy, I would say about 20 to 30 girls.

13,653. What would they do?—There would be a lot of work in connection with the preparing of food, over and above the keeping of the place clean.

13,654. But you could not employ 20 or 30?—It would depend on the size of the girls, and if they were required to be in school so many hours a day. It is only the system of working with boys that I know; I have never had anything to do with girls.

13,655. You are calculating on half-timers?—Yes.

13,656. And you would take probably three shifts of girls a day?—No; two would do.

13,657. That is to say, you would take about 10 girls for a two-acre poultry farm?—Yes.

13,658. You would prefer to work them in with the dairy?—Yes; that would work far better.

13,659. With your present dairy, for instance, and 500 poultry added to it, how do you think you would manage that? If you had girls, how many would you need for your dairy?—I do not know how girls would do. They would not do at all among the cows, as they would not have strength for the milking.

13,660. But supposing you had big girls, say about the same age as the boys?—15, 16, and 17 years of age would do. For 36 cows, which is the number we have under milk just now, we would require eight girls for milking in the time that it is necessary to be done in, and to do the churning and butter-making and all combined.

13,661. But you don't mean to say eight girls could do all the work?—Yes; in connection with the dairy.

13,662. Do you mean half-timers?—Yes; to allow the one set to stop when the other comes.

Miss Walker.

28 Dec. 1894.

13,663. That is two shifts of four girls?—Yes; two shifts a day.

13,664. There does not appear to be very much employment for women even about a dairy farm?—Well, I just work it with three women.

13,665. Supposing you were working the dairy with women, and added poultry farming on to it, how many would you require?—Taking 500 hens, another woman and a girl would do quite well.

13,666. What is your idea about the monetary results of poultry-farming? You make a good thing out of the dairy, don't you?—Yes; dairies pay well.

13,667. You get a good price for your butter?—Yes; a large price for both butter and eggs just now.

13,668. The poultry you have, do they pay?—No; the small number of poultry we have do not pay. It is only for the convenience of customers we keep them. They do not pay, unless you study them carefully for market. Home-bred poultry don't pay, because you can buy them at these sales at half the price you could sell them at.

13,669. Is that so?—Yes; unless you rear them and send them to the London market direct for yourself, they won't pay.

13,670. Take the eggs, they would surely pay?—They would pay just now, but not in the summer, unless you use them for hatching. In the summer they will get the very best eggs for 9d. and 10d. the dozen. Both eggs and home-bred poultry will pay if you send them off to London; but they won't do it to consume them at home. Of course, we have private customers for ours, and they pay well enough.

13,671. What do you get for your eggs in the summer?—We never sell them below a shilling per dozen.

13,672. And in the winter?—2s., 2s. 3d., and 2s. 6d.

13,673. You have never been connected with a girls' reformatory?—No; I have been very well acquainted with the matron of the one in Aberdeen, but I have never had anything to do with it. It is laundry-work they do there.

13,674. It has been suggested to us that, for certain classes of people, habitual offenders, there should be adult reformatories. Supposing that we were to recommend an adult reformatory for women, do you think many of them could be employed either in dairy or poultry work?—If the two were combined I think they might do, but they would not do separately.

13,675. And you could not employ a great number of women?—Not unless it were on a large scale, and you were to make the women do everything. If we were to put away all the men, we could employ a great many women, but it is almost necessary that you should have so many men.

13,676. How many men have you got in your establishment?—We have four men, and we have only a man principal in each department. The boys do everything else. There are eleven boys on the farm but they are not all employed about the dairy. The number of boys employed varies according to the seasons.

13,677. You have in the dairy three women and eleven boys?—The boys are not in the dairy, they are only for keeping the place tidy.

13,678. The byre?—No; but there is a concreted square before the dairy door which has to be washed, and the road from the byre down to the dairy has also to be washed.

13,679. And who attends to the byre?—The cattleman and two boys. Then there are two boys to keep the stable tidy, and the man who has charge of the farm has from six to eight boys, and, in the harvest or a busy season, he may have twelve or fourteen or even twenty boys.

13,680. How many acres have you on the farm?—150 acres, but there are 100 acres rented. Only 50 belong to the institution.

13,681. You see that, even in the summer time, the number of boys employed in the dairy and at agricultural work is very small?—About 30 over all. We could easily employ more, but we cannot get more without reducing the number at the schools, and at shoemaking, carpentering, and tailoring.

Miss Walker.

28 Dec. 1894.

13,682. How many could you employ on the farm if you could get them?—We could easily do without two of the men. I have seen a boy at Old Mill Reformatory working the second pair. We have a man now doing that. When the Act came into operation we could not get boys.

13,683. Explain that?—When the reformatory at Inverness was shut we got their boys, but they were too small to manage a pair of horses; they could only manage one horse.

13,684. Could you get good work out of the boys?—Oh, yes.

13,685. Could you get a man's work out of them?—Yes, some boys would work as well as any man, although not so heavy work.

13,686. Willing workers?—Yes.

13,687. You must have had a lot of boys through your hands?—Yes; I have seen the reformatory cleared twice.

13,688. Have you watched them?—Yes; there is an annual return.

13,689. But that runs for only three years?—Well, a great many of the boys come back when they are grown-up men—in fact, the first boy that ever was discharged from the reformatory was on a visit to the farm manager perhaps about eighteen months or two years ago.

13,690. What was he?—He was a shipbuilder in some shipbuilding yard in Aberdeen, where he served his time after leaving. He has wrought himself up to be a foreman in some shipbuilding yard in Glasgow.

13,691. I met in Greenock the other day, in prison, a man who had been at Oldmill Reformatory, and he said that when he was there there were seven boys from Greenock in the institution?—Yes, I believe that.

13,692. He said that of these seven boys only two were doing well?—These south country boys are very difficult to keep in view. Mr Graham kept them better in view than anyone else, because he comes from the south; but there were two or three boys from Greenock, and I don't know if any of them did well.

13,693. Have you any from Edinburgh?—We have a few from Leith, but I don't know about Edinburgh.

13,694. Do they do well, as a rule?—I like the Leith boys better than the Greenock boys, because there are a good few Greenock boys Irish. There are also a good few boys from Glasgow, and one from Rothesay, and there is a number of Lochee and Perth boys.

13,695. If you were told now that half the boys that come out of Oldmill do well, do you think that would be below or above the mark?—I think that would be very near the average, so far as I can learn about them; but, of course, there is a change just now in the institution, and I think, if everything is right settled up, the boys will do better, because they have never been treated with kindness.

13,696. There is a change of governor?—Yes; the old governor was very harsh and cruel to the boys. I thought all along that, if the boys had been shown more kindness, they would have done better.

13,697. Then, do you think Oldmill boys turned out worse than those from other institutions?—I do not think that. I do not think they turned out so bad as the industrial school boys at Oakbank, but, of course, they are much younger than the Oldmill boys. We get many of the boys after they have served their time in Oakbank.

13,698. Do you know of any of these industrial school boys from Oakbank now?—There is on the farm just now a boy who was, I think, five years in Oakbank. We will be through with him in February.

13,699. Do you know why he was sent to you?—For getting out on a Saturday night, and going in at a window and stealing. Mr Smith would not take him back, and so he was sent to us.

13,700. Do many of the other cases find their way to you under similar circumstances?—Mostly for the same, but sometimes for running away. When they

Miss Walker. 28 Dec. 1894.

run away three times from Oakbank, Mr Smith goes to the court, and says he cannot take them back. Then they are sent to us.

13,701. That is, of course, bad conduct, but it is not criminal?—They have nowhere else to go. They must either take them to the industrial school, or let them go to the bad, if they don't come to us.

13,702. You know about the girls' place in Aberdeen?—I know the place; it is splendidly fitted up.

13,702A. You don't know, I suppose, much about girls?—No.

13,703. (*By Col. M'Hardy.*) Tell us what equipment you would want in a poultry yard. You would want a house?—Oh, yes.

13,704. What else?—Then, if you were to rear the poultry, you would need coops for hatching them in.

13,705. A lot of them?—A good few, whether they were hatched with hens or incubators, because you would require coops to put the chickens in after they were hatched.

13,706. What would it cost to put up a house, and coops, and all the rest of it for 100 fowls, suppose you got all the plant ready?—I could not say what the expense would be. If they were wooden they would not cost much.

13,707. £5?—Oh, yes; more.

13,708. £10?—I think that would be plenty.

13,709. You think £10 would house 100 fowls?—Perfectly.

13,710. Then, as to runs. I suppose you would give them two or three runs, and move them from one to the other from time to time?—Yes; that is best.

13,711. I think you say an acre for 200?—That would be plenty.

13,712. Breaking it up into runs?—That would be better.

13,713. (*By Dr Farquharson.*) Did you not say two acres for 500?—That would be too much.

13,714. (*By Col. M'Hardy.*) What was it you did say?—It was 500 that was spoken of.

13,715. What would you do with your ground?—It would have to be ploughed up, turned over, covered with sand, and cleaned every now and again.

13,716. Yes; but about dividing it for 500?—It would be divided into five in that way.

13,717. What would you put round it?—Wire fencing four or five feet high.

13,718. No more?—That would do.

13,719. Would they not fly over that if they were not fat?—Oh, no, they would not fly over; they won't seek to fly if they are kept in.

13,720. Don't they sometimes fly over?—Oh, yes, often, but not unless there is something enticing them.

13,721. There might be people outside enticing them?—I don't think they would fly for that at any rate.

13,722. How many would you kill for use every month, suppose you had 500?—Just at the season they were most required.

13,723. But there would not be very many women occupied in really managing this thing after all? How would you fill up the time if you had somewhat elderly girls? Could they do any kind of gardening?—Perfectly well.

13,724. But, what about digging; they could not do that? Did you ever see women digging?—Not very often. I have dug potatoes, but that is all.

13,725. But they could not prepare the ground for potatoes, for instance?—No, they would not have strength for that.

13,726. That would be reducing the amount of labour immensely, if you did only the reaping and the cropping?—But they would have all the feeding to do, and there would also be the killing, and plucking, and so on. The food is all to wash and boil, and mash up. *Miss Walker.* 28 Dec. 1894.

13,727. That would not take more than three girls at the outside?—Three girls could do it perfectly.

13,728. Can you suggest anything else you could have to fill up the time if you had—we will call them women?—There is little else you could keep them going at, unless laundry or household work. It would be losing their time to let them work outside. They must be trained to inside work as well. I train my boys so that they can do anything out or in.

13,729. Can they mend their own clothes?—Yes, and knit their stockings.

13,730. I thought they had knitting machines?—So they have; but they are taught to do the knitting by hand as well.

13,731. Cannot they get a sufficient number of boys to knit that they have to get a machine. I thought a machine would make for the whole lot?—Yes; but they get the chance of learning to knit, so that they could do it if it had to be done; there are always so many boys that can knit.

13,732. (*By Miss Stevenson.*) If it were a mere matter of filling up the women's time, you could, both in the dairy and in the poultry farm, I suppose, make a good deal of work by keeping up a very high state of cleanliness, and that kind of thing, although it would not pay?—Yes; it is just at that they are kept mostly.

13,733. What I mean is—you could do more than is actually necessary for carrying on the business?—Yes, certainly.

13,734. In model dairies, for instance, there is a great deal of particular cleaning to do?—There is a great deal of that with us.

13,735. Then, in regard to the employment of women outside, you think that none of them would be able to do the digging?—Plenty of that class of women can dig perfectly well, but I have had nothing to do with that class. I have seen women on large farms away in the north who just wrought alongside men, and could do everything. That class of women you talk about, I believe, a great many of them can turn their hand to the spade and graip as well as a great many of the men can do.

13,736. (*By Dr Farquharson.*) Is it not the case that in the Highlands a great many of the women do a great deal of the agricultural work—digging and such like?—I understand so.

13,737. Without any detriment to their health?—It will not touch their health. The women who work outside are very healthy.

13,738. How do you think that poultry farming, which is not successful with you on a small scale, would pay on a large scale?—It would pay on a large scale to send on to the London markets.

13,739. You think you could get a good opening in the London markets?—Yes; Scottish poultry, and butter, and eggs are very much sought after in London.

13,740. Where does the foreign competition come from—France, or where?—The poultry mostly come from Ireland and France.

13,741. Is that from large dairy farms?—Just poultry farming.

13,742. On a large scale?—On a very large scale.

[The witness then withdrew.]

Chief-Constable Bremner.

MR. JAMES F. BREMNER, Chief Constable of Fifeshire, recalled and examined by Col. M'Hardy. *Chief-Constable Bremner.*

13,743. You have got some supplementary information in regard to tramps since I saw you?—Yes, I have got the Sunday evening census.

13,744. Please tell us what it is?—The census in the County of Fife on the evening of Sunday last, exclusive of Kirkcaldy and Dunfermline, which have separate police forces, has been very carefully taken by the police in the various districts, and the total number of vagrants found, adults and children, is 294, of which number 26 are children and 268 adults, male and female. By the instructions I gave to the police we have separated these, as far as we could, into

Chief-Constable Bremner.

28 Dec. 1894.

two classes—what we would term real vagrants, persons who don't want to work, and those who, if we are to believe their story, are really in search of work, or would work if they could get it. The number of real vagrants out of the 294 is 137, of whom 15 are children and 122 adults. These we call regular tramps. Those in search of work, whom we believe from what is told by the persons themselves, and what the police have been able to gather from their circumstances, are 146 adults and 11 children—total, 157. I should say, however, that of these latter 27 are pedlars; that is to say, have pedlars' certificates; but I have classed them with those who are seeking to work.

13,745. Have you got any account of how many of these are foreign to the county altogether, and how many are known to the police by headmark?—Well, they know very few. They know some, but not many. Those of Scottish nationality are 176 adults and 25 children.

13,746. How many are Fife men?—It is very hard to say. We have tested their place of birth, but they are seen in Fife now and again wandering over the counties, to the best of my knowledge, of Stirling, Perth, and Forfar.

13,747. In a group round Fife?—Not in a group exactly, but individually.

13,748. I mean in the counties as a group?—Yes.

13,749. Have you got how many come before the police in Fifeshire?—Do you mean convictions?

13,750. No; I mean where the police are acquainted with them—what has been called ocal vagrants, as distinguished from strangers?—I could not give you exact figures of them from the Sunday night census.

13,751. Could you give me approximate figures?—I should be inclined to estimate them at 20 to 25 per cent. that we see every now and again.

13,752. So that the great mass of them are apparently a continuous stream of strangers?—A very large proportion of strangers at all events passing through.

13,753. Have you got any special information about their housing when you took that census?—Yes, I have. There are very few who have any fixed place of abode; but six told us that they had families left at Edinburgh, Lanark, Dumfries, Dundee, Glasgow, and Stirling.

13,754. These were males, I suppose?—These are females. I don't know what they are.

13,755. But it was men who told you?—And women as well. For example, there was one of these five a woman who was found in Cupar burgh—one child in London, and one in the Mars training ship. Of the 11 children found in the Cupar division, only three were found educated. But, in answer to your question, there are a few of the vagrants, whom we met with on the Sunday evening, have families left at these places.

13,756. The question was, that I supposed the man was the vagrant in these cases, and not the woman?—I am not able to tell you. The information given to the police may have been from a male or a female. I don't know, except in this case, of a female who was found in Cupar.

13,757. That was not her husband's home?—Well I could not say.

13,758. As to how they passed the night before or after the taking of the census?—Twelve were found in houses of refuge, hospitals, and poorhouses. That is the printed heading, but, in reality, there are no refuges. One of the twelve was a female child.

13,759. Then, in the common lodgings—where are they?—They are in the burghs principally.

13,760. These are private lodging-houses where they have to pay?—These are lodging-houses which are licensed by the magistrates of the burgh, and for which shelter the applicants have to pay their 3d. to 4d. per night.

13,761. How many were there in these?—In these common lodging-houses, and others of a better class where they pay 6d., there were 144 adults, male and female, and 13 children—total, 157.

13,762. That is about half of them?—That is so.

13,763. Therefore, many of them do pay for their night's lodging?—I have no doubt they do. Then, in public parks, gardens, or streets—

13,764. That is the printed heading, but what does it mean?—Principally about pits and brickworks—113 adult males and females, and 12 children.

13,765. Sleeping out actually?—In the shelter of a colliery, pit-head, shed with a boiler inside, or at a brick-work.

13,766. Are they sufficiently covered on a frosty night?—Oh, yes. I have no doubt it is quite comfortable for that class of people. There are as many as 20 of them found in a place of that kind.

13,767. In regard to these 294, excepting the 27 pedlars, how did you know that those who made pretensions to be looking for work were really in search of work?—We took the statements of those whom I have mentioned as in search of work, and, in the absence of any definite information known to the police of their knowledge, we must take their statements. There are indications which, in the opinion of the police, show that they are telling a true story.

13,768. Leaving aside the pedlars, were all these men with money in their pockets?—They would have a very small amount. They all live from hand to hand, from day to day, and even these pedlars are often in the same condition.

13,769. Can you give us anything about the education of these tramps?—Of these 294, the number that could read and write—it may be imperfectly, but they said they could—was 250.

13,770. Old and young?—Of the 26 children, there were only four that could read and write. The others were stated by the police to be without education.

13,771. Did they find out how the four were educated?—I cannot answer that.

13,772. But a large proportion of the adults were apparently educated?—A large number could read or write, but it may be in an imperfect manner—I should say in an imperfect manner, on the whole.

13,773. But that would not indicate that they were hereditary vagrants, if I may say so?—They must have had the blessings of the Education Act to a certain extent.

13,774. If they had been vagrants from their childhood, the same as these children, they apparently would not have been educated?—I believe a number of these whom we took on Sunday have drifted into vagrancy from various causes—it may be lack of occupation, and no means of earning money.

13,775. One would naturally imagine that in their youth they had been stationary rather than moving about from their earliest years?—I think the bulk of them come under the description that you are now stating to me.

13,776. You stated there were 137 real vagrants, and you imagine that a large proportion of these 137 had developed into vagrants through being the children of stationary parents?—I have no doubt that they developed into vagrancy from habit, and acquiring a liking for the roving life that these vagrants lead.

13,777. Were there any of them sick?—No, none of these.

13,778. I mean, did any of the 294 complain of illness?—No.

13,779. Or, did your constables take any notice of that?—They would have reported it, if they did. The children of these tramps seemed fairly well cared for as a rule; in good physical condition, I mean.

13,780. Your remark about health applies not only to the children, but to the adults?—To the whole.

13,781. All in good health?—To the best of my knowledge. If there were any ill it must have been a very small proportion indeed.

13,782. How many of them were under the influence of drink?—None, so far as the police could judge. It is very improbable that any would be under drink on a Sunday night, for if they got a supply on Saturday it would almost certainly be finished long before midnight on Sunday.

Chief-Constable Bremner.

28 Dec. 1894.

13,783. Is there any other information that you took specially that you could give to the Committee?—I do not think there is.

13,784. Can you give us any suggestion how to deal in a more satisfactory way than at present with that class of people of whom you have 127 sleeping out in the open air in Fifeshire, so as to prevent begging, and to get a hold of their children to educate them?—Well, in regard to the prevention of begging, I think I stated when I was here last that we ought to have the power that is conferred upon the police under the Burgh Police Act, 1892, but that would require to be used with discretion. As to shelter for them, if it is suggested that the state or the local authority should provide shelter for these people, that is a very big question, and I am not prepared to say what is to be done in a question of that kind.

13,785. But look at it simply from the point of view of a chief constable of a county with a lot of experience, independently of whom the expense is to fall upon. What, in your opinion, is the proper way to deal with them in regard to shelter?—It is not very easy to answer. In the first place, if we were to deal with them under compulsion we would require powers, to put it plainly, to apprehend them, and convey them to a shelter. Many of them would not thank the police for that: they would prefer to go their own way. There is a proportion that come to the police, and ask for shelter in the cells at night—a very small proportion it is, and, of course, they are refused regularly, as the cells are only for the temporary detention of persons charged with crime. Very few of the 137 real vagrants I have mentioned would come to ask shelter from the police, and, if we are to deal with them, it must be by having power to put them into the shelters against their will.

13,786. But if you applied the Burgh Police Act to the counties you would have probably, indeed almost certainly, the housing to provide not only for the 137, but for the whole 294?—Very likely, as the majority of them beg.

13,787. Then, suppose you stopped begging, the necessity for the housing would stand out more clearly?—I scarcely think you will ever stop begging.

13,788. But wouldn't you like to see shelters of some sort for those who are really in search of work?—I think it would be a good thing to have shelters of that kind here and there throughout the county. There are numbers who come in inclement weather, and ask shelter from the police, but they are refused. I decline to let them be put into the cells. These are cases where sympathy gets the better of regulations and relief is afforded by the police.

13,789. (*By the Chairman.*) Relief is afforded?—Well, I give them relief myself.

13,790. (*By Col. M'Hardy.*) Do you see how the children could be sent to school?—Yes, if you give powers to take the children away from their parents. That, however, involves the very serious question of the responsibility of the parents to the children.

13,791. Under the Industrial Schools Act, 1866, any child under 14 years of age found begging may be sent to a certified industrial school. The Act also provided that any person may bring before two justices any child apparently under the age of 14 that comes under the following description, and have committed to an industrial school, viz.:—'Found wandering and 'not having any home or settled place of abode, or 'proper guardianship, or visible means of subsistence.' That clause would seem to give sufficient power in itself, would it not?—I am not very sure of that.

13,792. It is interpreted, I understand, as if it were necessary not only to fulfil all these conditions, but to fulfil others that are enumerated in the Act; but, if that clause were to stand alone, it would cover the vagrants' children?—I am not sure that it would. I should doubt it very much. Very few of these children I have spoken about are really found wandering. They are found with persons who are their reputed parents. Perhaps it is not proper guardianship, but it is guardianship. I would have doubts whether that clause would be sufficiently strong to deal with them.

Chief-Constable Bremner.

28 Dec. 189

13,793. But it would have to be a clause something like that that would have to be passed in order to obtain charge of these children?—It would. You are taking these children away from their reputed parents—if it is thought desirable—and educating them. We have nearly every year cases of children sent to industrial schools under that very section, but not many.

13,794. Of these tramp children?—Yes; of parents that are really unable to maintain them.

13,795. Who are tramping?—Who are going from place to place seeking work.

13,796. (*By the Chairman.*) Would not this clause I already referred to cover them, viz.:—'That is found 'begging or receiving alms, or being in any public place 'for the purpose of begging or receiving alms'?—I believe it would, to a certain extent, cover a number of them, but not the class that Col. M'Hardy is pointing at.

13,797. (*By Col. M'Hardy.*) In regard to those of whom you spoke as having been got hold of, what are the conditions you point to?—I point to the conditions of children whose parents, to my own knowledge, are literally leading a vagrant life, wandering from place to place. The children, loitering on the streets, get into bad habits, and beyond the control of their parents. These children are in danger of lapsing into crime, and some of them may have committed petty crimes, but, rather than send them to a reformatory, we send them to an industrial school.

13,798. This Committee has found, in examining a variety of witnesses, many of them chief constables and persons connected with the administration of justice in Scotland, a very great variety in the handling of the police in regard to the offences about which we are making investigations. Do you think that something more nearly approximate to uniformity could be arrived at if the inspector of constabulary were instructed to discover the different modes in which these classes were dealt with by the chief constables, so that they might be advised to proceed more generally on the same lines?—Well, I should like to know what the lines are where the divergence occurs in the mode of treatment.

13,799. There is a very great divergence in dealing with drunks, for instance. Sometimes they are liberated when sober, and other times they are brought before the magistrate without fail. There are also, as you must be aware, great differences in dealing with prostitutes. These are the sort of differences I mean. The matter is impressed upon one's mind in looking at the various records that have been prepared for us by the immense differences in the numbers apprehended per thousand?—You spoke just now of the police dealing with them. From my point of view, in Fifeshire, it is the magistrates that deal with them, not the police.

13,800. But I am speaking of before he comes to the magistrate?—But the police in Fifeshire do not deal with them before they come before a magistrate.

13,801. I am not speaking of Fifeshire. You may take it there is a divergence; do you think there would be any objection to the inspector of constabulary inquiring into them?—Not the least.

13,802. (*By the Chairman.*) Here is a point in your own county. I find that the arrests for breach of the peace, petty assault, drunk and incapable, disorderly conduct, vagrancy and begging, prostitution, and petty theft in 1893 numbered 1456, of which 1389 were dealt with by conviction or admonition or pledge forfeited; but in Dunfermline, which is in your county, though not under your jurisdiction, there were 723 arrests for the same thing, and 722—that is every individual, except one—were dealt with by conviction, admonition, or pledge forfeited. That is to say, in your case there were about a hundred men either found not guilty or disposed of some way else; but in Dunfermline every one of them, with a single exception, appears to have been found guilty, taking the forfeited pledges as assuming guilt?—I quite believe it. There

Chief-Constable Bremner. 28 Dec. 1894.

are 24 or 25 police or royal burghs in Fifeshire in which magistrates exercise jurisdiction, and these magistrates, although they do their duty well, they probably have not the same idea of punishment, and hence the men in one burgh may dismiss with an admonition where another would put on a penalty.

13,803. Yes, we quite understand that. A man is brought up before the magistrate, and the magistrate deals with him by an admonition. That is all right; and I have no doubt that these 722 in Dunfermline and 1389 in Fifeshire included many admonitions; but between those dealt with by the magistrate, and those arrested in Fifeshire, there is a difference of about 70, while in Dunfermline the difference between those dealt with by the magistrate and those arrested is only one?—Is there no column in which the difference is explained by 'not proven.'—(*Dr Sutherland.*) No; that was not asked for.

13,804. I suppose I may take it your men sometimes make mistakes, and the accused person is found not guilty?—There are occasionally breaches of the peace and such like 'not guilty.'

13,805. I shall put the matter to you in this way: If the ratio of cases disposed otherwise than by 'conviction, admonition, or forfeited pledges' was the same in Fife as it is in Dunfermline, instead of having 67 people so dealt with you would have only two; and if the ratio were the same in Dunfermline as it is in Fife, instead of there being only one there should be about 33?—Yes, I quite see that; but I observe that other counties show even greater differences.

13,806. Yes; but I simply took your own case, thinking you might explain it?—I cannot, unless these are cases found not proven or not guilty. That is the only explanation I can give without inquiring into the matter.

13,807. (*By Dr Sutherland.*) Would the discrepancy arise owing to the action of burghs policed by you working under the Lindsay Act or the Scottish Burgh Police Act? These prisoners might be liberated without bringing them to trial?—Perfectly.

13,808. That explains the some 70 of difference?—It might. Take Cupar as an illustration of what is done in other burghs. Many of the prisoners brought in on Saturday night for being drunk are dismissed by the bailie who comes down on the Sunday morning.

13,809. Is Cupar given in the Fife returns?—Yes; everything except the two burghs of Dunfermline and Kirkcaldy.

13,810. Are these you refer to dismissed with an admonition, or what?—Dismissed, and told to sin no more.

13,811. (*By the Chairman.*) They don't come before the magistrate?—Yes, they do. They come before the magistrate in the police office.

13,812. Do the magistrates come to look after the prisoners throughout all your jurisdiction?—When there are prisoners apprehended in any of the burghs on Saturday night it is the duty of the constable in charge to get a magistrate on Sunday morning to come to the police office and remand or discharge them.

13,813. Is it general in any other county?—I do not know.

13,814. You have been in other big towns?—Not in connection with the police.

13,815. Do you know about the Dundee practice?—I do not.

13,816. Kirkcaldy and Dunfermline will give you the same difference; there must be some difference of procedure between these two places?—Please state the figures.

13,817. There were 890 arrested in Kirkcaldy, and 850 brought to trial?—I have very little doubt these 40 were dismissed with a reprimand, and told not to come back again.

13,818. You can easily find out from your officers what is the difference between Kirkcaldy and Dunfermline?—I shall try.

13,819. (*By Dr Sutherland.*) In regard to your own figures, this Sunday method of treatment explains the difference between the two columns?—I have no doubt that is the explanation.

13,820. (*By the Chairman.*) How does the Sunday method work?—Oh, well. There has been a standing order in the county that no man is to be locked up longer than enables the police to take him before the magistrate. On a Saturday night, if a prisoner has committed an offence or crime which is outwith the burgh, I get a justice of the peace to come, and, in all cases where the crime has been committed within the burgh, one of the magistrates comes down regularly on the Sunday mornings. Chief-Constable Bremner. 28 Dec. 1894.

13,821. And he either remands or dismisses?—That is so.

13,822. (*By Col. M'Hardy.*) Is it necessary for him to remand—the confinement would be legal enough till Monday?—Yes; but I don't want to assume the responsibility of the confinement. I want the confinement by the police to be limited to the very shortest time. It frees the police from anything like the accusation of keeping a man longer than they should do before bringing him before the magistrate.

13,823. Then, from all that has been said, you are now satisfied that there is a considerable variety in the police administration apparently, and different authorities, and that you see no objection to it being made the business of the inspector of constabulary to look into these matters, and report on them to the Secretary for Scotland?—Certainly, I would have no objections. It would, perhaps, be beyond his province to enter into the matter of the discrepancy of sentences in different courts for similar crimes.

13,824. (*By the Chairman.*) How could you possibly rectify that state of matters? Have you any suggestions to make?—No, I cannot say. Even sheriffs differ very much in their sentences.

13,825. And so do justiciary judges?—Quite true.

13,826. (*By Miss Stevenson.*) I wanted to ask you about these tramp children. You expressed the opinion, which I think is a right one, that it is a very serious thing to remove from parents the responsibility of their children, and to break the parental tie, but that is a thing which is done under the provisions of the Industrial Schools Act constantly in the case of parents who have a settled habitation, and whose children are taken from them for little petty thefts, like stealing apples, or little trivial things of that sort. These children are taken away from their parents until they are 16 years of age. Do you think it would be a greater responsibility to take away the children of parents who have no settled home and no opportunities of otherwise educating their children?—My idea is that the State would be assuming a very large fatherhood over these children if it took them away from the fathers and mothers. Many of the fathers and mothers would be very glad, I have no doubt, to get quit of them in that way. I think it would be a very undesirable thing for the State to do.

13,827. Don't you think it is possible that, if the children of these tramp families were committed to some kind of industrial school or place of detention, that it might be an inducement to the parents to make some sort of settlement in the place where their children were?—I think it would be a good thing for the children if they were removed from the sphere of evil that surrounds them, and placed in some ordinary locality where they might be clothed and looked after.

13,828. But my question was, do you think, if these children were taken away from their parents and put into an industrial school, that that would be an inducement to the parents to settle near them?—I do not know that I could answer that question. Their parents, when out of work and rightly disposed, might settle; but I do not think the tramp class would settle as a rule. They have got the wandering habit ingrained in them.

13,829. Have you any experience of the children you say have been sent to industrial schools from that tramp class as to whether they have turned out well?—Yes; the majority, so far as I know. A few have lapsed. We know about the 'Mars,' for example, pretty well, and I believe it would be a good thing for the children.

Chief-Constable Bremner.

28 Dec. 1894.

13,830. Do you think it would be a very great responsibility?—I think it would if the State or the local authorities, or whatever the authority, were to take over the responsibility of feeding, clothing, and educating these children.

13,831. (*By Dr Sutherland.*) Supposing it were decided that temporary relief should be given to those tramping through the country, who would be the best public officials to dispense the same, and to discriminate between the worthy and the worthless?—May I ask if you point at those who are really seeking work, or to the real vagrant classes?

13,832. Suppose it is left to some public authority to afford relief to the honest tramp in search of work, who would be the best official to carry out these provisions? Never mind the source from which the money is to come?—I think the police, conjoined with the parochial authorities, would be the most suitable.

13,833. How could the parochial authorities be available, seeing that there are six policemen for every poor inspector. Inspectors of poor live miles apart, and could not, without great expense, afford timely relief. Would it not, for obvious reasons, be much better under these circumstances that it should be left to the police, who are near to each other?—It might, as far as Fife is concerned. I would have no objections.

13,834. And might not there be another benefit if the police were giving the relief, namely, that the policeman in one district might pass the man in search of work on to his neighbour, and so on through the counties, and thus the police would ultimately come to know if these men were really honestly in search of work or not?—It might, so far as the police are concerned. I would have no objections to try it.

13,835. The police are within two or three miles of each other, and in touch?—Yes, in Fife; and in other counties we have conferences every week.

13,836. That is not the case with the inspectors of poor?—It is not. I would fear, however, that you would have strong opposition from the counties.

13,837. In regard to what?—In regard to employing the police for this purpose.

13,838. On your own admission it is not a very serious matter?—Personally, I should make no objection to it.

13,839. You say you have only 290 vagrants. How many policemen have you?—92 in all.

13,840. That is, on an average, three vagrants that each constable would have to make up his mind about whether they were suitable for relief or not?—Yes.

13,841. Three a day would be the average which each policeman would have?—It would be the average; but it would by no means represent the actual number that would come to certain policemen who are on the high roads.

13,842. It would be a case of being more on the highways than in the rural districts?—That is so.

13,843. Would not a policeman with his knowledge be a better person than the poor law official to discriminate who should get relief?—Yes, I think so. I have no hesitation in saying that.

Chief-Constable Bremner.

28 Dec. 1894.

13,844. And by this process he would come to discover who was the honest and who was the dishonest tramp, and then we would be in a better position to put down what is obnoxious in vagrancy. A vagrant would be passed on from policeman to policeman, and the time would come when the police would be in a position to declare that this man was a dishonest tramp; and you would be in a better position, would you not, to deal with him?—Yes; but that is assuming the necessity of a policeman apprehending everybody who seems to be a vagrant, or looks like one.

13,845. Not till he has passed through the mill of several policemen?—I have no objection to it. I believe the police would be the proper parties for that purpose.

13,846. (*By Dr Farquharson.*) I think that you say the children of vagrants and tramps are fairly well looked after on the whole?—Those who come under my notice generally appear to be so; and, in other parts of the county, they seem to be fairly well nourished and fed. As to clothing and cleanliness I cannot say.

13,847. Are they rough in their manners—swearing, and so on?—I cannot say that.

13,848. Do they swell the criminal classes generally?—Well, I don't know. They continue to be vagrants, but I don't know that I have followed that up.

13,849. The want of education does not appear to do them very great harm?—It depends on what they are after 14, 15, or 16 years of age.

13,850. You don't know whether they continue vagrants or become criminals?—I am afraid they do both.

13,851. Do you consider the position of the children is so threatening as to make it desirable for us to suggest legislation to make the State take the great responsibility you have spoken of?—Well, I cannot fail to see a great difficulty in answering that question.

13,852. You admit that we would have to make out a very strong case if we were to take that course?—I do so. The vagrant and wandering class, in times of depression of trade, is largely increased. Persons who begin by being out of work, and who fail to obtain work for a time, lapse into a state of vagrancy. They become, if not chronic, at any rate temporary vagrants.

13,853. They may be beggars and not steal?—Well, the number of crimes committed by tramps is small in comparison to the number that pass through the county.

13,854. Do they drink a great deal?—They seem to get drink when they cannot get food.

13,855. They don't seem to be very much worse than the lower class of people in large towns?—No, I don't think they are, from what I see of them.

[The witness then withdrew.]

[Adjourned.]

TWENTY-SIXTH DAY.

Scottish Office, Dover House, London, Tuesday, 29th January 1895.

PRESENT:

Sir CHARLES CAMERON, Bart., M.P. (Chairman).
Col. A. B. M'HARDY, R.E.
Sir COLIN SCOTT MONCRIEFF, R.E.
Dr FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr J. F. SUTHERLAND.
Miss FLORA C. STEVENSON.

Dr. David Nicolson. 29 Jan. 1895.

DAVID NICOLSON, M.D., Superintendent of the Government Criminal Lunatic Asylum, Broadmoor, and President-Elect of the Medico-Psychological Society of Great Britain and Ireland, called in and examined by the Chairman.

Dr. David Nicolson. 29 Jan. 1895.

13,856. You were a member of the Departmental Committee appointed by the Home Secretary to inquire into the subject of habitual drunkenness?—I was.

13,857. We have, of course, the report of that Committee before us; but, from your connection with the criminal insane, I have no doubt you have formed certain opinions on the subject of the treatment of habitual drunkards, which are probably individual to yourself. Have you anything to add, as your own opinion, to those expressed in the report?—These opinions are the outcome of my own experience, as well as an expression of the opinion of that Committee, after hearing the evidence which had been placed before them.

13,858. What number of criminal lunatics have you at Broadmoor?—About 650.

13,859. In Scotland we have found a large number of weak-minded persons in prison, who are evidently more or less inclined to lunacy. Some of these have been actually in a lunatic asylum. Are there many of that class in English prisons?—My impression is that the weak-minded class would be two or three per cent. of the whole. These are weak-minded people who are unfit to manage themselves in the world, and who are unable to be submitted to the complete discipline of prison life.

13,860. What do you do with them in England?—Until the Woking Prison was done away with they were sent there and left doing light work, without being certified to be insane, until the expiration of their sentence. They were then discharged.

13,861. Those were convicts?—Yes.

13,862. But, putting aside the case of convicts, let us take ordinary petty offenders. Do you know about them?—No. In the prison at Millbank we had military offenders; but I have never been stationed at a local prison where short sentence prisoners are kept.

13,863. What did you do with the short-sentence prisoners at Woking?—There were no short-sentence prisoners there; but the weak-minded convicts were on a relaxed form of prison discipline, with light labour out in the fields.

13,864. In the fields?—Yes. They did a little gardening, filled the water-cart, raised water in the well, and did a variety of light jobs of that sort.

13,865. What becomes of them now?—After Broadmoor was opened in 1863, all insane convicts were sent there up to 1876. It was then found that the arrangements at Broadmore were not adapted for a large number of convicts, and an arrangement was made for one of the wings of Woking Prison to be set apart for the special treatment of lunatics. A difficulty, however, arose with the Lunacy Commissioners in regard to uncertified lunatics, and ultimately the question was solved by our building at Broadmoor special wards for the convicts, who were thereupon all transferred from Woking to Broadmoor. Now we take all convicts who become insane, both male and female, from convict prisons.

13,866. What becomes of the insane prisoners under short sentences?—They go to the county asylums.

13,867. Are they detained there during Her Majesty's pleasure?—They are detained there until the expiration of their sentence.

13,868. Take such a case as this which occurred in Scotland, where a man shot at a policeman, and a plea of insanity was put in to bar the trial. He was upon that committed to the Perth Criminal Lunatic Asylum during Her Majesty's pleasure; and, at the present time, there are similar cases in Perth, where they are detained for periods generally considerably longer than they would have been in prison, if they had been sentenced in the ordinary way for the act they had committed.—(*Witness.*) Was that a murder case?

13,869. (*The Chairman.*) No; it was a shooting case. But take the case of an ordinary man, who is not sentenced because he pleads insanity. What becomes of him in England?—He comes to Broadmoor. All the Queen's pleasure lunatics come to Broadmoor, with only few exceptions. We also have there convicts who become insane while undergoing their sentence.

13,870. In the case of a short-sentence prisoner who becomes insane; he is sent to the county local asylum until the expiration of his time?—That is so, with very few exceptions. We have three or four of the short-sentence men in Broadmoor, but these are exceptional cases, sent to us on account of their violence, or for some particular reason.

13,871. When they are sent to the local asylums, are they maintained at the expense of the parishes?—No. At the expense of the Government. Criminal lunatics are paid for by the Government.

13,872. By what authority are they detained, assuming that they become sane? Has the medical officer the same powers of liberation as in the case of an ordinary lunatic? Is he bound to keep them in the asylum, or does he hand them back to the prison authorities?—At the expiration of their time they become absolutely pauper lunatics, both convicts and ordinary prisoners. If a man becomes sane before the expiry of his sentence, he must be sent back to prison. In county asylums they cannot keep a man unless they are able to certify him as a lunatic.

13,873. At Broadmoor do you believe there is a large percentage of cases in which insanity is due to intemperance?—Not a large proportion in which insanity is due to intemperance alone.

13,874. Due to what causes?—Intemperance, in connection with other tendencies and predispositions to insanity, becomes one of a number of factors that induce insanity. My experience is that, in a number of cases where men would be ordinary lunatics, and dealt with as ordinary lunatics, the excessive indulgence in drink determines towards the committal of a criminal act. In that sense intemperance has considerable weight in a number of cases in making an ordinary lunatic into a criminal lunatic. That is the only point where a kind

Dr. David Nicolson.

29 Jan. 1895.

of discrimination and distinction between the two can be made—that, in the sense of making a lunatic into a criminal lunatic, intemperance has considerable weight. But I do not believe that intemperance of itself is largely a factor in the production of insanity.

13,875. In this report you recommend that the institution of retreats should be encouraged for those who can provide the funds necessary for their maintenance, and that in certain cases support should be given from the rates. Have you any ideas of your own as to the particular allocation of the expenses of such retreats?—Well, of course, that particular section is one upon which a very considerable diversity of opinion might very fairly arise. My own feeling is that, if any social legislation is to take place on these lines, the wider its scope and the wider the powers that are handed over to the State so much the better. I feel that, if the State would take up the management and control of institutions of this sort, it would relieve the public mind of the feeling of suspicion due to the shutting up of habitual drunkards in institutions maintained for the interests of private individuals.

13,876. In fact, you have similar ideas of these institutions as you have of lunatic asylums. I presume that you deprecate private lunatic asylums?—I would not say I 'deprecate' private asylums. They have been going on for a sufficient length of time to have established themselves as proper places of treatment for lunatics; but in an experiment of this sort, where the 'liberty of the subject' is the great 'bogey' that is held up to the public, I think that no step should be overlooked that would tend to give those institutions a fair and honest stand in the public mind. I am sure that, if they were under State supervision and management, the friends of the patients would have more confidence in them, and the patients would feel that, if it was a matter of sufficient importance for the State to take up, they would be willing to fall in with the requirements which the State felt necessary to provide for them.

13,877. You made a recommendation (No. 11) that reformatory institutions should be provided and aided by local funds. Did you go into the question of the incidence of expense? Then, again, have you any individual ideas on the subject?—I think myself, if the place were started on a good footing, and if some portion of the cost of it came from the State or from local funds, the work which could be got from the people who came to them would go very far towards paying their own expenses, with the help got from those inmates who were able to pay their own way.

13,878. Do you get much work out of the criminal lunatics?—Yes, we get a lot of work out of the criminal lunatics. For every 1s. the criminal lunatic earns he gets 1½d. to spend in any way he likes, or to send to his friends.

13,879. How much does he earn?—It is a pity I did not bring the report. I could have shown you how much we earn. We make all our own clothing, and the uniform for attendants, and we have carpenters, shoemakers, and others employed in garden labour. The carpenters do much of our woodwork, and all the kitchen gardening is done by the inmates. Everything is estimated, not quite at outside prices, because, in the garden, the value of work ranges from 2d. to 6d. an hour. If an old cripple goes out and potters about and does a little work, we allow him 2d. an hour. But, if another man proves to be a good workman, he gets as much as 6d. an hour, and would earn for himself 2s. or 3s. a week. They may earn for the country 15s., £1, or 25s. a week, and of that they get one-eighth.

13,880. In your report, I suppose, you have full details on the subject of the value of the work. Would you send us an abstract of it?—I shall be glad to send you the actual details.

13,881. Have you the cost of each lunatic?—That is £43 or £44 a year. That does not include the interest on the buildings. There is maintenance and clothing, and the cost of the staff. Everything except the new works and ordinary repairs on buildings.

13,882. Can you give us the average earnings of the inmates for themselves?—I think it amounts to from £400 to £500.

Dr. David Nicolson.

29 Jan. 1895.

13,883. They get one-eighth of the value of their work?—Yes. The work is estimated at so much. Shoemaking is estimated by piecework. A man gets so much for making an upper, and the making of an upper is valued at so much.

13,884. If the inmates earn £500 for themselves, it means that they have made in all eight times that amount?—Yes. If they got £500 they would have earned £4000. I see that in 1893-94 the amount they got was £573.

13,885. And they worked for eight times that?—Yes, that is so.

13,886. What work have you for women?—They do laundry work, and they make clothing.

13,887. Have you any outdoor work for women?—Not for women.

13,888. Is it not desirable in the treatment of lunatics that they should have outdoor work?—We have no outdoor work for women. The difficulty of outdoor work with us on any large footing is the cost of supervision. Our neighbours do not fancy an escape, and I have no fancy for it myself. The large garden in which they work is surrounded by a 16-feet wall. You see, our inmates are criminals, and possibly dangerous; but, with the class of persons concerning whom the Committee is inquiring, the difficulty associated with outdoor work with us would not be so much to the front.

13,889. What has become of Woking Prison?—It is now handed over to the military authorities.

13,890. Is there any provision in the English law for the mitigation of the sentence of cases of weak-minded prisioners?—They have to go by the regulations applicable to licenses, on the mark system. They would earn one-fourth of a reduction of sentence, but nothing more than that.

13,891. But, if they are weak-minded, probably they would not earn their marks?—They do not get much for industry; but for industry and good conduct they may earn 8 marks a day, and in that way may have their sentence reduced by one-fourth.

13,892. (*By Col. M'Hardy.*) I thought the convict regulations of England provided for the retention of cases such as you describe, who had not been able to earn a proper number of marks when the time came for their discharge?—I should think that they would probably give a case of that kind 7 marks, as infirmary cases, for good conduct without industry.

13,893. Have you observed the effects of prolonged drinking in any of the people you have seen in prison?—I have been 28 years in prisons and asylums. I cannot say I have seen such effects in many prisoners.

13,894. Have you seen anything done to eliminate the bad effects of prolonged drinking?—The only thing you can do is to keep them from drinking in the first instance, and promote their physical tone of health by work and otherwise, and re-establish a normal condition.

13,895. Have you seen such treatment tried with success in prisons, or in your own establishment?—Undoubtedly it is successful, so long as you keep them from drinking.

13,896. Have you ever followed up any case to know whether the reformation has been permanent after any treatment you have seen applied?—I am unable to say with regard to pure drink cases; but in cases where drink has been the means of bringing them to Broadmoor, and where we have discharged them conditionally to the care of relatives who have to report to me every three months any relapses into intemperance, I am bound to say that there are a sufficient number of cases who have been able to keep well after their prolonged detention in Broadmoor to warrant me in saying that their detention had produced beneficial results.

13,897. Can you give any idea of the minimum detention that would be likely to effect a cure in a person suffering mentally from dissipation?—My own feeling is that the longer you can detach him from the liabilities of

Dr. David Nicolson.

29 Jan. 1895.

a wandering and intemperate life the better. Anything short of one year or eighteen months is practically useless. I make that as a general statement. For instance, in the case of a weak-minded woman who has come to us suffering from insanity, after confinement,—a puerperal case—even after she feels herself practically recovered from active insanity, I should not allow her to go away until eighteen months have expired. I do so from the feeling that that is necessary to recover to her her tone of mind. And so it is in drink cases.

13,898. The hopelessness of the cure, I suppose, depends on the cause which produced the particular state which induced either the drinking or the insanity? What I mean is, that if you have got an organic cause, that would be more difficult to remedy than some cause that had been the result of bad habits which had been learned?—That would be a very different case.

13,899. (*By Professor Dove Wilson.*) Have you many persons licensed out from Broadmoor?—We have on conditional release a considerable number—forty or fifty.

13,900. Of those, are there many who have originally come to the asylum because of drinking over and above their lunacy?—I should say, without speaking of those forty or fifty, that of the cases that come to Broadmoor, where the cause could be assigned, after examination, for the lunacy, I find about 30 per cent. of them are connected one way or another with drink, directly or indirectly. I would not like it to be understood from that, that 30 per cent. come as the result of drinking alone. That is a very different thing. Intemperance is a cause of criminal lunacy, but there are other causes mixed up with it which make a different set of circumstances, which have to be weighed in each case.

13,901. Can you give me any idea of the proportion of those cases that you have conditionally released on license, that have been brought in from drinking, that are behaving well after you let them out?—I would not like to put a percentage on it.

13,902. Do the majority relapse occasionally?—The majority of those who go out do not relapse. Only a small proportion come back. If they relapse I can send for them without their committing any other offence. I keep them under supervision for years, and only a small proportion of those we let out come back.

13,903. (*By Dr Sutherland.*) I take it that under your care you have the largest number of sane people in any insane institution?—I don't know.

13,904. I mean of those criminals on whose behalf the plea insanity at the time of the crime was pleaded, or insanity in bar of trial, and who would be Queen's pleasure prisoners. How many have you of such at Broadmoor?—About 550.

13,905. How long are these people kept in Broadmoor on an average?—Taking one case with another of those who are discharged I should say six to eight years, or something like that.

13,906. Most of these Queen's pleasure cases, I presume, are those whose insanity might be ascribed to alcoholic excess?—No; I do not say that at all.

13,907. What is the proportion of the 500 who are sent to Broadmoor who have committed grave assaults or murder, and in whose behalf insanity was set up as a bar to trial or to sentence?—I should say, speaking roughly, in above one-third of the cases intemperance has been connected with them. As I said just now, about 30 per cent. Even that is an over-statement, because I eliminated in that calculation those cases where the cause was put down as unknown.

13,908. Is it not the fact all over England, just as we have it in Scotland, that cases of brutal assaults or murder have been committed during the transitory mania of intoxication, *delirium tremens*, or *mania a pôtu*?—Not in my experience.

13,909. What do you think is the proportion of insane people in ordinary asylums whose insanity is due directly to alcoholism?—That I am unable to say. My own experience leads me to form no conclusion about it. I have been connected with criminal work, and I have had no opportunity of testing it. One man's standard of the causation due to alcoholism is different from another man's. Those who ride hobbies on the subject will find out a large proportion of insanity due to intemperance, and are unwilling, or, at least, do not choose to eliminate other causes that ought to be weighed along with intemperance.

Dr. David Nicolson.

29 Jan. 1895.

13,910. In the classification of your inmates, what proportion do you put down as due to the four different phases of alcoholic insanity?—We do not classify them in relation to intemperance at all to begin with.

13,911. I was under the impression most of asylum superintendents stated how many inmates were there from over-indulgence in alcohol?—I was looking over those where the causation was known, or was believed to be known, and in 30 per cent. the word 'intemperance' comes in either directly or indirectly as a cause, along with some pre-existent condition. Where the causation is said to be 'unknown,' it makes a considerable difference in the total.

13,912. Have you any suggestions to make in regard to those cases of drunkards sent to asylums suffering from *delirium tremens*, and who can discharge themselves in a few days?—(*Witness.*) You mean voluntary cases?—(*Dr Sutherland.*) Yes.—(*Witness.*) I think that, leaving out of account the words 'disease' and 'vice,' my own impression is that the simple act of habitual drunkenness is to be regarded as an infirmity, and ought to be treated as such; that some steps should be taken for its special treatment altogether apart from the question of lunacy.

13,913. Would you be inclined to look upon the transitory mania of intoxication as certifiable insanity, though it is not at the present time in this country legally so?—No. On the contrary, I say that cases of intemperance ought to be dealt with with a much firmer hand than they have been. They ought to be kept in hand by some stronger power than that which belongs at present to the police magistrate.

13,914. In the case of patients admitted to asylums suffering from *delirium tremens* or *mania a pôtu*, is it desirable that they should be able to discharge themselves after a few days' residence?—I say it is not desirable.

13,915. What do you suggest should be done with those people who can no longer be certified as insane, but who still have the craving?—My opinion is that, instead of their going to an asylum, they should be taken to some institutions that partake more of the nature of a reformatory, in the sense that those people should be dealt with by the law apart from the lunacy law.

13,916. Would you be satisfied if, after the temporary insanity had passed away, these people should be committed to inebriate retreats?—They should be kept in some place for a lengthened period, whatever you choose to call it.

13,917. You think the present system by which these dipsomaniacs get out of an asylum so readily is bad?—Yes; they are a public nuisance and a danger.

13,918. Have you any suggestion to make in regard to those cases where men have been known to be intemperate for long periods, but who have not come under the cognisance of the police until they committed some fatal assault? Have you any suggestion to make as to how these people should be dealt with before they reach that point?—I think it should be to some extent a matter that should be left for the consideration of a high public official to decide whether in this or that case of the kind the person should be allowed to go at large.

13,919. What kind of an inquiry would you set up to decide the future of this individual?—I think it ought to be before a justice of the peace or a magistrate of some sort. A public state official ought to be the individual to decide; and a recommendation might be made to the Secretary of State or other official for conditional release.

13,920. Would you have the inquiry public or private?—The risk of a public inquiry is that it tends to prevent cases coming up that would otherwise appear. I think a public investigation is not necessary; but it should be held before a magistrate or properly qualified justice.

Dr. David Nicolson.

29 Jan. 1895.

13,921. Supposing one of our recommendations was that a person who had been convicted thrice of drunkenness during a year should be liable to be had up before such a tribunal, don't you think you would have a pretty large number to pronounce upon?—They are landed on our hands at present. They appear day after day in all our courts.

13,922. Yes; they are landed on your hands as prisoners for a few days, and then discharged; but if you are going to deal with them as inebriates, and lock them up for considerable periods, would the effect of taking three convictions during the year as the standard not make the number exceedingly large?—I do not think there is any intention of making a man a habitual drunkard because he has been three times before a court. In that case such institutions would become rather overcrowded. I take it that a habitual drunkard must have been before the courts time after time, and qualified in that way for special treatment. The idea was that if such a man came three or more times before the public courts in a year, then he ought to be dealt with by a public functionary for his own good and that of the community.

Dr. David Nicolson.

29 Jan. 1895.

13,923. In regard to sureties, do you think there is any use in enforcing these against drunkards of the poorer class?—I do not think there is any likelihood of benefit coming from it in one way or the other.

13,924. Is that because nobody would become surety for people of that class?—Well, they would be difficult to find. People in the middle class, with money, can generally get some one to ask that they should have another chance. [The witness then withdrew.]

Mr. William Tallack.

MR. WILLIAM TALLACK, Secretary to the Howard Association, London, called in and examined by the Chairman.

Mr. William Tallack.

13,925. You are Secretary to the Howard Association for the purpose of promoting prison reforms?—Yes. The association exists for the purpose of promoting the best methods of penal treatment and crime prevention.

13,926. Take the case of the habitual petty offender. You say there is need for progressive detention?—Yes. It is all but universally admitted in theory, if not in practice, that the present method of dealing with habitual offenders by constantly repeated short sentences is altogether a fallacy. When we find, for example, from documents that you, Sir Charles, and Dr. Sutherland, have issued in connection with the bringing about of better legislation for the treatment of drunkards, that large numbers of men and women are convicted as many as twenty times in one year, and that, as Dr. Sutherland shows, one thirty-third of the habitual offenders in all Scotland get one-third of the sentences there, I think it shows that some change is required. In the suburb of London where I reside we have a case of an unfortunate woman who has been up about 300 times for drink and disorderly conduct. When we have such things as these constantly happening, it proves that we ought to have some better system. The system which seems to have approved itself to those who have thought of it, is to have a progressive system of sentences. I think that is a great desideratum.

13,927. What do you suggest exactly on that point?—Well, first, there is a class of disorderly persons whom I distinguish from those who are habitual drunken offenders. For these, as a sort of compromise with public opinion, I would suggest that we should introduce a system of fortnightly cumulations—very gradual cumulations of a fortnight's increase on each sentence. Supposing such a person is brought up—say that wretched woman I have mentioned—for the first time, she should be dismissed with a warning; for a second offence the sentence should be a fortnight's imprisonment; for a third offence a month, and so on. Under such a system it would take 26 sentences to reach one year, so that no one could say such an offender was harshly treated. The thing that brought discredit on cumulative sentences in the past was the extreme harshness of the cumulations, and the great length of time for which a person was imprisoned under them. That has been relaxed latterly to some extent. Formerly, they had such a system, which was favoured even by such good men as the late Mr. Barwick Baker, J.P., and the Earl of Carnarvon, under which a man for a felony could be sentenced to six months, then to two years, and then for five or seven years' penal servitude. These rather cruel and excessive leaps tended to bring cumulation into public disfavour. In America the most recent suggestions are in the same direction—to send offenders to prison for a year or two, for five years, or for life. They desire the old cumulation by leaps and bounds in contrast to what I advocate for these disorderly offenders—a gentle system of fortnightly cumulations.

13,928. I do not know what the average sentence in England is, but in Scotland, in such cases, the sentence is often very much less than a fortnight. Five days is a favourite one, I think. It ranges from 24 hours up to 30 days—the latter being considered a severe sentence?—Yes. When I was in Dundee last summer, the Governor of the prison showed me some local statistics, and I found there was a little group of women who were in and out almost repeatedly, for merely five days at a time. It would be a mercy to such poor creatures as these to cumulate their sentences.

13,929. I see you differentiate between disorderlies and drunkards; but we have not come across a pure drunk prisoner yet. So far as I remember, the prison records of all these habitual offenders is something like this: At one time it is drunkenness, at another disorderly conduct, at another assault, at another using profane language, or being guilty of indecent conduct, and so on. They ring the changes in that way without exception. You may find one had up more frequently than another for being drunk and incapable, yet the lines, as I have said, diverge into each other without exception?—Yes; but is it not found that generally these inveterates are of drunken habits? If it were not for the drink they would not be disorderly. Drink comes first, disorderly second.

13,930. I ask you that, because I see you suggest here that the progressive detention should be a fortnightly increase for disorderlies, and a longer one for drunkards. Of course, we are dealing with police-office drunkards?—In connection with that most useful measure which you, Sir Charles, and Lord Shaftesbury brought in, The Habitual Drunkards Act, you specially attached importance to the necessity of keeping habitual drunkards, both those of the better class and those belonging to the criminal and helpless class, for sufficient periods of detention to affect a cure, and the Departmental Committee of 1893 made the same recommendation. Experience shows that one year is the minimum period of detention to affect a cure. For this class of cases I suggest that they should first get a week, then a month, then six months, then twelve months, then eighteen months, and then twenty-four months. Twenty-four months should be the maximum sentence for habitual drunkenness. That would apply not merely to criminal drunkards, but to non-criminal. The worst disorderly persons should be confined, at any rate during their first sentence, with cellular separation. Drunkards should have no cellular separation, nor when they go to the longer periods need they necessarily be detained in a prison. After a time we might adopt the principle of probation and conditional liberation, placing the persons under the care of relatives, or other responsible persons, as is now done in connection with refuges and reformatories.

13,931. In the case of pure police drunkards, would you not anticipate great difficulty in finding any one anxious to take charge of them. There is your friend with the 300 convictions, do you think you could get anyone to be responsible for her good conduct?—If there was the power of the State to fall back upon

Mr. William Tallack.

29 Jan. 1895.

as a reserve, even if such unfortunate persons were placed under responsible care, there being the knowledge that the State would enforce the responsibility, I think you would get such persons as the Salvation Army, some of the discharged prisoners aid societies, or other charitable persons, to take charge of them. I do not say as a rule, but in a sufficient number of cases, to warrant giving it a trial.

13,932. You say the principle of progressive detention has been in part adopted by foreign countries?—Yes; in Germany, in Belgium, and Holland at least.

13,933. Do you know what are the results?—I have visited these countries, and I found there that they did not adopt our plan of giving constantly recurring short sentences to habitual drunkards, or to habitual vagrants. I found such people were sentenced from six months up to two years. I am now speaking of Germany and Belgium. Holland is laxer. In Germany and Belgium it is the common practice to give drunkards and vagabonds long periods of detention, though not necessarily in prison. In Germany they do send them more to prison. In Belgium they have a sort of beggars' farm at Merxplas, near Antwerp, and there you find several thousands of this class confined up to several years. At Bruges there is an establishment called the *depot de mendicité* for 400 women, who are confined there up to two years at least. If they are sent back again after the first time, it is for an increased period.

13,934. What are they sent there for?—Begging and vagabondage.

13,935. How do they employ them?—Some of them were washing, some knitting and sewing, and doing such work as women generally do.

13,936. We have been looking for, but cannot get, any suggestion for the employment of women, except washing?—Well, they were knitting, sewing, and so on, at Bruges.

13,937. Then, what about the men?—The men are chiefly employed in farming and carpentry. Merxplas is a very extensive place.

13,938. And the financial results?—They do not look for financial success. They are not self-supporting, and, in the nature of things, cannot well be.

13,939. How are they supported?—Partly by the State, and partly by local grants. If a municipality sends a certain number of men to Merxplas, or women to Bruges, it has to contribute a certain share of their support. The same applies to Holland.

13,940. Have you been to these places?—I have been to Bruges, and I have been over some of the agricultural colonies in Holland.

13,941. Tell us about them?—In Holland they used to have a large colony at Ommerschans, but that has been closed. There is one at Veenhuizen, which is still open. This is a large establishment, with all sorts of workshops.

13,942. Can you give us the financial results?—I can only say this, that the financial results are not a success. In Germany there has been a certain measure of success, not necessarily or merely in connection with the sending of men to prison for long terms; for in Germany a large number of what are called 'Labour Colonies' have been started during the last 50 years. The result of the two systems combined—long imprisonment and labour colonies—has been this, that for the ten years from 1880 to 1890 there was a diminution of 41 per cent. in the arrests for vagabondage in Germany. That is a partial success. That is something to place to the credit account of the systems, even if they have not shown financial success. That, at all events, is a general success.

13,942A. About these labour colonies in Germany, we have had a description, more or less satisfactory, of several of them, but they were of the voluntary sort. That is to say, places to which men went voluntarily. We have been told that there are compulsory labour colonies, to which vagabond persons and petty offenders are sent, and kept compulsorily. Are you aware of any such institutions?—That might apply to Merxplas in Belgium. Some of the German prisons are conducted on similar lines. I know they have a good deal of ground round them.

Mr. William Tallack.

29 Jan. 1895.

13,943. These places would be practically prisons. Whether factory or agricultural prisons?—Practically that is so.

13,944. Did you visit a number of the prisons there? Can you explain their system of prison labour?—They have a very wholesale system of prison labour. I went through a series of workshops, one after another, in which I saw almost every kind of industry that could be mentioned. And they have a large variety of industries in the women's prison.

13,945. They let out prison labour there to contractors, don't they?—Yes; I think so.

13,946. Do you know of any papers or books in which the system is described?—There are official reports of the German prisons. There is also a work which comes out once in three months, on the reports of prison officers, called *Blätter für Gefängniss kunde* and it contains a great deal of information about the German prisoner. There is one very important point which applies to all these establishments. They are all congregated, and it is admitted that they all fail to reform. In Germany, as I have said, it is quite true that they have reduced the arrests for vagabondage by 41 per cent., but they do not reform. Nearly all the vagrants and beggars in the three countries named have been sent again and again, and for this reason, that they are all associated together. Some years ago, the Dutch Minister of Justice informed the Howard Association that institutions of the nature of factory prisons were preferable to agricultural establishments in which the men were thrown so constantly into association. In the prisons they could be kept separate; and that element of separation was most important, both from a reformatory and deterrent point of view. I see that in the Dutch beggar farms they send the same people again and again. Of course, that is not so often after all; perhaps because they keep them there a few years. They run up to half a dozen and fifteen and twenty times.

13,947. You attach great importance to separation; how do you square that with the system adopted in this country in juvenile reformatories and industrial schools?—That is rather different, though it does apply to a certain extent. But these reformatories and industrial schools are for juveniles who are less corrupt. You have the young, fresh mind to deal with, and it is more pliant. You have not with juveniles—except, perhaps, with a few—the very vicious element to deal with that you get in men and women. Then there are certain indulgences allowed in the Dutch labour colonies, not at all conducive to discipline. They are allowed their jollifications, and they smoke together, and so on. It is a principle, both in the treatment of paupers and prisoners of all kinds, that you should not make crime and pauperism attractive.

13,948. Did you go over any Scotch prisons?—Yes; I went last summer over a large number of Scotch prisons, from Dumfries to Inverness and Aberdeen.

13,949. You have told us that prison life should not be made too comfortable. In England, we found that the treadmill is largely used for men. In Scotland, I believe there is not a treadmill in the whole country. Do you think that a desirable or undesirable state of things?—Well, I confess, since I became Secretary to the Howard Association, my views have gradually undergone a change on that point. When I first became Secretary I held, I suppose, the general popular opinion that such things as treadwheels, and so on, were very undesirable, that they were cruel and a waste of labour. But, during the last thirty years, so many improvements have been introduced into our prisons, that they are now little distinguishable from our poorhouses. In some respects there are some prisons that are more comfortable than poorhouses. Some poor people who have been in both have said that they preferred the prison. I speak of English prisons. I do not absolutely commit myself to the exact approval of the treadwheel, but, I think, you must have some deterrent element to prevent prison becoming attractive.

Mr. William Tallack.

29 Jan. 1895.

As to the Scotch prisons, I was very much pleased with the Scotch officers generally; but as to the system, my impression is that in Scotland at present you are not sufficiently deterrent in your treatment of offenders.

13,950. Let us go back to the treadmill. What do you say about it?—That all prisoners coming into an English jail have so many days on the treadmill. That is all the penal labour prisoners get who are pronounced fit.

13,951. Have they the treadmill in all English prisons?—Not in some of the smaller prisons; but they have the crank or some equivalent. They are all subject to a hard and not attractive form of labour; but not in Scotch prisons.

13,952. You spoke of a waste of labour. Oakum picking is pretty much a waste of labour, is it not?—I object to it as a waste of labour, and that it does not combine the deterrent element of the treadmill.

13,953. As the result of practical experience, and after careful consideration of the question, there is neither crank or treadmill in Scottish prisons. In many Scottish prisons there is no harder labour than a certain amount of oakum picking. As an official of the Howard Association do you advocate the treadmill and crank, or the Scottish system?—I must guard myself, in the first place, by saying that in my view there are two classes of prisoners. There is what I may call the unfortunate class, such as some of those poor disorderly creatures, prostitutes, and weak drunkards.

13,954. We are talking of male prisoners?—Well, there is the unfortunate class for whom I would not give the treadmill. But there is another class—the ruffian class; the class guilty of ruffianly conduct towards women and poor beasts; for them we ought to have a strong deterrent element. I was told that in several parts of Scotland there had been a serious increase on assaults on women and upon children, and I believe that is owing to the very lax sentences that are given and the absence of a deterrent element. If such persons as these had in Scotland the treadwheel, or something of the sort, or even the whip, it would do very great good to the country. I should not advocate that for a poor unfortunate creature.

13,955. For incorrigibles you are in favour of that system?—For incorrigibles of the ruffianly class.

13,956. Ruffianism *per se* is not a crime that the law takes cognisance of. A person may be the mildest mannered man that ever scuttled ship or cut a throat, but if he proceeds to scuttle a ship or cut a throat he is punished for that. I presume you would keep the treadmill for certain ruffians, and for the repetition of petty offences?—I would not give this strongly deterrent punishment for the repetition of petty offences. I think cellular imprisonment would suit that better.

13,957. Take disorderly cases, in which you recommended progressive detention?—You do not want the treadwheel there.

13,958. But if your recommendation were carried into effect, in the English prisons, up to 28 days, the disorderlies would get the treadmill?—Not necessarily. All these things must be considered on their own basis.

13,959. You mentioned whipping in certain cases. What sort of cases—wife beating?—I am not in favour of flogging by the lash; but for the brutal ruffian class I think a whipping would be a deterrent. We were speaking about the results of long sentences. In the United States there are legions of tramps. The question of the unemployed is a great one in the United States; and there they are treated generally with great leniency. But there is one State—the State of Connecticut—which, being one of the old Pilgrim States, I suppose, does things differently. The Howard Association had a letter some time ago from one of the State Commissioners of Prisons there, in which he said that in that State they treated the tramps differently from what they were treated in some of the other States. In Connecticut they sent them to prison and kept them there from four to eight months, and the result, he says, 'has been phenomenally good.'

13,960. That would be considered a very heavy sentence in this country for vagrancy, though not so heavy a punishment perhaps as the whip?—I do not recommend the whip for vagrants.

Mr. William Tallack.

29 Jan. 1895.

13,961. As a general rule, we have had no evidence before us yet that increased sentences diminished crime. I think I may say that we have had no evidence that shows that heavier sentences decrease petty forms of crime? I wish to ask your opinion upon that point. Have you any figures on it that you can vouch for?—I have used the word detention purposely as distinct from imprisonment for this reason: I do not believe mere punishment as punishment will put an end to these incorrigibles. But I use the word detention whether for disorderlies, or drunkards, or vagrants. I mean, it to be taken in connection with reformatory efforts. And by the word 'detention' I mean liability to detention, especially with reference to the system of probation and conditional liberation. I believe we might substitute to a large extent for our present system of imprisonment a system of liberation or probation. On the general question of vagrancy, I have had this morning a very interesting and important letter from the chief constable of Chester. The Howard Association is constantly collecting information from practical men, and this morning I have received a letter from Captain C. L. Fenwick, the chief constable of Chester, regarding this question. He writes as follows:—

'Town Hall, Chester,
January 28.

Vagrancy.

'Dear Sir,—I am very fully employed at present, 'yet I must just send you one line in reply to your query. 'During the Lancashire cotton famine, between 20 and '30 years ago, an unusual number of tramps were 'relieved in Chester, say in round numbers 13,000. 'Last year I see it was 13,807. You will see that our 'work has been of a sisyphean character. We get no 'nearer. Our public policy, at least as far as dealing 'with vagrants is concerned, is of the *laissez faire* 'order. There is a lack of anything like an intelligent 'grasp of the problem by the powers that be. As to 'the magistrates and their practice: the average J.P. 'is the same everywhere. You get extreme men 'both ways. Of course, this question, like others, will 'be allowed to go on until something must be done, 'and our history tells us that in such a crisis the 'method chosen is not always the gentlest. I think 'that this matter will, for us, become a question not of 'dealing with the poor unemployed, but strictly one 'of self-defence. Then the people will wake up.'—Yours, &c., C. L. Fenwick.

13,962. That letter, so far as I can see, does not throw much light upon the solution of this problem. Do you know about the facts at Chester. Why it should be worse than other places?—It is near Liverpool; and in Lancashire there is a great deal of distress at present from want of employment.

13,963. This brings us to a very important matter in connection with vagrancy, and that is the question of the granting of employment by the State or the local authority to the unemployed. That is, I presume, what the chief constable is driving at?—I don't imagine it is. He means to point to the very great importance of going to the roots of this matter.

13,964. We have been trying to go to the roots of this matter for the last three months, and we have not found the roots yet. Generalities do not bring you any nearer the roots.—(*Witness.*) If you go to the roots you get at the causes. Now the causes of vagrancy apparently are want of employment and intemperance. There is one other chief cause of vagrancy, and that is strikes which throw men out of employment. Then there is another great question which some hold keep men unemployed, and that is the want of a bi-metallic standard.—(*The Chairman.*) I do not think you need go into that.—(*Witness.*) The question is whether some of these things are not the causes of the evils we wish to see remedied?

13,965. (*By the Chairman.*) As secretary of the Howard Association do you advocate the provision of

Mr. William Tallack.

29 Jan. 1895.

employment by the localities or by the State for the unemployed in the way it is being demanded by a certain set of persons?—Only to the same extent that Sir Robert Rawlinson gave employment during the Lancashire cotton famine—by giving aid by piece-work. That was a great success. The deserving poor were willing to work, and, by giving them piece-work as a test, it drove away the loafer-class men who would not work. You could not do better than refer to Sir Robert Rawlinson's report on the cotton famine. A most useful blue book on this subject, containing inquiries respecting the unemployed in this and other counties, was issued last year or the year before. In Birmingham they have adopted that very plan we have been speaking of. They offer employment, and, at the time I am speaking of, they had what they called a test-house. Some twelve years ago the Howard Association instituted a general inquiry on the subject of vagrancy and mendicancy, and received replies from a large number of people entitled to speak on the subject. The clerk of the Birmingham Union wrote at that time:—

'We stand almost alone in the country. All other 'places have a large increase of this class. We have 'a large reduction. Six or seven years ago our 'average was about 400 per week. It is now only '170 per week. This, no doubt, is attributable to the 'fact that we *strictly* enforce the *bath* and *task* of 'work. We prosecute all offenders. Idleness and 'the love of a roaming life are no doubt the principal 'causes of vagrancy, and its repression and prevention 'would be very much easier if guardians had power 'to detain for a much longer period than they now 'have. Mr Hedley, local government inspector for 'the metropolitan district, thinks that even a week 'would not be too long.—Signed, Walter Bowen, 'clerk to the guardians.'

13,966. This man says he attributes the falling of in the number of vagrants from 400 to 170 to the strict enforcement of the bath and task of work. Is not the bath enforced everywhere?—I suppose it is very generally enforced. They seem to have a peculiar experience. He says, 'we prosecute all offenders.' That means that they carry out the Mendicancy Act.

13,967. That is that they prosecute those men who do not do their task of work, or are disorderly?—Yes, that is so. I wrote to this same gentleman, Mr. Bowen, and I got a letter, dated the 26th inst. He says:—'Dear Sir,—In reply to your letter of the 23rd inst., 'I beg to say that we have had an increase of vagrancy, 'but not to the extent that some other places have had. 'With regard to the test-house proper, we closed it 'long ago, as we had entirely broken down able-bodied 'pauperism. We have since opened a test ward in 'the workhouse proper, and it is doing its work.'

13,968. You are aware that, under the Scotch law, no able-bodied man is entitled to parochial relief?—I understood so. The case of Sydenham throws some light upon this subject. Some years ago, at Sydenham, a number of the inhabitants took up this question of the great nuisance of vagrancy, and they got the magistrates and the police interested in it. The laws were put in force against vagrants and beggars; those convicted were remitted to prison, and, to a large extent, the neighbourhood was cleared of beggars. But after a time the magistrates relaxed their strictness, and then the old nuisance came back. Our chairman, Mr. Francis Peek, resides in Sydenham, and he asked me to mention this case as throwing light on the subject. We had a letter from the chief constable of Staffordshire some time ago, giving us the results of inquiries he had made as to what these vagrants managed to get. He says they get from 2s. to 2s. 6d. a day, besides victuals. The average vagrant would thus get 15s. a week and his victuals. That is a tremendous task upon the poorest class of the population, when you think of the many thousands of vagrants going about the country; and I believe they are as bad in Scotland, if not worse, than in England. To think that these men sweat out of the poorest labourers 15s. a week and their victuals, shows the tremendous importance of the problem.

Mr. William Tallack.

29 Jan. 1895.

13,969. Yes, but the difficulty is to deal with it. In the places where they make the most fuss about vagrancy there are ample powers, but the people won't make complaints against the beggars, and help the police to put the law in force.

13,970. Besides, in counties, you cannot find a policeman readily to give a beggar into custody, even if you were willing?—We had a letter from the late Sir Charles E. Trevelyan, from Wallington, Northumberland, in which he said:—'That in this pasture district 'of Northumberland vagrancy had become so intolerable a grievance that when the men were out of the 'farm the women often locked themselves up, or kept 'loaded guns against the intrusions of tramps.' If the people would take a greater interest in it, and combine and secure the influence of the magistrates and the police, as at Sydenham, something would be done.

13,971. If the people would do it? It is their own business, but it apparently does not trouble them sufficiently for them to put themselves about. The law is there, and if the people do not make use of the law it is their own affair?—There is one reason why people do not—and this does go to the roots. They consider that the law is too harsh to them, and they give to them because they consider them objects of pity—that is a point.

13,972. I see that in Gloucestershire they give every vagrant half a loaf of bread?—In Gloucestershire, Berkshire, and Dorsetshire there is a system very much akin, whereby the tramp in search of work can have relief. There are stations about five miles apart at which they can get a piece of bread, and at certain stations they can have lodgings for the night. These the police chiefly manage.

13,973. Have you read any recent reports on the subject?—I have not read many recently. I think the system has been of some use.

13,974. I saw in a copy of the *Police News*, or some organ of the police officials, a report of a meeting which had been held in Gloucestershire, in which it was said that the state of things in Gloucestershire was not so good as in another county where no such plan is in force?—It is not considered a decided success. It is admitted that it is not, and for this reason, that there is still a popular belief that vagrants are hardly used. The late Edward Denison, who resided a while in the east end of London, gave great attention to this question. It was his view that one of the chief causes of indiscriminate almsgiving is the apprehension on the part of a benevolent public that there is from time to time danger of starvation to the destitute through the difficulty experienced by them in obtaining with the necessary promptitude assistance from the relieving officers of the district. He thought arrangements should be made by the police, or some other authority, to take every beggar in hand, and relieve him; that the law should no longer make an act of begging penal, but only manifest persistency in that act—the manifesting of an intention to prey upon society—that should be penal. If the police find a beggar in want, he should get food and be sent on. Each case should be investigated on its own merits, and inveterates sent to prison. Mr Frederick Hill, who was inspector of Scotch prisons for many years, and gave great attention to the investigation of this question, writes as follows:—'The best way, in my opinion, of preventing vagrancy, 'is, on the one hand, to take from the public all motive 'for indiscriminate almsgiving, by providing numerous 'places at no great distance from each other, where, in 'exchange for work (on the part of the able-bodied), 'an applicant can get plain food and shelter; and, on 'the other hand, to strengthen and vigorously enforce 'the law against begging imposters.' They have a vast number of shelters in Germany that give this sort of relief, but on rather a more liberal scale than the mere bit of bread; and arrests for vagrancy have diminished 41 per cent. there in ten years.

13,975. Do you happen to know how many vagrants

Mr. William Tallack.

29 Jan. 1895.

there are in England?—I cannot answer that. I don't believe any one can.

13,976. You say that only a small proportion of them apply to the authorities and casual wards?—That is a very important thing whatever arrangements you make for these wards. And for dealing with the vagrants by the police or otherwise, a great proportion of them, it has to be remembered, keep out of the way of all authority and official arrangements.

13,977. You say the object should be by the cure of intemperance and other causes to cure vagrancy?—We must go to a root of the matter, and that is drunkenness.

13,978. And that everything should be done to prevent strikes and consequent loss of employment. That, you think, would diminish vagrancy?—By the recent coal strike in Scotland, and by the one before it in England, vast numbers of men were deprived of employment, and the effect of these strikes was this, that trade was driven to Belgium and Germany; then, when the strike was over, employment could not be found for all, some had to go to England, some to America, while others remained at home to swell the ranks of the unemployed, and go upon the rates. It is not merely our own country that is suffering from vagrancy. I was astonished to find from some statistics I looked at, of last year, in some Australian newspaper, the immense amount of vagabondage in Australia. In the United States they calculated that there were 400 000 tramps. The problem is therefore world-wide.

13,979. Now, as to juvenile offenders. Your idea is that they should be tried and treated separately from adults?—To a large extent, of late years, juvenile offenders have been separated from adults in prisons and industrial schools. I think we should go further on the same lines, and have separate courts for them; and that we should have more of this probation and conditional liberation system. I think reformatories and industrial schools are made far too much use of, and at a most unnecessary expense to the public. We should make an endeavour to enforce parental responsibility.

13,980. How are you to enforce parental responsibility?—We could do that if the magistrates would oftener inflict a small fine, say of 2s. 6d. or 5s., on parents that could pay.

13,981. Let us take the case of a petty crime committed by a child, you cannot punish the parent for the child's crime?—You can make the parent pay the fine.

13,982. Take a very common form of offence, a child stealing. He is brought up, and the question is how is he to be dealt with. What are you to do; you cannot make the parent pay a fine?—You can send him to prison if he does not.

13,983. But you cannot punish crime vicariously in that way?—If the parent is able to support his children, and does not do it, he should be compelled.

13,984. But we are talking of offences committed by children?—Well, I say bring home the responsibility of these to the parent.

13,985. I think we must be talking of different subjects. Supposing a child picks a pocket, or commits a petty theft, what are you to do?—I will give you an illustration of what I mean. I spoke on probation. In the State of Massachusetts, which has been the pioneer in regard to probation for juvenile offenders, they have now for many years adopted the plan of bringing children before a separate court, where there are separate judges or justices to try them. Instead of sentencing them to a reformatory in general, or to prison, they sentence them to so many years probation. They won't send a juvenile to prison or to a reformatory if the probation officers can manage to get some of their relatives and friends to keep them out of mischief.

13,986. That is very much the principle of the First Offenders Act in this country?—It is precisely the principle of the First Offenders Act in this country, barring the probation officer. It is also adopted in Australia.

13,987. Have you any documents about this Massachusetts arrangement?—I have not here. Some years ago the Howard Association sent an account of it to the Home Office, and the Home Secretary of the day—Sir William Harcourt—printed it as a State paper. I have referred in my book "Penological and Preventive Principles," to the Massachusetts' plan. It has given such satisfaction that it has been copied in several of the Australian Colonies—Victoria and South Australia. I may mention that a system of probation has been adopted for many years in London, and is very little known.

Mr. William Tallack.

29 Jan. 1895.

13,988. If there is any definite and authentic information about that Massachusetts' plan, we shall be glad to have it. Can you give us any reference?—Our correspondent in Massachusetts was a Mr Savage of the police.

13,989. Have you anything more recent than the letter which has been printed? Have you anything to show whether the thing is going on, or whether it has been discontinued?—It is still going on. So it is in the Australian Colonies. They have a State Council in South Australia, which takes charge of a very large number of these cases. In their report for 1894, it appears they dealt with a total of 996 cases. Of these, 599 were boarded out, 251 licensed to service, 46 were adopted by people, 9 were placed with relatives on probation, and so on. South Australia has not gone so far in this matter as the neighbouring Colony of Victoria. But the probation is carried out in these Australian colonies more by unpaid individuals than is the case in Massachusetts, where it is managed by paid officers of the State. They adopt the voluntary element more in Australia. It is extending there, for they attach very great importance to it. In London there has been for many years, in connection with the City of London proper, a system in operation which has prevented the imprisonment of apprentices by practically placing them in probation, and which is very little known. The City Chamberlain of London, whose offices are at the Guildhall, has a certain legal control over all the apprentices in the city, who number between 1500 and 2000. These apprentices may be brought before him by their master or by their parents for any little offence, such as stealing, or disobedience, or anything of that sort, and he has authority to send them to Bridewell. There is only 1s. fee to pay for bringing them before this court. It is a private court, but the relatives are allowed to be present. But the proceedings do not get into the newspapers. The offenders can be sent to a private prison near Blackfriars Bridge for three weeks; but it is the rarest thing for the City Chamberlain to send them to prison. His method of procedure has been uniformly probation for many years past. He has, in fact, been carrying out the First Offenders Act long before that act was passed. He tells them that, if they are brought before him again, he will send them to Bridewell, and he allows them to go in the care of some one who becomes responsible for them.

13,990. Such a jurisdiction and the maintenance of such a court is a relic of barbarism. You don't advocate that?—The system of probation is a good one.

13,991. This court gives masters the power to deal criminally with their apprentices for breaches of contract, which the civil law would describe probably not altogether in accordance with their views. I don't think we need go into these.—(*Witness.*) It also affords protection to the apprentices as against their masters. I was in Luxembourg last summer, and there is a plan there practically of probation for young children. They are placed with friends or others practically on probation—the State retaining the power to deal with them if they offend.—(*The Chairman.*) We have all that in this country. There is a regular system of probation in connection both with our industrial schools and reformatories in this country. It is done every day in this country.

13,992. (*By Dr. Sutherland.*) Have you seen the recommendation of the Prisons' Guild of Ontario, Canada, 1891, in regard to habitual offenders?—There have been so many recommendations. I don't think I have seen that particular one.

Mr. William Tallack.

29 Jan. 1895.

13,993. In regard to vagrancy—I understood you to say to the Chairman that the police are the proper authorities to deal with it, and not the poor law authorities?—No; I did not say not the poor law authorities. I meant that the police might usefully supplement the work of the poor law authorities. So many of these vagrants are dishonest, and prey upon society.

13,994. (*By the Chairman.*) You promised to give us your views on birching children as a means of dealing with juvenile offenders?—I do not recommend birching, except for the class of ruffians, whether juvenile or otherwise. That has been recommended by many persons of experience. For instance, in Australia, there is a class of young ruffians, called 'Larrikins.' They are not children, they are young men.

13,995. Well, but let us speak of birching. It is provided in this country as an alternative for imprisonment in the case of boys under a certain age. We have been recommended to extend that age; and, on the other hand, views have been expressed contrary to the practice. It is a thing that one does not like to do to send a juvenile offender to prison, if there can be found any alternative, such as birching. To save them being sent to prison, do you think it desirable to make that recommendation about extending the age?—I think I approve of solitary confinement as a far better punishment generally than birching, except for ruffians.

13,996. You prefer to send an ordinary child—a boy 15 or 16 years of age to prison, and give him solitary confinement rather than birch him?—Except in cases of brutality. I was reading a book the other day by Mr H. A. White, who was for 30 years one of the warders in a Victorian prison in Australia. In it he says, 'The only system which I believe has the least chance 'of effecting reformation must include separate treat-'ment, not only for first offenders, as now, but through-'out the various grades. Let association, whether at 'labour or otherwise, be the one thing carefully withheld, 'except as a reward after long period of good conduct, 'and the jail will soon be regarded, as it ought to be, 'with terror.' . . . 'Separate either of these (the 'larrikin or the tramp), and all the larrikin's "cheek," 'and the tramp's indifference, ooze out. He will not come 'there again if he can help it. The wisest and most 'experienced officers of the Penal Department have all 'been unanimous in advising separate treatment.' That is what Mr White says. Personally, I do not recommend the birch, except for the particular class of cruel ruffians. I believe that separate confinement is better. More reformatory and deterrent, and it is the best treatment for all persons who are really criminal.

13,997. (*By Dr. Sutherland.*) Would public opinion in England support you sending a child of respectable parents—boys of from 9 to 14 years of age—to prison for breaking a window, playing football on the street, or for stealing an apple from a shop door, when you have the alternative of birching them?—I do not think either birching or prison would be necessary. In nineteen cases out of twenty, the present system of probation—the carrying out of the First Offenders Act—would be sufficient. If it is necessary to send children to prison, let it be for brief periods, and let them be kept separate rather than congregated.

13,998. I know you have long been an advocate of separate treatment; but if you had to choose between birching a child and sending him to prison for a petty offence such as I have mentioned, which would you select?—If I were put on the horns of such a dilemma then I should say birch.

13,999. Is it not a fact that every parent who has got a boy requires occasionally to birch him?—Solomon himself has all along recommended the birch.—(*Witness.*) You spoke of public opinion. My view is that the *vox populi*, instead of being the *vox dei*, is often the reverse, especially in regard to matters of prison management. In these I am suspicious of public opinion.

14,000. I understand you to advocate the lash for ruffians?—Not the lash but the whip! Brutes must be treated in a different manner from other persons.

14,001. Is there any other method of punishment less brutalising and yet quite as effective as the lash?—Yes; solitary or separate confinement. I mean a separate system of imprisonment, which must separate them from all bad influences, but not from good. They could have plenty of visits from good people outside, and plenty of occupation and exercise. There is a difference between that and the old solitary system.

14,002. No one knows better than you the brutalising and unhuman effect of prisons in by-gone days. How do you justify now the lash as being a method of making bad men good, or of recovering them from criminal practices?—Not in the slightest degree. I have never justified the lash. I draw a distinction between the whip and the lash or the cat-of-nine tails. The horse whip is a different thing. I say that a man that kicks his wife, blackens her eye, breaks a child's limb, or brutally treats a horse or other animal—such a man as that cannot be degraded, or brought lower by the application of the whip. He is at the very lowest state already.

14,003. I understand you to indicate to the Committee that in Scotland things are about as pleasant in the prisons as they well can be?—I think you cannot very well go further without endangering the public safety of Scotland.

14,004. Do you think a plank bed, a monotonous and only sufficiently nutritious diet to prevent loss, the withdrawal of all the normal conditions of life, is not a sufficient punishment and deterrent for nine-tenths of the offences for which prisoners have been committed?—Well, I don't approve of the plank bed for the unfortunate class.

14,005. You would rather make it more comfortable?—I think that there is a want of classification at present in Scotland for prisoners. The prisons are quite deterrent enough—too much so, for the unfortunate class. But it is not for this unfortunate class merely, but for the brutal, that we want a deterrent.

14,006. I was surprised at your approval of the treadmill or the crank as a means of the reformation of prisoners?—I do not say as a means of reformation, except in the sense of a deterrent. Reformation and deterrence must be largely separated. I think it is a mistake to think that we can make our penal prisons as such, into reformatories. The sentences in prisons should be sharp and short, and then the prisoners should be turned into a reformatory.

14,007. What do you suggest as an improvement in the present system?—Very much the same sort of thing that was suggested by Sir Walter Crofton. At first a deterrent element of imprisonment, and, after that, a reformatory treatment. I visited the reformatory Irish prison farm at Lusk twice. No one would have thought it to be a prison. There were no walls, and the hedges were so low that a man could step over them. But that prison was not considered a success, and for this reason, that there were 200 men congregated together. It fell out that, according to the old scriptural principle, 'Evil communications corrupt good manners.'

14,008. But man is a free agent and a gregarious animal, and even these men would be restored to society in time?—Yes; but society counts of good and bad. At the prisons it consists mainly of the bad element.

14,009. (*By Prof. Dove Wilson.*) You mentioned that in Germany there was a power of sending habitual drunkards and vagabonds for long periods to prison?—Up to two years or more.

14,010. Can you give me any reference to them. I have been told so several times, but I have been searching the German laws, and cannot find this one?—I was told so, when I was there. I will try to get the reference.

14,011. (*By Col. M'Hardy.*) I understand your desire would be, as representing the Howard Society, to see the tread-mill worked in every prison in Scotland?—No! I do not say that, because we have not the tread-mill in every prison in England. I am not an admirer of tread-mills; but either the tread-wheel or some such

Mr. William Tallack.

29 Jan. 1895.

element is necessary somewhere for the brutal and ruffian class.

14,012. You are going to have some sort of physical machine, brutal probably in itself, in design, and mechanism, to deal with a certain class of prisoner; that is what the Howard Association would like?—I don't recognise the word brutal.

14,013. Well, perhaps the word is strong, but I am talking about a machine with axles and pinions not necessarily applied to work, but to some sort of cruel treatment of the men. How would you distinguish that treatment of the tread-wheel or crank as compared with labour such as an ordinary workman does?—Well, an outside workman is an honest and praiseworthy man; but I am speaking of this particular class of the cruel and brutal. You must either whip them, or have a tread-wheel or something which shall keep them out of these most mischievous practices. I mentioned before the class I referred to—a man that kicked his wife, who broke a child's limb, or brutally treated an animal. We must have that put a stop to somehow.

14,014. How would you characterise the sort of machine with which you would mend men as distinguished from the manual labour which is done in the country?—I don't understand the question.

14,015. Taking you as representing the Howard Association—a name associated with all that is high and noble in Penology—how are you to distinguish the tread-wheel or the crank—a rough arrangement of machinery—which you would use for these brutal offenders, as distinguished from the sort of labour which, as a punishment, has been inflicted in Scotland up till now. The labour is the same as any ordinary workman does—the punishment being arrived at by the quantity and the quality of the enforced labour?—I think I merely said that the tread-wheel or something of the sort was necessary where the prisoners had their discipline relaxed. In Scotland you have had the discipline relaxed to a considerable extent, and also in some English prisons, by allowing the prisoners to work together. If you allow prisoners to congregate together, you must counteract that.

14,016. You think that no ordinary labour, whatever the task—making bricks, for example—would be good enough to be a deterrent punishment?—I don't say that, because that is the system in convict prisons where the labour is severe and prolonged. But, for ordinary prisoners, we consider that short periods and cellular separation are the best system. Of course, you may make any kind of labour deterrent if you make it long enough.

14,017. Do you mean long enough per diem?—Long enough detention.

14,018. You think the tread-wheel may have a certain amount of deterrent effect every hour of the day?—Certainly.

Mr. William Tallack.

29 Jan. 1895.

14,019. Is it your Society's view that that cannot be produced by ordinary labour?—Not without separation; though in longer sentences you may do it.

14,020. (*By Sir Colin Scott Moncreiff.*) You wish to use some sort of labour which would be peculiarly repulsive to a certain class of prisoners?—Yes, because it cannot be extended over a series of years.

14,021. (*By Col. M'Hardy.*) I do not think you have yet said that you think it is impossible to produce a deterrent effect by ordinary labour if the task is heavy?—I have not said that.

14,022. If you can get deterrence by a certain task of ordinary labour, why ask for machinery of a cruel kind, like treadwheels and cranks?—I do not ask for it. I would rather see prisons without it. I merely say that, if you have sentences so very short as they are at present for habitual offenders, and if you have so many assaults on women and children as you have in Scotland now, you must have some kind of deterrent element which you do not seem to have.

14,023. When you speak of assaults upon women and children, do you mean indecent assaults?—Yes.

14,024. Are you aware that these have diminished of late? The numbers in 1893 were 82, as compared with 107 in 1884?—I was told, when I was in Scotland last year, that there were a great number of these cases. I took up a paper in Inverness one day, and I saw a paragraph headed 'A Severe Sentence.' I was astonished when I came to see what that 'severe 'sentence' was. It was a sentence of two months' imprisonment on a young man for indecently assaulting a girl. And yet an intelligent Scottish newspaper called that a severe sentence.

14,025. Well, but you see that the statistics show that the number of cases of that class of crime is decreasing, even with a very large increase in the population?—I hope it is so. My informant, I daresay, was speaking generally.

14,026. (*By the Chairman.*) You spoke about convict labour as a deterrent. Do you know if there are as many re-convicted convicts in the English jails as we have in Scotland?—I cannot say off-hand what the percentage is.

14,027. We have come across in Scotch prisons a good many ex-convicts?—We also have many recommitted convict prisoners.

14,028. But have you many ex-convicts in local prisons?—Yes, I think so.

[The witness then withdrew.]

Dr. Henry Westwood Hoffman.

DR. HENRY WESTWOOD HOFFMAN, Inspector of Retreats under the Inebriate Acts, called in and examined by the Chairman.

Dr. Henry Westwood Hoffman.

14,029. You are Inspector of Retreats under the Inebriates Acts?—Yes.

14,030. That is not the only position you hold?—No. I am Inspector also under the Burials Acts.

14,031. I presume that the inspection under the Burials Acts occupies the greater portion of your time?—Yes.

14,032. In connection with the Inebriates Acts, would you please tell us how many retreats there are at present?—There are eight retreats at present.

14,033. Have you details about them?—The names of the institutions and their size are given in my last annual report for 1893. The report for 1894 is not out yet.

14,034. Kindly mention the names, and any other particulars?—I will take the male retreats first. *Kingswood Park, near Bristol.*—The licensees are T. Walter Brimacombe, M. Isabella Brimacombe, and R. W. Brimacombe, L.R.C.P. Lond., M.R.C.S. Eng. The last-mentioned gentleman, who, as you will see, is a licentiate of the College of Physicians, acts as medical attendant. It is licensed for 10 male patients. *The Dalrymple House, Rickmansworth, Herts.* — The licensee is R. Welsh Branthwaite, L.R.C.P. Lond., M.R.C.S. Eng. It is licensed for 20 male patients. *High Shot House, St Margaret's, Twickenham, Middlesex.*—The licensees are Douglas Anderson, M.B., C.M., and R. Welsh Branthwaite, L.R.C.P., M.R.C.S.

14,035. Mr Branthwaite has two retreats?—His father was licensee of that retreat, and eventually the son succeeded him, though not resident. It is licensed for 10 male patients. *Tower House Retreat, Westgate-on-Sea, Kent.*—The licensees are A. F. Street, M.A., M.D., B.Sc. (Cantab), and Bridgman Smith. It is licensed for 20 patients, 14 male and 6 female. That is the only example of a mixed retreat. Then we have the retreats for women only. *St Veronica's Retreat, Burlington Lane, Chiswick, Middlesex.*—The licensees are Mrs. Isabella F. Smith and Hannah Maria Hanson. It is licensed for 25 female patients. *The Grove Retreat, Egerton Road, Fallowfield, near Manchester.* —The licensees are Mrs. Mary Hughes and Mrs. Elizabeth Pritchard. It is licensed for 25 female patients. Then there is one other small retreat at *Daisy Bank, Walsall, Staffordshire.* — The licensees are F. J. S. Gray and F. J. Gray, L.S.A. It is

Dr. Henry Westwood Hoffman.

29 Jan. 1895.

licensed for 10 female patients. Since 1893 one other retreat has been licensed to Dr. Edward Norton, for the treatment of 8 male patients, at Capel Lodge, near Folkestone.

14,036. Am I correct in stating that the Dalrymple Home stands by itself in one respect,—that it is carried on by a society who do not make any gain out of it, that the articles of association provide that any profits shall not be divided, but shall go to the improvement of the retreat, and that therefore it is purely a philanthropic experimental retreat, and not a private money-making concern?—That is so.

14,037. I have in my pocket a letter which I received the other day from the licensees of the Bristol Retreat, in which they make some suggestions as to the Inebriates Act; and they say that the restriction as to the retreats being licensed for males or for females only should be done away with. But I see you have one mixed retreat?—Yes; the Tower House Retreat.

14,038. So that there is no legal impediment to the institution of mixed retreats?—No.

14,039. In connection with these retreats is it also competent to have a certain number of patients not under license, simply voluntary patients?—They are all supposed to be voluntary patients under the Act.

14,040. What is the procedure for reception into a retreat?—The person goes before a justice, and declares that he or she is a habitual drunkard, or an inebriate within the meaning of the Acts, and volunteers to undergo detention for a given number of months, not exceeding twelve.

14,041. Thereupon the justice commits a person to a retreat, and the licensee of the retreat has legal powers of detention?—That is so.

14,042. In addition to these retreats there are a large number of unlicensed retreats?—Yes; but with these I have nothing to do.

14,043. Do you think there is quite as much necessity, or do you think there is some necessity, for the inspection of retreats and homes which are unlicensed where habitual drunkards are detained against their will, without any legal preliminaries, by persons who do not even produce those testimonials of character which are required in the case of licensees under the Act? Don't you think that these unlicensed places would be as much benefitted, or stand as much in need of inspection, as licensed places? What is your opinion on the point?—Well, there was that remarkable case that happened a few months ago—the Zierenberg case. That was a voluntary home; and I think that if it had been inspected by some independent person, it would have been a good thing. Whether it would be advisable to have all of them inspected, I am not quite sure.

14,044. What objection is there to the inspection of all of them?—It would require an army of inspectors.

14,045. Supposing there are three unlicensed retreats for every licensed one—you have only eight retreats inspected; it would not require an army of inspectors if you multiplied eight by three or four?—I should fancy there would be more than three to one. I fancy so, but I have nothing to do with them.

14,046. Can you tell me how many patients are in these retreats, and how many have gone through them since the passing of the Acts?—About 800 patients have passed through the retreats up to 1892.

14,047. Were those all patients under the Acts, or voluntary patients?—All patients under the Acts.

14,048. Have you any details concerning the results?—No.

14,049. (*By Col. M'Hardy.*) How many years do these figures run over?—1880–92. That is about 60 or 70 a year. At first there was only one retreat.

14,050. (*By the Chairman.*) Your jurisdiction extends over Scotland?—Yes; but there are no licensed retreats there. Neither are there any retreats in Ireland.

14,051. I suppose you have no cognisance of the fact that there are several retreats in Scotland?—I have not.

14,052. In visiting a place where habitual drunkards are received without any formality, certain members of the Committee saw one man, whom the superintendent of the place told us was in for drunkenness—sent in by friends. This man came and loudly demanded his liberty. The superintendent told him that he would have his liberty in two months, which was the time he had undertaken to stay there, and then only if his friends allowed him. Do you think that a detention such as that should be permitted without some sort of legal formality?—I do not.

14,053. Would not the occurrence of such cases as these justify inspection being extended over places where habitual drunkards are received and detained?—I think so.

14,054. If that were done, don't you think it would have a great tendency to make people come under the Act?—Yes. I was not aware that private patients were treated in the way you describe.

14,055. I am not talking of any bad treatment. The superintendent of the retreat in question was acting, as he thought, in the patient's interest; and was doing what he conscientiously believed to be right. But you have said that you think such an occurrence as that shows the necessity for some official inspection?—I think so.

14,056. I wish to ask you further, whether you do not think that the allowing of unfettered liberty, and an absence of inspection of these unlicensed retreats, is not a premium to people who have retreats to keep outside the Acts?—Yes, that is possible.

14,057. The names of the Acts have been changed from the Habitual Drunkards to the Inebriates Acts?—That was done when the Act was amended.

14,058. Do you think it is advisable to keep the name 'habitual drunkard' in the declaration? Do you think people have any objections to that?—Yes, the patients do object to that. They prefer the word 'inebriate.'

14,059. Do you think it is important that they should change the term?—It would be better changed.

14,060. No one can find fault with the 'Inebriates 'Acts;' but I find in the 'Request for Reception into 'Retreat,' it says:—'The above-named . . . . signed 'this application in our presence, and at the time of 'his (or her) doing so we satisfied ourselves that he (or 'she) was a habitual drunkard within the meaning of 'the Inebriates Acts?'—Yes; these are the words of the schedule.

14,061. If the schedule were amended also, do you think it would increase the popularity of the Acts?—I have heard that patients, when before the magistrates, thought it rather bad to call themselves habitual drunkards. I think it would be desirable to amend the schedule so far.

14,062. Is there any other amendment under the Acts, as they at present stand, that you would suggest as desirable?—Well, there is one thing I should like to mention. I was reading Mr Morton's Draft Bill, and one thing in it I thought was very good, viz., as to what should happen after a patient had signed a request before a magistrate for reception into a retreat. It says:—'On receiving the order from the sheriff, the 'applicant, with the assistance, if necessary, of any of 'the attendants of the home, or of the officers of the 'law, can remove the patient to a home.' At present there is no such provision, and we have had several cases in which the applicant has signed a request for reception and then refused to go to a home, and the licensee had no power to make the patient enter his retreat.

14,063. Is there anything else you can suggest?—I think the attestation of two magistrates is unnecessary. One is sufficient.

14,064. Have you come across many obstreperous cases of habituals?—Several, from time to time.

14,065. We had one witness before the Departmental Committee who mentioned the case of a man who was in an inebriate retreat, and desired to get out, who set to work and broke all the windows, and made himself so disagreeable that they were glad to dismiss him?—We have had several cases of that sort.

Dr. Henry Westwood Hoffman.

29 Jan. 1895.

Dr. Henry Westwood Hoffman.

29 Jan. 1895.

14,066. That might be easily remedied, might it not, by bye-law; or would it require legislation to make that an offence which would render a man punishable in the same way as an inmate of a poorhouse is liable who tears his clothes?—Yes. I think there is a clause in the bye-laws of railway companies which provides for the punishment of a passenger who, by his disorderly conduct, annoys his fellow-passengers. A provision of that sort would be desirable.

14,067. Do you know whether, as a matter of law, the Home Secretary has power to make regulations?—He has power to make regulations.

14,068. Could he make a regulation making that an offence that should be dealt with by magistrates outside?—I should hardly think so. [Witness promised to put in a copy of the rules of the Secretary of State.]

14,069. *Examination continued.*—Have you many drunkards who have become insane?—Not more than two or three during the whole fourteen years.

14,070. We were informed that in Scotland, in these unlicensed retreats in which habitual drunkards are received, there had been at one time a considerable number of lunatic cases discovered. Would that, in your opinion, constitute another reason for putting unlicensed retreats under inspection?—It would.

14,071. I see the rule as to the separation of the sexes says:—'The license shall, in cases where patients 'of both sexes are received in a retreat, make due 'provision for the separation of the sexes at night; 'and at all but defined hours in the day time.' Does that take place in these mixed retreats?—It does.

14,072. By the way, there is a provision in the Act for liberation on license; is that availed of at all?—Very often.

14,073. Then, is it easy to recall persons who violate their *parole*, and take to drink?—Yes, they are occasionally sent back.

14,074. Is notice of liberation on license of a patient sent you?—Always.

14,075. How many have been so liberated on license?—A considerable number. I cannot say exactly how many at this moment.

14,076. I may mention that the intention of the promoters of the Act in connection with that provision was this: There are many persons who have periodical fits of dipsomania, and it was thought, if these could be got into a retreat until the fit passed over, and then let out on license, they might go quietly about their business as before. Do you know whether that provision is used by any such cases, or do you know in what cases it is made use of, or is any explanation sent you?—A copy of the magistrates' order for leave of absence is sent to the Home Office.

14,077. But you have no record of the number?—No.

14,078. What are the charges made at these licensed homes?—At most of them the charges are two and three guineas a week, and they go up to four and even five guineas a week for patients who have private sitting-rooms.

14,079. Tell us what is the minimum charge?—The minimum charge is from nothing in the Fallowfield Retreat, supported by benevolent people in a great degree, up to £2, 2s. for the better class of patients.

14,080. In the Fallowfield Retreat are the patients required to work?—They are required, and do work.

14,081. They are under inspection, and it is your business to see that there are no people illegally detained, so that the system can be carried on without danger to individual liberty. Do you know the Kennington Oval Asylum?—Yes; I think it is an additional argument for the inspection of private retreats.

14,082. There is a rule that 'a patient detained in a 'retreat shall not, without the written permission from 'the licensee of the retreat, enter any public-house, or 'other house where any intoxicating liquors are sold.' If he offends that rule, how is he punished? Where is the enforcing power behind the rule?—I suppose he could be prosecuted for the infringement of the rule.

14,083. And if prosecuted, what can be done with him?—It would come under section 25 of the Act. 'If an habitual drunkard, while detained in a retreat, 'wilfully neglects or wilfully refuses to conform to the 'rules thereof, he shall be deemed guilty of an offence 'against this Act, and shall be liable, upon summary 'conviction, to a penalty not exceeding £5, or, at the 'discretion of the court, to be imprisoned for any period 'not exceeding seven days, and at the expiration of his 'sentence (if any) for such offence, he shall be brought 'back to such retreat, there to be detained for curative 'treatment, until the expiration of his prescribed period 'of detention in the retreat, and, in reckoning such 'period, the time during which such person was in 'prison shall be excluded from computation.'

Dr. Henry Westwood Hoffman.

29 Jan. 1895.

14,084. That seems perfectly clear that it is competent for the Secretary of State to make a rule that a patient would be guilty of disorderly conduct if he broke the windows, and would be guilty of an offence under the Act, for which he might be punished by imprisonment. Therefore, you do not want any more statutory powers beyond that?—No, I think that is so. As a matter of fact, the punishment dealt out to a person of that kind at present is to be 'gated' by the licensee to the house or grounds.

14,085. You thought there was no power under the Act to meet that sort of thing?—I have changed my opinion. I see a rule could be introduced to meet the case of a disorderly person.

14,086. As a matter of fact, keepers of these retreats guard themselves from loss by patients getting themselves discharged by demanding payment in advance?—That is so.

14,087. Is the Fallowfield Retreat the only one into which patients are received for nothing?—There is also one at Chiswick, a Roman Catholic Retreat, attached to a convent. There, I think, they take them for next to nothing.

14,088. There they are obliged to earn their own living?—Yes.

14,089. There is nothing in the Act compelling them to work?—They might refuse to work, but, as a matter of fact, they do not.

14,090. As a matter of fact, do you find women less tenacious of their rights than men in connection with these retreats?—I do not know. I have not noticed it. Few, if any, complaints are made to me about work by these women.

14,091. I don't mean about work, but the restriction of liberty?—No!

14,092. How often do you make an inspection of these retreats?—I generally make them about every two months.

14,093. In cases of deaths occurring, is there any investigation?—I do not make investigations. Notice of death is always sent to me. I suppose it would be my duty to investigate if I thought there was anything unusual.

14,094. You have summary powers of cancelling licenses?—Yes, I believe so. Section 23 states that, 'If any licensee of any retreat knowingly and wilfully 'fails to comply with the provisions of this Act, or 'neglects or permits to be neglected, any habitual 'drunkard placed in the retreat in respect of which he 'is licensed, or does anything in contravention of the 'provisions of this Act, he shall be deemed guilty of an 'offence against this Act.'

14,094A. And that offence renders him liable to what?—That is dealt with in section 28. 'Any 'person not being a habitual drunkard detained in a 'retreat, who is guilty of an offence against this Act 'to which no other penalty is affixed, shall be liable, on 'summary conviction, to a penalty not exceeding £20, 'or, at the discretion of the court, to be imprisoned for 'any term not exceeding three months, with or without 'hard labour.'

14,095. These rules of the Home Secretary must be read in connection with the Acts?—Their infringement is an offence under the Acts.

14,096. So that if a patient without permission enters a public-house, he may be sent to prison for seven days?—That is so.

Dr. Henry Westwood Hoffman.

29 Jan. 1895.

14,097. Again it says:—'Without special written 'authority from the medical attendant of a retreat, 'a patient shall not take any intoxicating liquor or 'sedative narcotic, or stimulant, drug, or preparation;' and if he did take that he could be sent to prison for seven days?—Yes.

14,098. Again there is a rule regarding attendants—'That every attendant and servant shall be duly 'informed of the offences specified in the Acts, and of 'the penalties attached to the conviction thereof. 'They shall also be furnished with a copy of the '"Regulations and Orders" authorised by the inspector. 'And it shall be the duty of the licensee to prosecute 'every attendant offending against these acts or these 'rules, and, in case of conviction, to dismiss the offender 'from his service.' An offence by an attendant would, I suppose, come under section 28, which renders him liable in a penalty of £20 or three months' imprisonment, with or without hard labour?—That is so.

14,099. I find, further, that the final order is:—'That 'Regulations and Orders (not inconsistent with these 'rules) for the domestic arrangements of the retreat, 'and the management and treatment of the inmates 'therof, shall, within the month from the granting of 'the license, be drawn up by the licensee, and by him 'be submitted to the inspector; and such rules, when 'approved by the inspector, shall be adopted and 'strictly observed in the conduct of the establishment.' I suppose a breach of these regulations would constitute an offence against the Act, and render attendants and patients liable?—Well, it has been considered by the Home Office that these regulations are not penal.

14,100. But it is not a matter of the Home Office. Here you have provision for them in the final rule.—(*Professor Dove Wilson.*) A breach of these regulations would hardly be a breach of the Home Secretary's rules.

14,101. Are there any means of enforcing the regulations you sanction?—No.

14,102. Do you think there is any necessity for such means?—I do not.

14,103. (*By Col. M'Hardy.*) Have you seen any good results arising from the confinement of the patients and their treatment?—Yes. Every case improves in physical health and weight.

14,104. I understand the actual confinement in a retreat does not extend beyond a year?—No, it cannot. A patient must be liberated at the end of twelve months.

14,105. Can they be renewed?—Yes, but there are some difficulties about renewal.

14,106. Does the improvement on the inmate commence and go on rapidly at first, and then, having arrived at a certain stage of equilibrium, little change after that is observed?—Very little change after that period.

14,107. What is the average duration of that period?—According to the severity of the case. It may be a fortnight, it may be two months or more.

14,108. Do you get in two months at a stage of physiological equilibrium?—That is so in some cases.

14,109. (*By Dr. Farquharson.*) You are not disposed to recommend the universal inspection of institutions, however small, for the reception of inebriates whether private or public?—I thought it would be unnecessary; but the Chairman has given me arguments which lead me to think that perhaps it would be advisable in some of the larger ones at all events.

14,110. You mentioned one or two cases where you thought evil is done: do you think suspicion attaches to these places?—I know very little about them.

14,111. Would you think it advisable to place the treatment of inebriates on the same footing as that of lunatics—that no one should be allowed to take an inebriate into his house without having authority from the State to do it?—I don't think that is necessary.

14,112. Do you think there is considerable advantage from what may be called the domestic treatment of inebriates as carried on in Scotland in different parts of the country?—It is carried on in England too. Many medical men and clergymen have one inebriate patient in their houses.

14,113. Then you think that the influence of home and domestic life would be of service?—In some cases.

14,114. What is the precise object of the inspection of your office; what are you supposed to find out or do exactly?—My inspection is to see that the house is in a proper sanitary condition; that the bedrooms are suitable, and to interview patients in order to ascertain if they have any complaints to make, and whether they are properly treated by the licensees, and so on.

14,115. Of course, your office differs from that of an inspector of lunacy, who has to find out whether the person is insane or not?—I don't go into the matter as to whether they are inebriates or not; that is previously settled by the magistrates.

14,116. Do they ever make complaint to you about their method of treatment, and that sort of thing?—They do make complaints. Some serious, some trivial. One of the most serious complaints is that when before the attesting magistrates; the effect of their application was not explained to them as required by the Act.

14,117. You mean to say that they do not find out till they get to the retreat that they may be detained for a year?—I read you this Form No. 3. The above named signed this application in our presence, and, at the time of his (or her) so doing, we satisfied ourselves that he (or she) was a habitual drunkard within the meaning of the Habitual Drunkards Act, 1878-79, and stated to him (or her) the effect of this application, and of his (or her) reception into the retreat, and he (or she) appeared perfectly to understand the same.—(*Witness.*) Well, they complain of not being informed.

14,117A. I suppose many of these people are hardly in a mental condition to appreciate the full significance of a legal statement like that?—Many of them say that they never read the Act. I can quite understand that many of them, although not actually drunk at the time, were in such a condition as not to be able to appreciate magisterial explanations. They often say "I did not know what I was signing."

14,118. Do the keepers of these institutions ever complain to you that their operations are hampered by not being allowed to keep their patients long enough? Would they like to have them for a more prolonged period?—Yes; they think they could do more good if the period of detention were longer.

14,119. Have you formed any opinion on that point?—I agree that in many cases periods longer than 12 months would be more beneficial.

14,120. Would you make the initial period longer, or would you make it discretionary to prolong it if necessary, or would you have another application to the magistrates and another legal process?—No, I would prefer not to have another legal process. There is considerable difficulty in getting the patients to sign before the magistrates. That is necessary under the present law.

14,121. You would leave it to the discretion of the medical men?—Yes.

14,122. Would it not be an element of suspicion that the licensee wanted to keep a patient longer for pecuniary considerations?—I was about to say an outside medical man called in for the purpose. I would not give that power to the licensee.

14,123. Is there any systematic direct treatment pursued in these institutions?—Yes, very often. They use bromides and sedatives.

14,124. Have they ever tried these various cures—the Tyson cure and the Gold cure?—I don't know. I don't think so.

14,125. Do you know anything about them?—Nothing specifically.

14,126. (*By Sir Colin Scott Moncreiff.*) What class of society do people come from who are in these retreats?—All classes.

14,127. How are the poor patients supported?—When I say 'all classes,' I don't mean the very poor, except at Fallowfield and Chiswick.

Dr. Henry Westwood Hoffman.

29 Jan. 1895.

14,128. The friends of the patients are obliged to support them. Does it come on the rates at all?—Not at all on the rates. It must be done by the friends of the patients or by charity.

14,129. There are probably instances where friends would be glad to send patients if they were able to afford it?—Oh, yes. May I read you some of the occupations of inmates in the Dalrymple Home—Retired naval officers, retired military officers, medical practitioners, students of medicine, barristers, solicitors, artists, professors, civil servants, clerks in holy orders, merchants, and so on.

14,130. Is there any effort to make them work outside these places—to get up in them any wholesome interest in life?—Yes, they work.

14,131. What sort of work?—Carpentery, painting, photography, and so on.

14,132. These things are rather playing at work by lazy people?—Well, possibly. Then they have games. Golf and Tennis, and so on.

14,133. (*By Dr. Sutherland.*) Are you satisfied with the definition of a habitual drunkard, as settled by the Act of 1879?—Yes, I think so.

14,134. Do you consider it necessary, in regard to the police drunkard, that the number of times he has been convicted of drunkenness should be specified before certification was made; or do you think the definition of the Act of 1879 is adequate, without specifying any number of times?—I think it would be advisable to specify the number of times in each case.

14,135. Are you satisfied that the mode of procedure now adopted is sufficient to deal with all cases of habitual drunkards?—(*Witness.*) The method of inquiry before the magistrates?—(*Dr Sutherland.*) Yes!—(*Witness.*) I think that it could be simplified very much.

14,136. In what way?—By having only one magistrate, or even by having only one medical certificate or a letter from a parish clergyman.

14,137. Do you think the liberty of the subject sufficiently safeguarded by that simple procedure?—I think it would.

14,138. Do you know of any judicial procedure which, in the main, depends on the letter of a clergyman?—No! But are you speaking of voluntary patients in existing retreats, or are you speaking of patients to be sent to retreats by compulsion?

14,139 (*Dr Sutherland.*)—I am speaking of any habitual drunkard, who, whether voluntary or compulsorily, is sent to a retreat, and I ask whether the mode of inquiry at present is adequate to protect him from the possibility of injustice?—I think the two classes ought to be divided. I think the patient sent compulsorily ought to be better safeguarded than the patient who appears before a magistrate voluntarily.

14,140. You know very well that a great many voluntary patients are concussed into going?—Yes. Moral compulsion is used sometimes.

14,141. With a certain degree of threat that, if they do not go, the funds will be withdrawn, and they will be turned adrift?—That is moral compulsion.

14,142. Would you be inclined to mix voluntary and compulsory drunkards together?—No.

14,143. Do you think the introduction of a compulsory clause into the Act of 1879, for the well-to-do classes, would have the effect of sending more voluntary patients into the homes than there are at present?—I do.

14,144. The element of compulsion would make more people avail themselves of voluntary homes?—I feel sure of it.

14,145. Are you in favour of mixing dipsomanics with lunatics?—Decidedly not.

14,146. Supposing habitual drunkards were ten times more numerous than at present—to whom would you entrust their cure and control?—To the State.

14,147. Is there any existing department of the State to whose care they might be entrusted?—I believe not.

14,148. *The Chairman.*—Are they not entrusted to the care of the Home Office, who has deputed you to safeguard them?—(*Witness.*) I think compulsory patients ought to be confined in State retreats.

Dr. Henry Westwood Hoffman.

29 Jan. 1895.

14,149. (*By Dr Sutherland.*) Have you any say in the management of these retreats?—I, as inspector, can make suggestions, and, if my suggestions are not adopted by the licensee, I report to the Secretary of State, and, if he thinks fit, he orders them to be carried out.

14,150. (*By the Chairman.*) The Secretary of State, on your recommendation, can make a rule, and then any infringement of that rule becomes a statutory offence?—Yes.

14,151. (*By Professor Dove Wilson.*) Are the two retreats where the patients are received gratuitously only for women?—Only for women.

14,152. Is there any place where male patients would be received at £2, 2s. a week?—There was one, but the license was not renewed.

14,153. (*By the Chairman.*) Where was that?—Near Walsall. The licensees did not apply to the magistrates for a renewal of the license.

14,154. (*By Professor Dove Wilson.*) Then I am right in assuming that at present there is no place where a male inebriate could be received under an annual charge of something like one hundred guineas?—That is so. There were one or two rules made by the Secretary of State which I suggested should be amended, and they were amended.

14,155. (*The Chairman.*) That was during the days of Mr Matthews?—Yes. Nothing has been done since. One of the rules amended was with reference to patients' letters. It reads:—'The licensee shall post or forward 'all letters written by the patients of his retreat 'according to the intention of the writers, unless he 'shall have good reason to know that they are written 'for the purpose of obtaining intoxicating liquor or 'other prohibited articles, or of promoting the escape of 'a patient. He shall also deliver unopened all letters 'and parcels addressed to his patients, unless he has 'good grounds for believing that they contain prohibited 'articles, in which case he may require the patient to 'open such suspected letter or parcel in his presence.' That regulation was very much shorter, but it was amended on my recommendation, because it was found that the incoming letters for patients very often contained stamps and money, and the parcels prohibited articles, such as drugs, preparations of opium, and sometimes intoxicating liquor. Since it was amended there has not been so much difficulty.

14,156. (*By the Chairman.*) The licensee of a retreat can stop letters containing stamps?—He may require the patient to open all letters in his presence.

14,157. If there is money or money's worth, he does not allow his patient to have it?—He is authorised to take it, but only by a regulation and order which I sign. There is nothing in the Act, or in the Rules, to that effect. But it is found absolutely necessary as a matter of discipline. If a man happened to be out walking, and gave his attendant the slip, if he had no money in his pocket, it would be of no use going into a publichouse. They would not give him drink. But if he had money it would be different.

14,158. When parcels or letters are suppressed, they are sent to you. Are many sent?—I have had several letters, but not parcels. I have reported to the Secretary of State, who has ordered that the letters should be delivered to the patients unopened when they go out of the retreat. There is a case just now, when a contentious patient refuses to open a parcel, and the lincensee refuses to give it to him unless he does open it. That parcel will be sent to me in all probability, and will be given to the patient when he goes out.

14,159. That is under a rule made by the Secretary of State?—Yes.

14,160. How do the patients know of these rules and regulations?—The patients know the rules, because there is generally a copy of them posted up in each bed-room.

[The witness then withdrew.]

Dr. Norman Kerr.

29 Jan. 1895.

NORMAN KERR, M.D., F.L.S., Chairman of the British Medical Association's Inebriates Committee; President of the Society for the Study of Inebriety; Physician to the Dalrymple Home, Herts; and Vice-President of the International Congress of Medical Jurisprudence, was called in and examined.

Dr. Norman Kerr.

29 Jan. 1895.

14,161. (*By the Chairman.*) You have been associated with the question of legislation for the habitual drunkard about from the time of its conception?—For 34 years.

14,162. You are, I think, the gentleman mainly instrumental in getting up the Dalrymple Home?—I was.

14,163. Am I right in stating that the object of that home was to show what could be done by means of a well-managed retreat for the treatment of inebriety?—Yes, for the medical cure, on scientific principles, of inebriety. As a matter of fact, the original Habitual Drunkards Act was only passed in a temporary form, and it was considered that some results must be shown during the experimental period. The object was to demonstrate under open conditions that it was a scientific experiment. Therefore this Dalrymple Home was established, as Dr Hoffman has informed the committee, by a company authorised not to put limited after its name. The object of it was purely philanthropic. And it was debarred by the Articles of Association from making any profit. The medical staff and the officers have no pecuniary interest in the whole concern. It was made simply a scientific experiment. I may say that, at that time, very few people believed in its success. The largest donor to the institution did not believe in it at all. This donor looked upon it simply as money wasted, but, having promised to give the money, did not draw back.

14,164. Would you please tell us the results of the work there: The numbers who have passed through it, the number of successes, and the number of failures?—These are the figures for this year which expired at the end of January 1895. We opened in 1884, and of 377 discharges during nearly 11 years, 122 are known to have done well; 14 more are improved; not improved as far as can be ascertained, 142; insane, 5. These were cases where insanity very often developed practically in a few days, or in a week or two after admission; 23 have died; and not heard from at all, 71. That made 377.

14,165. Do these 122 doing well extend over 11 years?—Not all of them. Some of them only for a year, some of them for the 10 years.

14,166. In the course of your experience have you found that, in the case of many of those you mark as doing well, there has been some back-sliding?—Well, that would not apply to this total, because it is revised every year by the latest intelligence we get of the patients. Some that would be under that heading one year might be under another in another year—as not improved, or as improved.

14,167. Do you happen to know, apart from that total, whether, after men go on doing well for two or three years—whether in the whole lot of 'doing 'wells' you have any considerable percentage of relapses?—Yes, there are some relapses. Speaking from a far larger observation than this, I can say there are considerable relapses every year. But this residuum of 122 represents very nearly permanent results.

14,168. That is about 27 per cent.?—Yes. It is really more than it appears to be, because some, to my knowledge, who have done well, do not want it to be known that they were ever in a home. One of the best cases I ever had in this home would not have it known that she had ever been there. But she has been cured nevertheless for many years.

14,169. You don't admit that the results shown by these figures are the best obtainable?—By no means.

14,170. You complain of the shortness of the period for which they are detained?—Yes; with people promising cures in six weeks the tendency is for patients to go in for a shorter time. Their friends believe that they are to be cured in three months.

14,171. Do you think the maximum period of twelve months not long enough?—It is not enough in many cases.

14,172. You would have that amended?—I would. I should like to see it extended to three years, as in one case abroad, with a fresh sentence on lapse after that, as there are in some other countries.

14,173. What other countries?—In San Francisco a person is restrained till he is pronounced competent to go out by two-thirds of the trustees. In this San Francisco home the average residence has been very short.

14,174. Is it a voluntary home?—That home is supported largely by a certain percentage of the police money. That is money from the revenues of the police.

14,175. From fines?—Probably.

14,176. You are sure of that?—One of the trustees who is in town at present, and might have been here only he is very unwell, told me so. The buildings were provided by the State, and a large amount of the revenues come from the State. I think as much as 700 dollars on an average, monthly.

14,177. I should like to get some detailed information as to the claims of this institution upon the fine fund of the police; the amount it receives, and the section of the Act empowering it?—I have asked my friend Dr. M'Donald, who is a very old gentleman, and who is ill at present, for information, and he has written for particulars. I have only been able to get from him some *viva voce* notes, such as he could recollect.

14,178. You mentioned other countries?—In Connecticut there is a maximum of three years for dipsomaniacs.

14,179. Is that voluntary or compulsory?—That is compulsory. In most of these cases in America there is provision under the Act of Incorporation of the home itself, in addition to the general law of the State. In the Washingtonian Home, Chicago, police court cases are detained in many instances for the remainder of the sentence, or the period liable to be sentenced for. If incurable, there is permanent detention. In New Jersey, on the order of a judge, or certificate of two physicians, the patient can be detained till in the discretion of the officers he may be discharged. At Zurich the least term is four months, and it runs up to twelve months. After that term is expired, and the patient is uncured, there can be a new agreement. In the Canton of St Gall, in Switzerland, the period is from nine to eighteen months, compulsorily. In Untervalden the plan is generally up to eighteen months, which can be doubled on relapse. You will find that general in Switzerland.

14,180. Do you know anywhere else where they have a law holding on to the fines?—Not exactly the fines; but that might, perhaps, come under the head of maintenance. In Zurich and St Gall one-tenth of the revenue from the alcohol monopoly goes to them. There are several homes in America which receive a percentage of the license money. I have noted two of them. Washingtonian Home, Chicago, founded in 1867, gets 10 per cent., and the Fort Hamilton Home, Kings County, New York, also founded in 1867, gets 13 per cent. These are the only two I am positively aware of in this position, but I know there are others in America.

14,181. You don't know any others where the fines come in?—The San Francisco one is the only one I know.

14,182. About the period of detention. You have mentioned a number of cases where there are great facilities for recommitment on relapse, and for rather prolonged periods. The State, I take it, has control of these institutions?—Quite.

14,183. You cannot have a second term without a second process?—You must begin *de novo*, in Britain.

14,184. Do you say that legislation should be amended on that point in this country?—I think the maximum ought to be, even under the present system, —three years. In many cases I recommend two

years, two and a half years, and three years; and at the Dalrymple Home there have been patients who stayed, voluntarily, after the twelve months, and have also gone in for a new term entirely.

14,185. There was no cause of detention?—None whatever, unless their voluntary desire for a second term. Under the present system they are all voluntary patients.

14,186. Would a magistrate take a declaration that a person was a habitual drunkard after having been sober for a year?—That is a disputed point. If a patient goes out and relapses I think some magistrates now would hold that he is a habitual drunkard. I do not know that any would if he did not relapse.

14,187. Then, have you relapses in order to get a second year?—I am afraid so.

14,188. What is the longest term you have had any patient?—I cannot say; I have no information on that. For the full period of twelve months there have been 87.

14,189. You know a great deal about other homes?—About a number of them.

14,190. You are an authority on the subject, and I wish to ask you if you have reason to believe that many of the homes have been or are managed in such a way as to be money-making concerns for the licensee, but without any regard to the welfare of the patient?—Yes; I have known instances. I might mention one now closed. There have been other homes carried on in a loose way. There was that home of the Zierenbergs. That was not under the Act. I cannot say very much about those that are licensed. There are very few of them altogether.

14,191. As to the system of licensing and inspection, you are aware that the inspector of inebriate retreats had this function added to duties that were probably sufficiently absorbing?—Yes.

14,192. Do you think the inspection is as efficient as you would like to see it? I say that without the smallest reflection on the inspector?—I think he has done his duties well.

14,193. Do you think the inspection would have more justice if the entire time of the inspector was devoted to it?—There is little to inspect at present. Only a certain proportion of places are under the Act. That is one of the greatest practical evils at the present time.

14,194. That is a point of practical importance. There are a great number of unlicensed places where habitual drunkards are received. We came across one place in Edinburgh where the first patient that we interviewed told us she had been kept in for five years. She complained that she had been sent in by her husband for a few months, and her husband would not let her out; that is to say, he would not supply her with means to go out. Do you think that where people can be detained—there were 15 or 16 women in this retreat—for prolonged periods, there should be inspection?—I think no inebriate, any more than a lunatic, should be retained either in a public or private asylum or retreat without the power of inspection.

14,195. Do you think that the present state of the law which exempts non-licensed houses from all inspection puts a premium upon abstention from coming under the provisions of the Acts?—Undoubtedly. Many people do not want to come under the law. Their friends don't like the idea of their being seen by an inspector. They do not wish it to be known that they are there at all.

14,196. But the fact of the inspector seeing them does not do them any harm?—Not at all. I wish to see every precaution taken; because, knowing of those few instances mentioned, and knowing of disasters which have occurred privately, I think there is at the present moment unlimited power of abuse, in places not licensed. It is a very difficult thing at some places where inebriates are kept for even their friends to get at them. I have heard some heart-rending details of cases of that kind.

14,197. You mean of people sent in by friends—a husband or wife. Someone else could not be got at by their friends?—And in some cases they had great difficulty of getting away out of the clutches of individuals who kept these places.

14,198. In the case of people applying for license they have got to produce testimonials of character?—Yes.

14,199. It is very much the same as the certification of the respectability of a person applying for a public-house license?—Yes.

14,200. Any one can set up an inebriates' retreat?—Yes. Clergymen, doctors, and laymen, who know nothing whatever about it in many cases.

14,201. You think it would be a great improvement to have a record of all places where inebriates are received and detained to have all these places licensed, and to have them inspected?—Quite so. At all events, there should be a power of inspecting them. A great deal of mischief arises at present from want of that.

14,202. Do you know anything about places for inebriates in Scotland?—Not practically. I have not been in any of them.

14,203. You have no experience of cases sent to them?—Yes.

14,204. Of Skye?—Yes.

14,205. A number of cases are sent to islands on which there are no public-houses?—Quite so.

14,206. I suppose you find that good?—In some cases. I have not found much advantage in that. There have been a few rare cases. Some people with almost any treatment reform themselves, with a little outside assistance. Even with quack cures, or anything else, a certain proportion will be cured.

14,207. You have mentioned quack cures. I know you have gone into these pretty extensively. There are some members of the Committee greatly interested in that branch of the matter, would you please tell us what your experience in connection with them has been?—One experience has happened only within the last day or two, and it will be probably quite sufficient to cite it. There is secrecy in all this kind of thing, and therefore a want of proof. But this poor clergyman came to me a year ago to advise with me about his son who was a very intelligent man, but a morphinomaniac. He came back to me only on Sunday last. The son had gone in for one of these cures. They took him away for six weeks into the country, and they cured him of morphinomania; but he is now a worse drunkard than ever, because he is an alcoholic drunkard. I know there are other instances that have come to my knowledge, where 75 per cent. of the cure was alcohol, so that they simply substituted alcohol drunkenness for opium drunkenness. I don't mean to suggest that all cures do that.

14,208. In connection with these, were you not mixed up with some dispute in which legal proceedings at one stage or other were threatened?—Yes. An action was brought against the *Lancet*, and against another medical journal who reported a speech of a gentleman who had been at one of those institutions looking after it, and who brought a great many American papers over here which were filled with accounts of disasters—from insanity, death, and so forth—which were attributed by physicians in America to certain cures. An action was brought, but, in the long run, it was withdrawn and, all costs paid.

14,209. There was an intention of going on with the action?—The whole defences were ready, I know.

14,210. Without going into detail, your opinion is that there is nothing in any of these cures?—I think there is a psychological element in them all. Otherwise a patient would never get cured. As to the drugs, they must be powerful. They seem to be either a potent drug intended to make the patient sick and disgust them with liquor, or they are strong nerve tonics, given in doses which probably an ordinary physician would not dare to do.

14,211. If sickening them, it would be tartar emetic?—Or ipecacuanha or apomorphine.

14,212. You speak of nerve tonics?—Yes, strychnine; which is probably the most powerful of them all.

14,213. Do you think that a judicious combination

Dr. Norman Kerr.

29 Jan. 1895.

of the tartar emetic and strychnine treatment could do permanent good?—I have seen that kind of treatment do good when it was done openly, and the patient's will was carried with you, and he were desirous of being cured.

14,214. (*By Dr. Sutherland.*) Don't these poisons balance each other?—They do, when taken together; but there is the effect of them administered at different stages. I know nothing about the cures myself.

14,215. (*By the Chairman.*) You have had occasion to deal with a large number of cases of habitual drunkards?—Perhaps more than any other man in this country? With somewhere about 2000 now.

14,216. Do you use drugs in their treatment?—Yes.

14,217. Tonics?—Yes. Strong tonics, but only in moderate doses. Such as would not produce any immediate dangerous effect.

14,218. You believe that the only real cure is the placing of the habitual drunkard in such a position as to prevent him getting drink?—Well, I find in the case of a certain portion of them, if they have a certain amount of will power, or even those without much will power, that a sudden nervous shock will alter the whole conditions of life, and then they go on all right. I have known of a man and his wife suddenly, without any apparent inducement of any kind, and after twenty years of drunkenness, suddenly make a resolution never to touch drink any more, and keep it. They were very ordinary people. In every batch of patients, large or small, you will be sure to have a certain proportion who have that reserve of will power in them.

14,219. But the great majority?—The great majority of cases require seclusion. Decidedly! I should say eight-tenths.

14,220. And the separate seclusion consists in keeping them from drink?—And temptation. Many, of course, are predisposed to drink through mental infirmity of some kind of incipient insanity.

14,221. You are the president of the society for the study and the cure of inebrity?—Yes.

14,222. That presupposes that it is to a certain extent a disease?—We believe it to be a disease. I may say that, 33 years ago, one of the first cases I saw was a young man. I sent him out to the State of Maine, to one of the country parts, as in five sixths of that State there was no liquor to be had. That man did very well. There were no institutions of the kind we know now. He simply went out there, and kept from liquor.

14,223. (*By Sir Colin Scott Moncreiff.*) He had the will power enough to stop there?—Yes. He was young. That was one thing in his favour.

14,224. (*By the Chairman.*) You mentioned the abuse of morphia. We got a letter the other day from the licensee of a retreat near Bristol, suggesting several points, in which he considered that the Inebriates Act should be improved. One thing he said was that the Acts at present did not provide for people who used morphia and other drugs; is that so?—Yes. I may say that in this evidence I am speaking practically for the great mass of the members of the British Medical Association. Being Chairman of the Committee, we have gone over all these points repeatedly, and have memorialised the Home Office, among other things, on the want of a provision of this kind in the Inebriates Acts. It is not so in several other countries. And it would be an enormous advantage to include inebriety by any drug of any kind.

14,225. Have you got the words there of any Act?—For instance, in Manhattan Island. The Inebriates Act, for it is given in full in my book. In the case of the St Saviour's Retreat for females, these words occur in the law of 1892:—'That such female is incapable 'or unfit to properly conduct herself in her own affairs 'by reason of habits of periodical, frequent, or constant 'drunkenness, induced either by the use of alcoholic, or 'vinous, or other liquors, or opium, morphine, or other 'narcotic or stupefying substance.' There are many other homes which can take patients addicted to the use of opium, morphine, and cocaine, but we have none in this country.

Dr. Norman Kerr.

29 Jan. 1895

14,226. You mentioned cocaine. Is that frequently used?—Not so much here as in America. But it is increasing here.

14,227. Has it any particular effect?—It is probably the pleasantest, and has fewer drawbacks than any narcotic drug in this country.

14,228. What dose do they take?—As much as 30 grains a day are injected, if the disease has been going on for a long time; and yet somewhere about one-seventh or one-sixth of a grain has been known to prove fatal. But, by a gradual process, people can get to use enormous quantities. In this country it is more used along with morphine. A good many literary men and literary ladies take, perhaps, 20 or 30 grains a day of opium and 20 grains a day of cocaine, and the two together have a tremendous effect on the system.

14,229. But these must be great epicures to mix their drink in that way. We have heard of antipyrin being used?—I have had some experience of that. Antipyrin is not so narcotic. It belongs to that class of substances which may be taken without having any dulling effect on the mind, the brain, or the morals. Tobacco, tea, coffee, all of these are of the nature of antipyrin, and have more or less effect on the nervous system, and other organs, but they do not bring people into criminal paths, unless they become insane.

14,230. And cocaine?—It works very rapidly. It is more powerful than almost anything else, and obtains a greater hold sooner than anything else.

14,231. Is Indian hemp much used in this country?—Not in this country. In other countries it is largely used. It is practically prohibited in this country by the Poisons Act.

14,232. But is not the same prohibition extended to opium and other substances?—The direct sale of them. But they get opium in all sorts of mixtures. There is no drug more popular.

14,233. What about chlorodyne?—I have seen a great many cases of that kind of chlorodyne-mania. They were mostly women—coachmen's wives, clergymen's wives, doctors' wives. It is a very expensive drug.

14,234. Have you ever had any obstreperous cases?—I only go out to the Dalrymple Home once a month. I have had cases of that kind reported to me. In a case of that kind the superintendent would at once wire for a mental nurse.

14,235. I do not mean an insane case. To the Committee appointed by the Home Secretary evidence was given of a certain case of a man who had gone into a retreat, and wished to get out. In order to effect his purpose he smashed all the windows, and behaved so uproariously that they were glad to turn him out. Have you ever had any case of that kind?—I have had no case of smashing windows. But they can do it in other ways. These are rare cases. Of course, the general tone of the patients being high would prevent anything of that kind. But cases do occur occasionally, and there is no legal remedy for it.

14,236. You say, 'the general tone of the patients being high;' I thought the general tone of dipsomaniacs was very low?—I speak, of course, of the Dalrymple Home. A great deal depends for its success on the tone of the patients there; and, though patients come and go, if there are some good men among them, they give tone to the house. Take the case of a man who held high office in England. He was there himself, and he has sent a good many there since. He himself at that time was the leading influence in the place. He was cured in six months, and again fills his post with the highest credit. When any one connected with him is sent there, there is always a high moral tone given to the institution. It is true that once the tone got down. One or two men of low tone morally—incurable cases—got in, and several were discharged summarily, so as to get rid of the lowering element. That is the only time there has been any trouble.

Dr. Norman Kerr.

29 Jan. 1895.

14,237. You require your patients to pay in advance?—Always.

14,238. That gives you a certain hold over them. What happens if you dismiss them?—The money would be sent back for the rest of the period.

14,239. The idea there at Ricksmansworth is to carry out the experiment in such a way as to ensure success?—Yes.

14,240. There is a provision in the Habitual Drunkards Act to allow people out on license. Is that much used?—I don't think it is. It has not been found to work, because the period they ought to be kept in is for three months or six months, unless they came in voluntarily, as in some cases of insanity in Scotland. At certain periods persons knew they were going wrong for a week, and they went voluntarily to an asylum to tide it over, but that could not be done at the Dalrymple Home. The least period for which a person can be received is three months; and that is a provision that wants to be made in any further legislation on the subject.

14,241. Is there not a provision that a person may commit himself for a year, and be allowed out on license, and return at another time?—Yes, but then, unfortunately, there may not be a vacant bed for them. People have often to wait. I do not know how it is with other homes, but if any inmate is allowed out on probation with us, it is for some domestic claim, or some call of business.

14,242. Do they often break down when they are let out?—Of course, there is a proportion of them, especially of those that are in for three months; there are fewer at six months, and there are fewer at nine months, and a year.

14,243. You mentioned that the Committee of the British Medical Association had been going over a number of points which required amendment?—Yes.

14,244. Would you mention some of them to us?—Well, I may say, with regard to non-police cases, that these, in my experience—and I have experience both of the rich and the poor also, as I have care of one of the largest parishes in London—that those who do not come under the police in London are at least 12 to 1, probably 20 to 1—certainly 12 to 1 in the working classes. Of course, in the recommendation of the British Medical Association, in the forefront of legislation is power of compulsion.

14,245. (*The Chairman.*) We will divide them into three classes—(1) the voluntary patient; (2) the class that a number of people desire powers to commit compulsorily; and (3) you have the *quasi* criminal class—the police court drunkard. Let us deal at present with the voluntary man. Have you any recommendation as to him?—The first recommendation is that voluntary applicants should be admitted, as they are in many institutions in other parts of the world, on a mere request when sober. For example, in New Jersey, a simple request in writing is received when the applicant is sober, and that by an Act is as binding as if he had made a declaration before a Commissioner for Oaths.

14,246. If a man on a written request is admitted, are powers of detention given to keep him there for a certain time?—The same powers of detention. It is very general to make a request in writing, but he must be sober when he signs the request. There are two ways in which they can be admitted in New Jersey—one on a request attested by a commissioner for oaths, and the other a simple request in writing when sober. In New Zealand a person is received into a home by a judge's order on the inebriate's request. In Victoria the request is attested by one justice, and it is the same in South Australia. We recommend, for the admission of a voluntary patient, simply a request in writing when sober, or attestation by one justice instead of two, or, still better, attestation by a commissioner for oaths, a clergyman, or any constituted authority. The present system is so forbidding that very few women will undergo it, and only a small number of the men. In many of the homes there is less than a half go under the Acts.

14,247. In the case of the Dalrymple Home, how many have you under the Acts?—Under the Acts 177, and otherwise 200.

Dr. Norman Kerr.

29 Jan. 1895.

14,248. So that the majority in your home are not under the Act?—We managed it better at first. The first year or two there were fewer patients, and we were able to bring more influence to bear upon them. Since the idea that the whole thing can be carried out in six weeks, still more decline to come under the Acts.

14,249. Let us take the second class—persons non-criminal, for whom, I presume, the British Medical Association wish powers of compulsory detention to be given?—Yes. The Committee next in order place the sending of the non-criminal cases—the non-police cases—under some jurisdiction for curative treatment in some special institution, either on the production of certain certificates by a medical officer, or by some constituted authority. They do not wish it to be done without a judicial authority, in addition to medical certificates. I can give you the procedure in various counties. In Kings County, Fort Hamilton Home, one justice for one year, established since 1867. There is no mention of a medical certificate there at all. In Connecticut, by District Court of Probate, after inquiry on application from a majority of court of select men of the town, and two medical certificates. In Pennsylvania, the chief officer of the home alone, on two medical certificates attested by a commissioner, and presented by a friend. In San Francisco, on the order of one of the trustees, or of any police judge, who may or may not require a medical certificate. Ontario, by the Provincial Secretary, after inquiry by a judge. Quebec, any judge can appoint a curator, who has power to place the drunkard in any asylum. Novia Scotia, the same as Quebec. New Brunswick, by curators appointed by a judge, and by a judge after inquiry. The Canton of St Gall, by the Communal Council, confirmed by the Council of State, or the latter alone if the former declines to act, on one medical certificate. Unterwalden, by the Council of State. In the provision for the poor in the Canton of St Gall, by the Act of 1891, these words occur:—'If no means, or the cost 'too great for breadwinner's family, they are levied on 'the poor rates.' In addition, in certain special cases, the State is to contribute to the maintenance of the family during the patient's incarceration—that is, if he is the breadwinner. In several other Cantons there is provision made for two-tenths of the alcohol revenue monoply being applied for the purpose of placing pauper inebriates in suitable institutions. In Thurgovie, one-tenth to defray expenses of alcoholics in the House of Correction at Kalchrain. At Unterwalden the poor law authorities can agree with the Council of State to place and pay for habitual drunkards in institutions for inebriates. In San Francisco there is no exemption on the ground of inability to pay. Those able always pay; always do so. They get accommodation according to what they pay. In Connecticut and New Jersey the city and county are liable; and in Massachusetts the municipality is liable to pay for poor inebriates. In South Australia work is accepted in payment for the poor, and that is the case also in Ontaria and New Zealand.

14,250. If we recommended the institution of such places where drunkards might be committed compulsorily, I do not see that we can get any light as to our financial proposals from those cases?—I was only showing the way other countries have provided for the poor.

14,251. Can you give us any idea where we could get funds if we wished to make such a suggestion?—I should think that that must be left to the Government of the day to carry it out practically.

14,252. That is true; but then the Government of the day would never think of carrying it out practically unless those interested could suggest ways and means?—There seems to me no way of providing for the poor, or those of limited means, except to provide accommodation for them at the cost of the State, or the local rates.

14,253. Unfortunately, we have not always found

Dr. Norman Kerr.

29 Jan. 1895.

great approval of the proposal. Everyone wanted some one else to pay for it.

14,254. (*By Sir Colin Scott Moncreiff.*) If you adopt the Gothenburg system, that will settle the thing at once?—(*Witness.*) That is practically the same as it is in Switzerland.—(*To the Chairman.*) I, as an individual, would not approve of it. It would be making inebriates on the one hand, and curing them with the other. —(*Witness.*) With regard to the non-criminals, it is impossible, it seems to me, for any voluntary effort to do it. They can only get up an institution, and charge a number of the patients a certain sum. Then the State, or the Local Authority, would pay so much out of the public funds for the maintenance of those who are not able to pay. A voluntary fund would never do anything of that kind. That has been tried, and has failed. People won't respond to an appeal of that kind, I am certain, in this country. 'Provision for 'the poorest' was another recommendation of the British Medical Association. They do not go into details, but simply say that the poor ought to be treated as well as the rich. Another recommendation was that spoken to by Dr Nicolson regarding the inclusion in the Acts of intoxication by morphine, or other drugs. In regard to escaped patients, there is great difficulty now. Under the present system, if a patient escapes, whether rich or poor, he sometimes has to pass a night in the police cells, because the licensee must apply for a warrant of a justice, and the escaped patient must be brought before that justice who issued the warrant. In connection with all these institutions, in America and elsewhere, any authorised person is entitled to recapture, and to bring back direct to the home, with the aid of the police.

14,255. Dr. Hoffman mentioned another point, in connection with which additional powers were requested, viz., where a person who had made an application to be received into a home, and had been committed there by a justice, refused to go, and there is no power to take him?—There is none in this country.

14,256. You indorse the recommendation that there should be such a power?—Certainly. In South Australia, Victoria, and Ontario, any person authorised can retake an escaped patient.

14,257. Any further suggestions?—With regard to paupers, the guardians of the poor should have power to detain, in a special department of the workhouse, or pay for the treatment of inebriate paupers at curative homes, the same as they do for lunatics at present.

14,258. That is a very important suggestion, and I think it one of great practical importance. Any other suggestion?—We think that all homes for inebriates should have a minimum extent of grounds for outdoor exercise; and we think, also, there should be Government inspection of all inebriates under detention anywhere.

14,259. But if it costs £110 a year per patient to make a home pay, would not these provisions, as to ground especially, make it more difficult to make it pay if they were carried out?—These institutions would be for the poor and the rich, and would be state-aided, or aided by municipalities. There is another matter on which we feel very strongly, and that is that the staff should be abstainers. The influence of a single person who drinks, in such a place, is unconsciously, in the main, disastrous to the patients. That is actually a part of the constitution of the Ellikon Home, Zurich.

14,260. That is not enacted by the law of the State?—Ellikon is practically a State Institution supported by the State to a large extent.

14,261. Is that recommendation as to teetotal attendants a recommendation from the British Medical Association?—It has not been sent in yet, but it will be soon. Another practical point is, as regards the patients working. We have no power at present to compel any body to work—rich or poor—at present. And we propose there should be power to compel the patient to work. Idleness militates very much against the curative treatment.

14,262. What would you work them at?—Women could be worked on a great many things—laundry work, preparing flowers, and a great many other little things.

Dr. Norman Kerr.

29 Jan. 1895.

14,263. Let us have them. We have been on the outlook for some work for women? I have not gone into that minutely, but they must be employed at something if they are to be benefited. I do not mean that their work is remunerative. I do not think such work will do much towards keeping up the homes at all, unless where there is no rent to pay. It is for the employment of the patient rather. There are various things connected with flowers that women can do, and there are little industries being taught women all over Ireland just now. We might just as well do them here. There is another point which I do not know if the Committee will take cognisance of, and that is forbidding the sale of liquor to declared habitual drunkards.

14,264. Let us have the practical working out of that suggestion for the sale of liquor to habitual drunkards?—I have taken a note of the only two countries I can find, where they have a fine or penalty for disregarding that notice. Both are in the United States, where there is a provision that wife or widow, or other person, can proceed against any publican selling or giving liquor to such drunkards.

14,265. What States?—In Ontario a police magistrate or two justices may forbid the sale of liquor for twelve months. For the first offence there is a penalty not exceeding £5, and, for a second, not exceeding £10.

14,266. That might work out in a thinly inhabited country, but not in large towns?—It would necessarily be less operative in large places.

14,267. Take the case of London or Glasgow—it would be quite impossible to have anything of that sort?—It would; but, in small towns with 5000 or 10,000 inhabitants, it would be quite practicable.

14,268. And in the counties?—Yes. In regard to the Act of 1879 itself there is no power to elect a permanent deputy?—There is only power to a deputy for six weeks. There ought to be power to the licensee to elect a deputy for a whole year.

14,269. But you have two licensees registered in most of them?—We have not at the Dalrymple Home.

14,270. If you take the Bristol Home there are three licensees; at Daisy Bank there are two; and there are two ladies registered for the Chiswick Home. The difficulty can be got over by this double system. Then it would be an enormous advantage if the licensee could appoint a deputy. In regard to criminals, the British Medical Association have considered that part of the subject again and again. They are most anxious that there should be some probation, simply at the magisterial option; instead of the magistrates sending a prisoner to prison, to allow him to go for three months of special treatment. They could let him out on recognisances. That has been done in London in several cases in the higher courts.

14,271. (*Sir Colin Scott Moncreiff.*) There is a difficulty about the three months?—Six months is the very lowest that would be permanently useful.

14,272. (*By the Chairman.*) I have been very much struck with the way in which magistrates deal with first cases. Out of twenty cases, about every one of them was let off with an admonition. Formerly these would have all been sent to prison.

14,273. (*By Sir Colin Scott Moncreiff.*) If there was compulsory confinement in these retreats, how would you maintain discipline. You say that now a percentage is turned out, but if you took them in compulsorily what would you do?—In any proper system there must be classification. You would have to make special provision for incorrigibles and incurables.

14,274. We have been told that the greatest temptation came upon a person under treatment within the first twelve months. Do you think it would be a desirable thing, therefore, to give a license for twelve months. It is only six months now for lunatics; and that it should be twelve for habituals seems a long period?—Of course, it would not be a fixed period.

14,275. Then you think there might be another period at the end of 365 days—a sort of prolonged license. Do you think that would be a desirable thing?

Dr. Norman Kerr.

29 Jan. 1895.

—There ought to be a period of probation. There is that in the case of lunatics. There would be no harm. They would be discharged with a license for a long time if there was no offence. They might be under observation in some way.

14,276. (*By Dr. Farquharson.*) Do you think the number of inebriates in the country is increasing?—I think the number of diseased inebriates is increasing—inebriates more difficult to cure.

14,277. Do you think the total number of inebriates is very large?—Very large, indeed.

14,278. Suppose we were to come to the conclusion to incarcerate these inebriates compulsorily, would that involve, to your mind, a large expenditure?—It would, to do it properly; but the Government might take a little part of the matter. For instance, in London, a home for 50, 60, or 100 of the worst incorrigibles might be started. Perhaps Glasgow might do something as an experiment. I am sure that in such towns as Glasgow, Belfast, or Dundee, they might have it on a much smaller scale if they had power to allocate local funds, and it would answer the purpose very well. In London provision for 100 would take away almost all the worst cases out of the police courts, supposing they did not wish to go into it on any larger scale.

14,279. You could not commit yourself as to the number of diseased inebriates in the country that would come under such a provision?—Probably there would be 20,000 that could legally come under the designation.

14,280. Does that 20,000 include the frequent committals of people who come up over and over again for offences of this class?—I mean 20,000 individuals—criminal and non-criminal—putting them both together. I think provision for 20,000 would be ample for the United Kingdom.

14,281. Have you any plan for utilising existing institutions in any way so as to make them useful for this purpose?—Disused prisons might be made practicable if they had ground about them. Barred windows and things of that kind would be out of the question.

14,282. But how would you keep the patients in?—The tendency in lunatic asylums is not to have these mechanical restrictions. It is very different from the old state of things.

14,283. What would be the machinery for dealing with these people before incarceration?—In police cases a certain number of convictions in cases of drunkenness and light offences—so many committed within six or twelve months.

14,284. Would you consider medical testimony of importance?—I think it would be. There ought to be proper curative treatment.

14,285. Do you consider it necessary that a medical certificate, as in cases of lunacy, should be given?—I think no one, unless, perhaps, a criminal, ought to be put in a special reformatory without two medical certificates and judicial authority.

14,285A. The medical testimony would merely be part of the general evidence?—Exactly.

14,286. I suppose you would say that the results obtained at the Dalrymple Home have been very satisfactory in respect of the numbers cured?—Very much so, indeed. In the United States, among several thousand cases, one-third after ten years were found to have remained sober.

14,287. You are sanguine as to the results of treatment?—If there is one-third just now, I think that, with a State system which would prevent abuses, there might be 50 per cent. of cures.

14,288. You mean permanent cures?—Yes! permanent cures. Some cases would require to be detained as long as they lived.

14,289. I suppose the cure will be more rapid the earlier the case is got?—Decidedly.

14,290. Is there any difficulty in getting sufficient evidence to get incarceration?—Even in cases at an early stage the evidence should be sufficient to satisfy an ordinary intelligent judge and an intelligent medical man. There might be a family council. Everything should be done to safeguard the patient's position.

14,291. Would there not be a difficulty in these cases of domestic drinking where the man or woman was ruining their family and themselves?—Of course, in France and several other countries, there would be no difficulty. Whether from excess in gambling or anything else, a family council is called, and the judge acts upon that. In lunacy cases here the evidence is very much of the same character.

14,292. You think 50 per cent. of the cases are incurable. Are they incurable because the tissues are diseased from the effects of drink?—I would not put it in that way. Many of them are damaged before they begin. They are not drunkards because they drink. They drink to excess because they have had some pre-existing condition sufficiently strong or hereditary. I have seen many such cases.

14,293. Do you think that the statements of the American institutions, as regards cures, are to be taken with reserve?—Some of them I do not take at all. There is an institution at San Francisco where the average period of residence is six weeks, and they say they cure 80 per cent. They cannot follow up the cases even in genuine homes. Improvement appears to be reckoned cure.

14,294. (*By Professor Dove Wilson.*) If you are to have compulsory seclusion of inebriates, won't it be necessary to have some provision for the management of their affairs?—It must, in many cases.

14,295. Have you come to any conclusion on that point?—The provision made for the management of a lunatic's affairs would suggest something of the same kind here. There might be a curator or trustee or some official person.

14,296. Has this point ever occurred to you, whether it might not, in some cases, be necessary to take away the power of making a will from the persons secluded?—I have seen that occur, and I have seen it more especially in inebriates who have, under moral compulsion, gone into a home. They were in a rage at their wives, or who ever put them in; and certainly a will made under such circumstances ought not to stand. [The witness then withdrew, and the Committee rose for the day.]

[ADJOURNED.]

TWENTY-SEVENTH DAY.

Scottish Office, Dover House, London, Wednesday, 30th January 1895.

PRESENT:—

Sir CHARLES CAMERON, Bart., M.P. (*Chairman*).
Col. A. B. M'HARDY, R.E.
Sir COLIN SCOTT MONCRIEFF, R.E.
Dr FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr J. F. SUTHERLAND; and
Miss FLORA C. STEVENSON.

Mr. David Crichton Lamb.

Mr David Crichton Lamb, Brigadier of the Salvation Army; Col. James Barker, Col. Adelaide Cox, and *Miss Lambert*, all of the Salvation Army, London, were introduced. It was agreed to hear Mr Lamb first.

Mr. David Crichton Lamb.

30 Jan. 1895.

14,297. (*By the Chairman.*) You are an officer of the Salvation Army?—Yes.

14,298. You come as Secretary for Social Affairs to Mr. Bramwell Booth, the Chief of the Staff?—That is so.

14,299. You have had a large experience in dealing with drunkards, prostitutes, and petty offenders in connection with the social work, especially since the inauguration of the Darkest England Scheme?—Yes.

14,300. During the 29 years of the existence of the Army, your efforts have been directed towards this class?—Yes.

14,301. How long personally have you been in the Salvation Army?—For 10 years, but I have been connected with the organisation for 12 years.

14,302. The soldiers and members of the Salvation Army are all total abstainers?—Yes.

14,303. What percentage of the members of the Army are what you would term saved drunkards?—I should say about 27 to 30 per cent.

14,304. About these saved drunkards: do many of them relapse?—Well, certainly a percentage do; but a very small percentage, I should say.

14,305. I suppose a good number of men leave the Salvation Army?—Yes.

14,306. You have no means of tracing them afterwards?—No. One thing I have observed is, that those that do lapse come back to us. If a man leaves us, for instance, and joins a church, and he afterwards lapses, he does not continue to go to church, he probably turns up at the barracks again; so that we are familiar with those that do lapse.

14,307. And from your experience you think that a very small percentage of saved drunkards lapse into drinking again?—That is so.

14,308. In connection with the Darkest England Scheme, temporary relief workshops have been established in London and several provincial towns, and a large farm has been acquired at Hadleigh, near Southend, Essex?—Yes.

14,309. You have here a list of the institutions worked by the Salvation Army: would you please just go through it?—First there are the slum posts, of which there are 40 in England. The number of slum posts abroad is slightly in excess of those in England—viz., 42.

14,310. What is a slum post?—A slum post is usually two rooms taken in the poorest localities of our large cities—Seven Dials, for instance, in London; and in Glasgow in the neighbourhood of Bridgeton and the lower parts of Anderston.

14,311. You speak of 40 in England. Do you mean Great Britain?—That is so.

14,312. Tell us about the slum posts.—Two female officers go to live in these rooms. One of them is a bedroom, and one is used as a meeting-room. From these posts the officers go and visit the people who live around them, and go into the drunkard's home, nurse the sick, scrub out the house if necessary, and wash the children, because when a mother is sick the children are left very much to themselves. The husband is off in the morning and not back until night. These girl officers act as visitors and nurses and ministers and everything else to these poor people. You will find them at work in places where the police dare not go: where they only go to the end of the alley. These girls will be found down working in the alley, so that they come in contact with a class that do not even come within the cognisance of the police.

14,313. Are these slum posts used as shelters at all?—Not as shelters. A girl who might be brought there would be taken by these officers and passed into a rescue home. If a man, he would be drafted into a workshop.

14,314. What about rescue homes?—We have 16 of these in great Britain, and 39 abroad.

14,315. Have you the separate figures for Scotland? We should like them.—I am sorry we have not got them, but I will fill them in. The following has been supplied:—1 Shelter for women (accommodating 200), in Edinburgh; 1 Rescue Home for women (accommodating 60) in Glasgow; and Slum Posts in each of the following places:—Aberdeen (1), Dundee (1), Glasgow (2), Leith (1).

14,316. Of course, as our inquiries are chiefly about Scotland, we would like the Scotch figures! Now about the rescue homes?—Colonel Adelaide Cox is here, and will explain at length the work of the rescue homes.

14,317. Well, we will take the ex-criminals' homes?—We have one in England at King's Cross, London. We have accommodation in that home for about 100. We don't usually receive drunkards there. It is for the first offenders and for the criminals.

14,318. You receive first offenders there?—Yes.

14,319. But first offenders are usually let off?—I am glad you have corrected me. I should say first sentences, the work of the home being to give the man a chance after he comes out of prison. When a man gets into prison his friends usually turn their backs upon him and discard him. He has in that way no chance of pulling himself together, and his only hope is to go into crime.

14,320. How is the ex-criminal home worked?—We have various industries there. The chief industry is paper collecting and sorting.

14,321. Paper collecting?—Yes, the men go round to houses and to firms where previous arrangements have been made, and on the presentation of a ticket with which we have provided them they systematically collect paper. A certain percentage of the inmates go out collecting, and the others are kept in sorting. We have also bootmaking, and a little tailoring, and also mat-making—these industries, of course, being what a man would have learned something of in prison.

14,322. You have only men in this home?—Yes, the women are dealt with in the rescue homes.

14,323. Do you work in connection with the Government scheme for prisoners' aid?—The Royal Prisoners' Aid Society frequently send ex-prisoners to us.

14,324. But do you in any way work with the Government, so as to participate in the Government grant?—No; I am sorry to say not.

30 Jan. 1895.

Mr. David Crichton Lamb.

30 Jan. 1895.

14,325. Are you acquainted with the system?—I have a little knowledge of it.

14,326. How does it happen that you have so large a percentage of your criminal homes abroad—9 abroad, I see, against 1 in the United Kingdom?—There is one in each of 9 different countries—one in Africa, one in each of the colonies of Australia, one in Canada. It was in Australia that our first ex-criminals' home was planted 10 years ago. Colonel Barker, who has been in Australia, will speak on that point. The first prisoners' home was started under his care.

14,327. How long do you keep people in the ex-criminals' home?—It varies from about 2 months to 7 months.

14,328. Do you draft them into other organisations connected with the Salvation Army, or do you endeavour to get them work outside?—We get them reconciled to their friends, and we also draft some of them into other institutions of the Army, or pass them into the Farm Colony.

14,329. You have always got so many outlets for these ex-criminals in your own ranks that you can assure them of some means of livelihood?—There are not so many go into our own ranks as one would imagine. In 1114 cases received since the opening of the home three years ago next month, 255 of them have been drafted into other departments of the Salvation Army, and 358 have been sent to situations and permanent employment, 7 have enlisted into the army, and 344 have left, after satisfactory conduct, with a fair prospect of finding work themselves.

14,330. Have you all ages of inmates there?—I have have not got the ages at hand.

14,331. Can you tell us if there were many juvenile offenders there?—A few. We have a great many between 18 and 24.

14,332. Over the Reformatory age?—Yes.

14,333. Come to the food depots and shelters which you bracket together?—Yes; we bracket them because they are so closely allied. The food depots are worked in connection with night shelters for the homeless.

14,334. Would you describe the system of food depot?—It is simply established for the supply of good wholesome well-cooked food at as low a rate as possible. We buy in the first market, and we buy nothing but what is of good quality. I do not mean we buy the best quality, but it is better than the people in these neighbourhoods have been accustomed to by a long way. We supply cooked meals at prices varying from one farthing to fourpence. For fourpence a man can get a good dinner.

14,335. What can he get for one farthing?—That is for children. A basin of soup is given.

14,336. And for 4d.?—A man would have meat and potatoes and pudding and tea.

14,337. Is that self-supporting?—Yes. Last year we had a considerable profit on the food depots. In the winter time we sell 15,000 meals a day, so that the turnover gives room for a margin of profit.

14,338. Does that allow for labour in connection with it?—For all labour, rent, and management expenses.

14,339. How do you find that part of the enterprise regarded by the vendors of articles of food in the districts?—The result of our operations for three years has been that in the neighbourhood of our food depots our system has been copied, just in the same way as in the city the light refreshment places started by the Ærated Bread Company have been multiplied. In the lower parts our food depots have been copied. We have been copied by the Victoria Homes. Only last week they opened one of their large day shelters as a food depot precisely on our lines.

14,340. You consider that if other people take up the work, and do it as well as you can, it is so much labour saved to you?—We don't mind at all. The London County Council in their Parker Street lodging-house copied our bill of fare exactly, but that we don't mind one bit.

14,341. Would you please explain what the shelters are exactly?—The shelters in London give accommodation for about 5000 men and women every night, at prices varying from one penny to 6d.—1d., 2d., 3d., 4d., and 6d.

Mr. David Crichton Lamb.

30 Jan. 1895.

14,342. What for one penny?—A bare shelter in a warm room with a comfortable seat, and a piece of bread is also given for 1d. He can also have an ample supply of hot and cold water. The shelters are open from 5 o'clock in the afternoon usually, though in the severe weather recently experienced they have opened at 4 until 8 o'clock next morning, so that a man who is destitute need not hang about the streets or be without a shelter.

14,343. Do the men who pay a penny sleep on the floor?—No; the seat is very much like a church pew, with a book-board in front, so that a man can lie forward. Before the shelter fills up a man can lie on the seat and rest himself. The seat is specially broad, like a railway carriage seat, but when the shelter fills up he has got to sit up, and if he wants to sleep he lies forward on the book-board.

14,344. He gets a piece of bread when he comes in, but nothing in the morning?—Nothing in the morning. In severe weather such as we have at present we provide a small task for a man who has not a penny that he can do in about three-quarters of an hour. Some experienced hands would do it in twenty minutes. It is chopping up wood. In this connection, it would be better for us to give him shelter for nothing, because of the waste of wood he effects before completing his work. But then, on the other hand, the man feels that he has done his pennyworth, and is entitled to his shelter.

14,345. Take the two-penny man?—He is provided with a bunk, with a sea-weed mattress covered with American cloth, and with a cover. The room is kept up to 70 degrees of heat. That is perhaps more than you or I would care for, but to these poor people heat is very essential to them.

14,346. Do they sleep in their clothes in these bunks?—Some undress, and some sleep in their clothes.

14,347. Do your rates apply to both men and women?—2d. is the lowest for women.

14,348. That is rather hard on the women, isn't it? If a woman comes without 2d. she does not get a bed?—All our officers exercise a certain amount of discretion. If a man or woman is destitute, he or she is not turned away by any means.

14,349. You have no intermediate system for a man simply lying on the floor. You give them either a seat or a mattress?—That is so.

14,350. Have the two-penny men any food given them?—They must pay for their food. If a man takes a penny shelter, we know that he must be hard beat, and we say—'Here is a piece of bread for you.'

14,351. What does the three-penny man get?—The same very much as the two-penny man. Only the bed is a cubicle, like a ship's cabin arrangement, and two in a room.

14,352. Then the four-penny man?—For fourpence he gets an ordinary bed and blankets. The bed is in a room, with probably 10 or 12 others in it.

14,353. Which class do you find most run on?—The two-penny shelters.

14,354. By men and women too?—Yes.

14,355. Above one penny they get no food?—No.

14,356. Have you many people who come back night after night to these shelters?—Yes, a certain percentage do come back.

14,357. Not a large percentage?—We have a shelter in Clerkenwell where the men come back night after night. It is a 2d. shelter. When it was started it was 4d., and we gave them for that ½ lb. of bread and a pint of cocoa every night and morning; but we found a little difficulty in working it. The men preferred spending their money other than on the roll and cocoa we gave them, so we dropped the 4d., and charged 2d. These men are most men who work in the markets. Many of them make the shelter to a large extent their home. Some of the penny shelter people also come back. We took a census once, and, as far

Mr. David Crichton Lamb.

30 Jan. 1895.

as my memory serves me, there were over 50 per cent. who had not been there a week in succession.

14,358. Are many of the men who go to your shelters the same class as go to the casual wards?—Yes, a great many of them.

14,359. If they have 2d., do you find that they prefer to spend it with you on a more comfortable bed, or save the 2d. and go to the casual ward?—They prefer the shelter.

14,360. You think that if a man had 2d. or 3d., sufficient to pay for a little bread besides his bed, he would not go to the casual ward?—I do not think so.

14,361. It is only when he is absolutely destitute that he will do so?—Yes.

14,362. Come to the next item—'Labour Bureaux.' I see you have got 18 of them in the United Kingdom and 6 abroad. How are those at home distributed?—The majority are in London. We have one in Bristol, and one in Bradford, and one in Leeds. Of course these bureaux are worked as adjuncts of the shelter. The chief centre is in Whitechapel Road. The other branches report there.

14,363. You have got no shelter in Scotland?—We have a shelter in Edinburgh.

14,364. Where?—In the Vennel, off the Gassmarket. It is for women. It was opened last year. We have a property now under consideration in Glasgow, which would be for women, and we have a rescue home for women at Garnethill. Miss Cox will speak of the Edinburgh and Glasgow institutions.

14,365. Come to the labour bureaux—how are they worked?—The system of registration is simple. The name of a man is taken and his qualifications, and he is given a ticket available for a month. His name is kept on the books for a month, but he can renew it at the end of the month if he wishes it. If he does not renew it, we file past the counterpart of the particulars taken in the first instance.

14,366. What class of men have you among those who inscribe at your labour bureaux?—Mostly the labouring class, with a sprinkling of mechanics and skilled labourers.

14,367. Only a sprinkling of them?—Yes. Strikes and special periods of distress increases the number of skilled workmen among the unemployed.

14,368. How do you find them employment?—We look for employment for them to the extent of our capacity. We receive the more pressing cases into our labour factories.

14,369. Can you tell us how many have passed through these bureaux?—Since the beginning of the scheme, three years ago, we have received 11,000 applications from persons out of work, and we have found temporary or permanent employment, including those provided for in the labour factories, for 5160.

14,370. Have you any list of the trades of the skilled applicants?—I have not a list with me. The following has been furnished:—A recent census of the men in the 'Elevators' shows that 2½% of the men are of the professional class, 15½% commercial, *30% mechanics, 52% unskilled.

14,371. Do you make any inquiries as to character?—We make no inquiries as to character, unless in exceptional circumstances, when character is specially asked for.

14,372. Can you tell us how many you have drafted into your own organisations in the factory and farm colonies, and how many you have got situations for outside?—I could get that information for you.

14,373. It has been raised as an objection to labour bureaux that the people who go to shelters, such as you find in the large towns we have visited, know exactly where to apply for the sort of labour they can do. For instance, in Glasgow a large number will go to the shipbuilding yards in the morning to see if there is any work to be had, and practically they can get their information at first hand, and in that way have a better chance of employment than they would if they were waiting on people going to a labour bureau for them?—On the other hand, employers of labour object to great crowds of men going when there is only work for a dozen. Therefore they utilise labour bureaux.

Mr. David Crichton Lamb.

30 Jan. 1895.

14,374. But do they ever say they won't take men who apply personally?—Especially for a certain class of labour—board carrying and bill distributing, and that is largely done in London by the large firms.

14,375. I suppose in cases of a sudden fall of snow they would send to you for men?—That was done two years ago. I do not know that it was done this year. Of course, during the last 18 months, the Vestries of London have tried labour bureaux for the unemployed, and that has drawn a certain percentage from us. My own idea of a labour bureau is, that it must have a strong central authority to which all labour bureaux would make reference.

14,376. So as to adjust the supply and demand?—Yes. You must have an authority.

14,377. How many bureaux have you in London?—About 12 or 14 in London.

14,378. You have 18 altogether?—Yes. There are 15 in London.

14,379. Have you any centre?—Whitechapel is the centre.

14,380. And all the branches report to you?—Yes.

14,381. And that holds good both for the demand and supply of labour?—Yes, although in certain cases an urgent demand is met locally.

14,382. Do you report by means of the telephone?—No. By daily returns.

14,383. Have you bureaux for women also?—There are registers for women. They are servants' registers more than anything else, and various people go to them for general servants. One interesting point in connection with our labour bureaux is that it brings people under our notice. A poor man comes to ask for work, and that very often leads to our people visiting him.

14,384. Well, of course that is very important from your point of view; but we have to consider it from a different standpoint. We all quite appreciate the importance of your point of view.

(*By Col. Barker*, one of the witnesses in the room.) Ten years ago in the Colony of Victoria, when so many men were out of work, the Government asked the assistance of the Salvation Army, and we came into contact with every corporation and every vestry. They all used the Salvation Army Central Depot in Melbourne for filling up forms which were supplied by the Government; and we were also in contact with various district visitors, clergymen, &c. In a very little time we had the whole town into proper systematic order, and we knew what situations were vacant and the people out of work, we found that worked very well; and for our assistance the Government helped us by placing at our disposal a building for a central depot.

14,385. You don't appear to have many artisans applying at these bureaux?—(*Mr. D. C. Lamb.*) That is so.

14,386. Do the vestries work with you?—Not at all.

14,387. How do you do about skilled labour—when you get that sprinkling in artisans—300 or 400 out of 5000?—If they are destitute, we of course receive them into the factory. If, on the other hand, an artisan has got a home and is not destitute, we see what we can do for him. We have occasional enquiries from employers of labour for skilled mechanics, and then we act the part of middlemen.

14,388. Let us know about your labour factories. You have got 10 of them—are they all in London?—No. We have labour factories at Bristol, Bradford, and at Leeds.

14,389. That gives 7 in London?—Yes.

14,390. Tell us what they are?—They are what I would term temporary relief workshops, where destitute men are received.

14,391. What do you work at in them?—The chief

* The number of mechanics is higher than the average, probably on account of the severe weather recently experienced, affecting building trades, &c.

Mr. David Crichton Lamb.

30 Jan. 1895.

industries are salvage collecting and sorting and firewood chopping. Of course, you can see we are dealing with the unskilled; therefore our chief industries are such as unskilled men can follow. We have also sack making, paper collecting and sorting, the same as the prison gate home, and we have also some carpentering and joinering—tambourine making and brush making. We make all the seats and chairs for our mission halls.

14,392. Does this exhaust the list?—We have got a little wheelwright work and tin working. We have also got match-making, and card box-making, and in connection with women's work we have bookbinding, knitting, and laundry.

14,393. Anything else?—Needlework and washable texts for walls, and they do domestic work.

14,394. Some of these industries—firewood, sacks and paper sorting can be done—I suppose, by anyone?—They take the bulk of the men.

14,395. Wheelwrights and tinsmiths—do you train them?—Yes; we have a skilled working foreman in each of these departments; and if a man comes who knows a little of tin working, say, or who has any particular desire to learn it, he would be put into that section.

14,396. Does he stay with you any length of time?—Well, that varies. He may get a situation at his own trade, or at some more remunerative labour, and he will leave us. But we are quite prepared to keep him so long as he is willing to work and behave himself.

14,397. How do you gauge a man's work? I suppose you have a great number of lazy people?—Well, it is in this way. The foreman is in a position to value a man's work; he gives him a certain task to do, and we give him tickets to exchange for food three times a day. They start work at seven in the morning, and breakfast is at half-past eight to nine. He gets a ticket then for his breakfast. He starts work again at nine, and works till one. Then he gets a dinner ticket. We attach full value to the tickets as follows:—3d. for breakfast, 4d. for dinner, 3d. for tea, with 2d. every day for Sunday. If he does not work well he does not get a 3d. ticket for breakfast, only a 2d. one. The probability is that he will work better in the forenoon, and be able to get both his 4d. dinner ticket and his 3d. tea ticket. But if he does not work the value of the ticket is again reduced. The foreman has power to do that without any reference to the chief manager.

14,398. Does the man who works at tin work get the same pay as the man who works at firewood?—If he shows skill, and his work is worth more, he gets a cash grant at the end of the week. Although we try to instil into these men the feeling that if they are strong and more capable, they have a right to certain benefits, yet we teach also that they have a right to care for those who are not so well off as themselves, and that they should give a certain part of their skill to support such people. We let them feel that others have a claim upon them as well as themselves.

14,399. I suppose the men who are in all these institutions we have named are not members of the Salvation Army?—Oh, no!

14,400. Neither are the people to whom you give shelter, nor those who apply at your labour bureaux?—Occasionally we have members applying at the labour bureaux.

14,401. How is that?—Just an ordinary Salvationist out of work. He comes to us in the ordinary way, the same as any other unemployed man would.

14,402. And those in the labour factories are not members of the Army either?—No.

14,403. Do you not find that the rate of pay you give for skilled labour has the effect of excluding from your factories all skilled men, such as tin workers, carpenters, wheelwrights, &c.?—We do not want them.

14,404. And you only give them work to keep them going?—That is so.

14,405. In the case of women, I notice that you employ them at an industry we have not yet come across—viz., bookbinding?—Yes. Miss Cox will tell you about that.

Mr. David Crichton Lamb.

30 Jan. 1895.

14,406. In the workshops in London you have accommodation for 1000 persons—men and women?—Yes. 1000 daily.

14,406A. You have recently had a census of 800 of the men frequenting one of your shelters, which showed that 213, or 27 per cent., attributed their destitute condition to drink and gambling?—That was their own statement.

14,407. And the others attributed their destitute condition to bad trade, old age, and ill health.—Yes.

14,408. Do you believe the statements made to you are generally true?—Yes. The men understand that there is nothing to be gained by making any false statement. I think the statements are as truthful as you would get from an average 800 men.

14,409. They attribute it to gambling. What sort of gambling?—I cannot specify that.

14,410. Can you tell us how many people have passed through the workshops since the inauguration of the Darkest England Scheme?—9531.

14,411. And of that number only 10 per cent. have proved unsatisfactory?—Yes.

14,412. In the majority of cases the cause of failure has been drink?—Yes.

14,413. And you say that an unfortunate incident common to most of the break-downs has been that the man breaking away has taken one or more men with him?—That is very often the case.

14,414. I suppose you have a large number of ex-prisoners and habitual offenders who go to your shelters?—Yes, that is so. Somewhere about 20 or 25 per cent. of those who go are men, I judge, who have been in prison for one reason or another.

14,415. I suppose you have got a good number who have been there very often?—Yes.

14,416. Do you find it difficult to maintain order?—No difficulty whatever. We do not admit men who are drunk into the shelters.

14,417. That appears to be a general rule. But what becomes of the men who are drunk?—They fall into the hands of the police. If he is not very drunk our door-keeper will say, you are scarcely up to the mark; you go along and walk for half an hour, and then come back. When he comes back we reckon that he is sober enough to know what he is doing. If he does not come back sober we get him away from the door without causing any disturbance.

14,418. Have you any cases of theft—one inmate from another?—Very little. That may happen in the better class, but not often in the 2d. shelters.

14,419. Do the prisoners' aid societies send prisoners to your shelters?—Not to the cheap shelters. Occasionally to the better class houses, where beds are provided.

14,420. Is there any objection raised to mixing with these people?—None whatever.

14,421. And you don't know of any bad results from mixing the criminal and the more innocent class of lodgers?—Well, of course, there is a general association, yet there is no opportunity of any scheming being done or any close contact with the prisoners.

14,422. You have always officers in the dormitories?—Yes. Of course, they are large dormitories, and order is easily kept.

14,423. You say you do not like pensioners?—Well, the pensioner makes a very good workman. He is probably clean and tidy and regular in his habits, and of course his military experience and training makes him orderly and amenable to discipline, which is always an advantage in dealing with the masses such as we do. But when pension-day comes round he simply loses his head. He may perhaps have to get £5, £6, £7, or £8 of a pension. There are always a certain number of loafers hanging about the post-office on pension-day. It is as well known to them as Christmas or the New Year. They get tacked on to the pensioner, go off and drink, and I have seen them with £10 one day and not a penny the next.

14,424. And the pensioners take off other men from

Mr. David Crichton Lamb.

30 Jan. 1895.

the shelters?—Yes. They know the ways of the world; they make friends, and when pension-day comes the result is that two or three of them go off on the spree. That is a real evil, perpetuating, as it does, the chronic craze for drink, and dragging others down who, but for that association, would probably be enabled to lead sober and moral lives.

14,425. You say that the London workshops are not self-supporting, mainly on account of the men remaining less than two months. Do you think that men who remain for two months earn their cost?—Yes. We have been careful about that.

14,426. Could you give us figures of the cost and the earnings? I should like to know the cost of the maintenance of the inmates, and how much goes for management and rent?—Of course the balance-sheet does not show these details. We reckon that the cost of a man is about 7s. per week, cash—and special grants are extra.

14,427. One shilling a day?—Yes.

14,428. That does not include management and rent of workshops?—Yes. The profit that we make on the food really covers the management, without being a specific charge upon the man's labour. I ought to explain that this is with respect to the men who have been with us more than two months. We lose on those who remain with us a shorter period.

14,429. Does it include depreciation of machinery and tools?—Depreciation is a small item, because we make it a charge upon the regular working. In the paper-sorting department depreciation would be the sacks for collecting. These are replaced week by week, the old sacks being sent with the paper to the mills; and in the wood-chopping the depreciation is very little.

14,430. Tell us about the farm colony.—We have about 1500 acres, and about 1400 acres of what are called saltings—that is, covered by the sea with the tides. We are on the Thames. The 1500 acres are arable.

14,431. Do you reclaim these saltings?—The fishings are let out at present. We have reclaimed a small part.

14,432. You have from 250 to 300 colonists at work there?—Yes. Since the commencement, 1488 have been received. Probably 30 per cent. were destitute on account of drink; and of the 1488, 349 have been discharged as unsatisfactory. About two-thirds of these on account of drunkenness.

14,433. How do they get cash to get drunk with?—We give them a small cash grant. We could provide them with all they require on the colony; but as the colony is not only a training ground for our proposed over-the-sea colony, but also a stepping-stone back to industrial life in England, we thought that to keep a man without money, until he was reconciled to his friends or could find a situation, and then give it to him in a lump sum would probably have a bad effect upon him; whereas, if you give him money continually, it implies a certain amount of trust in the man. We give him the money on the idea that he could buy what he likes with it, except drink. If he spends it on drink, the understanding is that next week his cash grant will probably be dropped. If he repeats his drunkenness he is sent off the colony.

14,434. How much is the cash grant?—It varies from 6d. to 5s.

14,435. Per week?—Yes.

14,436. What is he supposed to supply himself with out of his cash grant?—We give him food and lodging and washing. Out of his cash grant he may buy tobacco, sweets, newspapers, postage stamps, &c.

14,437. You don't do as they do in many institutions—credit him with a certain amount, and give him an outfit and a fresh start?—We did that for some time in the city colony, but it worked out badly, and two years ago we altered our system considerably. At the farm we had a system like this. If a man was entitled, on the recommendation of the foreman, to a 3s. cash grant at the end of a week, he was paid one-third in cash and two-thirds went to a reserve fund. Well, the two-thirds would accumulate until the man had £2 or £3. Then perhaps he would go on a drinking bout, and come up to the cashier's counter and demand his reserve fund. Of course, if you are going to give a man a reserve it must be his property. If, therefore, a man demanded his reserve we had no option in the state of the law but to give it to him, well knowing that he would go to a public-house and spend it all before sunset.

Mr. David Crichton Lamb.

30 Jan. 1895.

14,438. Then you dismiss him?—Of course.

14,439. Do you take men back again?—We exercise our discretion. If this has been his only fault we probably take him back again once.

14,440. But supposing this man who cashed his £2 or £3 went to Bristol and presented himself to the organisation there?—He would have a chance there, of course.

14,441. He would have as good a chance as any other?—That is so.

14,442. What do you reckon the cost of feeding a man in these places?—In the city we reckon about 7s., and 9s. on the farm.

14,443. A 5s. cash grant, then, and 9s., would make 14s. That is a fair agricultural wage?—Yes; but these men would not be employed in agricultural work. They would be joinering, carpenting, and building.

14,444. Let us take the agricultural labourer. What does he get?—They run on an average about 10s. That would be 1s. of cash grant. He has his four meals a day, and he could save his supper, or take a threepenny dinner instead of a fourpenny one. He buys his clothes out of his grant. The men are selected at the farm, and in that respect differ from those in the city colony.

14,445. You don't mention the city colony in your *precis.*—It is the same as the labour factories or workshops. We reckon 7s. a week for the cost in the city, but it goes up to 9s. at the farm. There is an extra meal a day.

14,446. Have you any competition for places at the farm?—Yes. We have always more men in the city desirous of going than they can receive at the farm. That has been the position for the last 18 months.

14,447. And you select men as much as possible connected with agricultural work?—We like to give others a chance as well.

14,448. You say you have a good deal of trouble with pensioners there also?—The same difficulty arises there as in the city.

14,449. Would you mention the industries at the farm?—Farming proper, fruit and dairy farming, market gardening, piggery and butcher's shop, poultry keeping, brickmaking in the fields, and steam joinery and building.

14,450. How long has the farm been in operation?—About three and a half years.

14,451. Have you got results?—Of the 1488 men that have passed through the colony 51 have been restored to their friends, 283 have been sent to situations obtained by us, 51 have enlisted in the army and emigrated,—we consider that very satisfactory; 602 have left with situations in view, whose conduct was satisfactory; other satisfactory cases numbered 6; left without notice on their own account, 146; and discharged as unsatisfactory for various reasons, including drunkenness and being unwilling to work, 349. There was an idea when the farm was opened that an over-the-sea colony would be instituted, and a great many of these men would have been very worthy fellows to have gone there.

14,452. Where was the over-the-sea colony to have been?—That was never decided, although Western Australia, I believe, was most favourably spoken of.

10,453. Can you give us any results of the different industries at the farm? Does the dairy farm pay?—The dairy is all right, because we have an outlet for the produce at Southend. In the summer especially, when the visitors are there, the demand for milk is great, and we save in that way the railway rates to London.

14,454. And market gardening?—Yes, the same applies there. These are two of the most hopeful

Mr. David Crichton Lamb.

30 Jan. 1895.

branches. We have a good market gardener as foreman, and one or two good men under him. We have about 100 men working in the market garden.

14,455. And the piggeries?—Yes, we think they will pay.

14,456. And the poultry?—That is very doubtful.

14,457. How much land have you got in your poultry farm?—I could not say.

14,458. Is there any poultry farming done in connection with the female branches?—Nothing beyond keeping a few chickens.

14,459. And the brick fields?—We have got good soil there for brick making, but there is of course nothing being done at present.

14,460. The fruit farm?—The fruit appears to be all right, but it is premature yet to speculate; the trees have scarcely reached maturity.

14,461. You explain that the Salvation Army, believing that men cannot remain sober by Act of Parliament, relies on its religious influences to effect the salvation of those whom it seeks to benefit?—Yes.

14,462. You say that to save an inebriate, if he is in work, religious and moral influences only are of use; if he is unemployed and rich, find substantial employment and compel him to work, giving suitable food, &c.; how are you to do that if he is unemployed and rich?—Well, we have people occasionally coming to us who are in that unfortunate position.

14,463. Do you mean work as an officer in the Salvation Army?—Oh, no; any work that he could do. If he is a merchant he will probably have a fair knowledge of books and take a clerk's place.

14,464. But he won't do that if he is unemployed and rich?—Well, sometimes they do. I had a man of that class within the last month. He came and begged of us to give him a chance. He had an annuity, which he regarded as the curse of his life. He has lived apart from his wife, on whom he settled £2 or £3 a week. We have taken him down to the farm and attached him to the dairy, because he knows something about dairy-farming. But we have no legal control upon him.

14,465. Well, of course you are in the same position with him as you are with all the other pensioners?—Yes and no. He is not dependent on us for his food as the other men are.

14,466. But the pensioner?—When he squanders his pension he has got to wait three months before he has any more money.

14,467. You have little to do with the reclamation of the rich?—We simply refuse to take them. We have had during the last three years, I am safe to say, an average of an application a-week from people who would pay 10s. to £1 a-week if we would take them. We have no home for such cases.

14,468. And if you had a home?—The difficulty would be to make them work.

14,469. If a man paid £1 a-week for his keep, in all probability he would object to be compelled to work, would he not?—Yes, I am afraid that is so.

14,470. Then there is not that difficulty in the case of the poor?—No.

14,471. You think there should be a Government subsidy to institutions taking in poor drunkards?—Yes.

14,472. And that powers of compulsory detention should be given?—Yes; when other efforts fail.

14,473. Do you think that drunkard cases should be mixed with criminal cases in prison?—No. They should not be mixed.

14,474. They are not mixed, are they?—It happens occasionally, and with no good result.

14,475. You have had some experience of the chloride of gold cure?—Yes.

14,476. Tell us about it.—Two years ago two American companies tried to float branches in England, and opened depots in London, where experiments were tried on notorious drink cases. Representatives of both companies came to me, and I induced several men who had come under my notice as being unsatisfactory to subject themselves to the treatment. To one company six men were sent, and the result was that in one instance 'the cure' failed absolutely; in one instance 'the cure' was doubtful; in four other instances they appeared to have effected a cure, but in two of these instances the men lapsed within twelve months—the other two I have lost sight of. To the other company three men were sent, and in every case the alleged cure failed absolutely. All were above the average intelligence, but were the worst and most hopeless class of drunkard I have met. Last year a more recent nostrum—a South American drug, I believe—specially noticed last year in the *Daily Chronicle* and *The Review of Reviews*, has also come under my notice. To this I sent two cases—one of them one of the 'gold cure' failures—in both instances the cure failed, although at first it appeared to have been successful. Both cases were worse after this final failure than ever they had been. One man finished in the lunatic asylum.

14,477. You tried on both men and women?—Yes, I should like to mention a case to you. 'C.' was a dentist who is now in one of the workhouses in London. His daughter wrote me a most pathetic letter about her father and herself. About herself, she said, that although she had never tasted drink, a dreadful craving came upon her at times.

14,478. Did you manage to keep her off it?—Yes, as far as I know she was all right. The father was one of the 'cure' failures.

14,479. You have some practical suggestions taken from Darkest England report of 1894. Will you please read them?—There is a chapter in this book on the 'Won't Works,' for our operations have brought us into contact with a class which we style the 'won't works.' This is what Mr. Bramwell Booth (who writes the Report) says about them. 'Is it not 'about time to take some simple way with your work 'not. Why should he not be brought before a 'magistrate, invited to prove some sort of employment, 'or active efforts to obtain it, and in default committed to an agricultural settlement, and made to dig 'his bread out of the earth. If he objects to dig, cut 'off his diet. He will soon come to. "Armies," said 'Napoleon, "march on their bellies." And, fortunately, 'from the point of view of reforming him, our miserable Won't Work can't dispense with his stomach. 'The cost! It could not be very large. He could 'produce a considerable part of his needs. But even if 'he cost as much as an ordinary pauper, the gain to 'the whole community by limiting the sphere of his 'influence would be enormous. Such an arrangement would reduce his numbers at once, would at 'any rate limit his opportunity for multiplying his 'kind, and would within a reasonable period blot him 'out altogether as a class.'

Col. ADELAIDE COX was next examined.

Col. Adelaide Cox.

14,480. (*By the Chairman.*) You are an officer of the Salvation Army, and you come here as representing Mrs. Bramwell Booth?—Yes.

14,481. Mrs. Bramwell Booth directs the rescue homes for friendless and fallen women, and the women's social work generally?—Yes.

14,482. Please tell us the institutions connected with your branch?—We have 29 institutions in this country, classified as follows:—15 Rescue Homes, 3 Metropoles, 3 Lodges, 2 Shelters, 3 Industries, 1 Maternity Hospital, 1 Slum Nursing Institute, and 1 Midnight-work Centre.

14,483. Rescue Homes! Are these for the rescue of fallen women?—Yes.

14,484. What is the nightly average of their inmates?—288 for the Homes and 350 for the Shelters.

14,485. Are the 15 homes all in London?—Seven of them are in London.

Col. Adelaide Cox.

30 Jan. 1895.

14,486. Are the 288 inmates all in London?—No, in all the homes.

14,487. Take the case of London. How many will you have there?—About 140 on an average.

14,488. These are nigthly inmates?—Yes.

14,489. Do they stay in these homes for a lengthened time?—The term would average from four to six months. There are some that remain longer. But we don't like to keep them longer than six months.

14,490. How do they contribute to the support of the homes?—Of course, first of all they do not entirely contribute. We cannot make a rescue home self-supporting. In that they differ from the workshops and shelter for women. I should say that they contribute about one-third to the cost of the homes. They are employed at different industries—needle-work especially, and then we have the text-making, which has been referred to.

14,491. Laundry work?—Laundry work is not sent to the homes.

14,492. This is the first instance we have had where it is not. Tell us about it.—Mrs. Booth very much objects to it as an employment for these girls.

14,493. Why?—For many reasons. She thinks it is not interesting. There is nothing to interest the inmates in it. We like to elevate them by what they are doing; and Mrs Booth thinks that standing over a wash-tub all day does not elevate them in anyway. Of course the washing of the home is done in it, but they do no laundry work in the sense of taking in laundry work. They have a work-room where they do more interesting work—sewing fancy things, text-making, dressmaking, &c.

14,494. They can be read to there also?—Yes, they are read to, and there is singing. They cannot do that in a laundry.

14,495. What do they do about physical exercise?—We have a garden attached to all the homes—a larger or smaller piece of ground and we let them play about in the garden. In addition to this they go out but always accompanied by an officer.

14,496. You say you only keep them for four or six months?—Yes. By that time we generally get them into situations. Some who are not suitable for situations we draft into our own industries, or try to get them into other industries outside.

14,497. Sewing, I suppose, is the chief industry you have?—It is.

14,498. Does it pay? We have been told that it pays.—Well, I cannot say that we are satisfied that it pays. You see, the labour is not properly paid for, and in that way we cannot bring it on to business lines.

14,499. How do you pay for the labour?—We do not actually pay it at all while the girls are in the homes. We pay for the materials, and we try to make that material produce so much; but we don't trouble much about the labour, as the girls are, as a rule, totally unskilled.

14,500. You don't give them any money?—Not in the homes.

14,501. They get food and shelter and clothing, I suppose?—Well, their clothing is mostly given.

14,502. When they go out as servants or into situations, do they get any clothing?—Then we give them an outfit, but they have to pay for it from the wages they are going to earn. We have an agreement that the girl signs, and a counterpart of it for the mistress, so that she knows about it, and has a certain responsibility to see that we are refunded.

14,503. What liberty have the girls in your homes? Do they stay in all the time they are with you?—Yes, except as explained above.

14,504. And if they wished to go out for a walk?—They have no liberty in that sense, not unless accompanied by an officer.

14,505. Suppose a girl came and said she was not going to work any longer, and wanted to go?—In the long run we should not detain her, though we should generally make her sleep over it. We should not part with her until next day in any instance. If she persisted in her determination to go we should let her go. Very few comparatively do go. The longer they stay the chances of their going in that way are less. If the management is efficient, the hold is very strong upon them.

Col. Adelaide Cox.

30 Jan. 1895.

14,506. How do you get these girls? Are many of them from prison? Of course we are specially interested in that class of women who are habitual offenders.—We have had a very large number of these, who have come to the rescue homes since the inauguration of the Darkest England Scheme.

14,507. How many have passed through the rescue homes?—5915 since the inauguration of the Darkest England Scheme.

14,508. How many were satisfactory?—4462. Of the total number there were received—from a life of prostitution, streets and brothels, 2899; those who were living in immorality, but not on the streets, 1795; maternity and other cases, 1121. Of the above total there were:—Habitual drunkards or heavy drinkers, 1191; women who had been imprisoned, 750, with a total number of 2540 commitments. Of the 750 women in prison 450 were known to be thieves; and there were sentenced for criminal offences, 439. The longest term served by any one person was 21 years. I have here the figures for the 12 months ending 30th September 1894. These are—Number of women and girls in the homes at September 30th, 1894, 288; total number dealt with in the present year, 1414. Of these there were sent out:—Satisfactory, 1157; unsatisfactory, 257. Children sent to nurse-mothers, 61.

14,509. I notice you have a large number of maternity cases?—I suppose one-third of them would be maternity cases. We receive a number of women from the workhouse with their children.

14,510. Why do they come to you from the workhouse with their children?—They want to get out. They have become tired of it. Others are quite young women, whose children are born in the workhouse, and they might remain there always if some one did not take hold of them.

14,511. The number of commitments, 2540 for 750 women, does not seem to be very large.—We have had a great number of women who have had long terms.

14,512. Do these women come in contact with the other inmates of your homes?—Yes.

14,513. We were told that in your Glasgow Home you had prostitutes who had been very often in prison for offences of solicitation?—Yes.

14,514. Here, in London, there is not much of that sort of thing?—No.

14,515. You have 450 that were known to be thieves, and 439 were sentenced for criminal offences; then it would only be the balance of 311 that would be imprisoned for street offences?—Yes. And that would include drunkenness?—Yes.

14,516. So that, as a matter of fact, there must be very little imprisonment for street offences?—Very little of that in London. We find much more of it in Scotland.

14,517. I see, for instance, that there were 2421 women apprehended for prostitution in Glasgow in 1893 against 1893 in London.

(*By Col. Barker.*) I think they are apprehended in London under a different heading. They are locked up for having no lawful visible means of support.

(*By the Chairman.*) The offence in Scotland is loitering and importuning, or solicitation, and it adds a very considerable number to the prisoners in Scotland. In Glasgow alone there are 2400 cases.

14,518. (*To Col. Adelaide Cox.*) You have, I see, three *metropoles*. What is a *metropole*?—A *metropole* is a kind of shelter, but a shelter in which there would be different kinds of accommodation—chiefly cubicle accommodation or bed accommodation—better than an ordinary shelter. Girls pay in these 4d. for a bed and 6d. for a cubicle, and they work outside. We do not provide them with work. They get their own work, and come to us at night.

14,519. They are permanent lodgers?—Yes, a great number of them are; they come continuously.

14,520. You provide them with this, in order that there may be a respectable lodging-house and supervision over them?—Yes.

Col. Adelaide Cox. 30 Jan. 1895.

14,521. How does that pay?—The *metropoles* are self-supporting.

14,522. Are the three that you have in London?—No, I should call the one in Edinburgh a *metropole*. It has been called a shelter, but I think *metropole* would describe it better.

14,523. I think the change of name desirable, because a shelter suggests a place where people go without paying at all. I see you have only two night shelters?—Yes, we have only one in London, the other in Edinburgh.

14,524. How is that?—Because we have not been able to find a proper site to build upon, or a proper place that we could adapt to our purpose. We are very much behind the 'City Colony' for men about that. We have been looking out for a long time. We have some statistics here about our night shelters.

14,525. Please give us these figures.—The total of attendances in shelters and *metropoles* for the 12 months to 30th September 1894 were 116,986; children, 12,414. Of these 325 women were sent direct to situations or friends, or were enabled to earn their living in other ways, and 77 were sent to homes.

14,526. Then it appears that in connection with shelters you have some arrangements for assisting women to situations?—Yes.

14,527. Come to the workshops for women.—We have three in London—a laundry, a knitting factory, and bookbinding. These contain a total accommodation for 103 women, and the total earnings for the year amounted to £3098.

14,528. That is a large amount, is it not—£30 a year a-piece?—Yes, when I say accommodation for 103 women, I do not include other accommodation at the bookbinding establishment, where we have some men for the heavy work. There is actual accommodation for 103 women. There are also a few men at the laundry to do work women cannot do.

14,529. This is self-supporting of course?—Taking the three together there is a little profit. The bookbinding is by far the best in point of profit.

14,530. How do you get bookbinding work?—From publishers, and we do a great deal of our own literature. We have two or three magazines and hymn books and that kind of thing; then we go to various publishers.

14,531. But the work you do for yourselves, do you gauge it at current rates?—Oh yes, it is a separate department altogether. As far as we are concerned everything is done as in an ordinary trade institution. If binding is wanted for the Army, they send and get an estimate from our manager, and if it is the lowest he gets it; if not, he does not.

14,532. You have some statistics as to the destination of these rescue cases; please give us them.—Every hundred women coming into our hands as rescue cases after their stay in the homes has been completed—it averages about four months—are returned to the world outside, classified in about the following proportions:—

Satisfactory Cases.

To situations	51
Returned to friends	14
Emigrated, married, died, or otherwise satisfactory	13
Total satisfactory	78
Unsatisfactory	22

After the lapse of three years, during which it is generally admitted, and so have we found, the chief strain has to be met and faced, what do we find? Here are the proportions per hundred of the cases named above as satisfactory as they stand after three years have passed:—

Still in situations	42
With relatives and friends ...	28
Married or otherwise satisfactory ...	15
Total known to be satisfactory ...	85
Lost sight of, but known to have relapsed	9
Relapsed	6
	100

Col. Adelaide Cox. 30 Jan. 1895.

I have another classification here of 200 women and girls received into London Homes. Of these there were:—126 London girls, 72 from the provinces, 2 from the Continent; 70 were under the age of 20, 17 had been married, 32 were pregnant, 34 had one or or more children, 18 came from prison, 65 were known to have been dishonest, 60 were drunkards, 23 came of their own accord, 69 were received directly from the streets. Quite half appeared to have been first led astray under promise of marriage.

14,533. What do you mean by 'Came of their own 'accord'?—We have a central headquarters—a kind of receiving house—where they know of us, and come and ask to be received. In other cases friends send them, or we have correspondence about them. Some of the girls who know of us speak to the other girls, and they come in that way to ask to be admitted without any one's help or introduction. I have brought information concerning one or two cases which I thought would be interesting for you to hear:—'W. L. had 'been living in immorality for ten years—aged 38—'when late one night last winter she was spoken to 'near to King's Cross Station, and offered a home if 'she was willing to leave her sin and work for her 'living. All her relatives were dead; she had been a 'heavy drinker, and her case was one of the most in-'teresting which ever came under our notice. From 'time to time during her stay in the home she had fits 'of the most terrible craving for drink; she fought 'bravely, but the physical and mental anguish involved 'in the battles left her completely prostrate, and it was 'necessary while the attack lasted for an officer to be 'with her night and day, pleading and praying; but 'she grew stronger and stronger, and is now earning 'her own livelihood, and living a happy and useful 'life.'

14,534. The moral of that is, that a large number of cases, if they had a kindly hand to help them, might be reclaimed and do well?—That is the whole of it. There are particulars of other cases, but I need not trouble you with them now.

14,535. You have, I see, a maternity hospital? How do you happen to have that? I thought there was ample hospital accommodation?—Yes; I believe there is. But it is in order to have a greater influence over them that we prefer to take them in. We only take in the most needy and the most deserving.

14,536. And a portion of these are cases, I suppose, you meet with in your rescue work?—About a half, I should think; the others apply themselves or are sent to us by their friends.

14,537. Tell us about your work in Edinburgh.—We have a women's shelter in Edinburgh, which was opened in December 1893 by the Lord Provost, and many of the leading people in Edinburgh have shown a great interest in it. The average nightly number is 90 per night. The place has accommodation for 100. Part of the building is provided with bunks, and a second part with cheap beds, and a third part cubicles or separate rooms. The people pay 2d., 4d., and 6d., according to the accommodation they wish. They can also buy cheap food, and are allowed to bring in and cook any food that they have provided for themselves. The women go out during the day and come in late in the afternoon or in the evening, and it has become a home to many. The door is open freely to any who wish to come. We have had several drunken women, of which the following are a few specimens:—Mrs. R——. Father kept public-house 12 years. Three times, when he applied for a licence, she wrote letters opposing it, but he finally succeeded. For a few years she worked and lived away from home; but then she came back, and became a confirmed drunkard. Has lived in the shelter over six months, and has not once had the craving for drink, though it has been offered her many times when she has been out.

14,538. You attribute all these cases to moral influence?—We do. Any lasting impression we attribute entirely to that. I have here the figures of the attendance at the Edinburgh Shelter and Metropole from 1st January 1894 to 31st December 1894—Attendance

Col. Adelaide Cox.

30 Jan. 1895.

children, 1d., 2392; attendance, women, 2d., 12,529 Metropole attendances, 4d., 6100; Metropole attendances, 6d., 626.

14,539. (*By Miss Stevenson.*) Of course the children you mention there would be with some guardian?—In nearly every case that would be so, but sometimes not.

14,540. Do you think you could give me the exact numbers that came without guardians?—I should have to get them. They are not many. But there are a few. Then the meetings held in the institution during the year were 308; sent to the Glasgow rescue homes, 8; to infirmaries, 4; helped to earn a living, 41; given temporary aid, 38; number of meals, 24,085; sent to situations, 29; interviews with friends, 1576; interviews with girls, 477. These interviews, I may say, are noted really to check the time of the officer, to find out how she is employing her time. I have some record here also of our work in Glasgow. We do not consider that our work in Glasgow has been so successful as the work in our other rescue homes has been, though run on the same lines. But we attribute the lower percentage of success to the effects of the disastrous drinking habits of the people, who don't merely stop at liquor, but weaken their intellects, and go to ruin by drinking methylated spirits and other disastrous poisons illegally sold to them very cheaply at shebeens.

14,540a. Do you speak of this from personal knowledge?—Partly from personal knowledge. I have never seen a shebeen myself, but I have seen women who told me they went there for these poisons.

14,541. Of course we have heard of 'finish' drinking, but that appears to be common everywhere, to a certain extent in England as well as in Scotland?—

(*Mr D. C. Lamb.*) 'Finish' drinking is only too prevalent in London.

14,542. (*By the Chairman to Miss Cox.*) Have you any definite facts on the subject. You say you have been told by women in Glasgow that there was much 'finish' drinking and much shebeening?—Personally I have not heard much about shebeens.

(*By Dr Sutherland.*) I might inform you that there were only six 'finish' drunkards in the whole prison.

(*Mr. D. C. Lamb.*) Many don't like it to be known.

(*Col. Adelaide Cox.*) Mrs. Booth has had some experience of shebeens, and she wished me to mention them particularly to the Committee.

14,543. (*By the Chairman.*) Let us have your figures about Glasgow.—Of the 60 women who are recorded in our Glasgow statement book as drunk cases, some, but not all, have led immoral lives as well. We have left out of consideration all those who have taken drink for a period of less than two years, and have counted as habituals only those who have been drinkers for six years or over. Out of 33 habitual drunkards there are:—

Thoroughly unsatisfactory, . .	8
Probably satisfactory, . . .	8
Really satisfactory, . . .	12
Especially satisfactory, . .	5

The 'probably satisfactory' refer to those so far as our knowledge goes. The 'really satisfactory' are known at some time to have been doing well, and with every probability in their favour. Out of 27 women whose term of drinking extends over a period of from two to five years there are:—

Thoroughly unsatisfactory, . .	5
Probably satisfactory, . .	8
Really satisfactory, . . .	11
Especially satisfactory, . .	3

14,544. How long do you keep girls in the Glasgow home?—About the same average as in London.

14,545. I ask you for this reason. In Glasgow, there is one rescue place where they are kept for twelve months, in another for two years. In one place they get nothing like wages, they get a certain allowance; they get an outfit in one place, and in another a few pounds extra. I should have thought that that would have determined a large number to go to the shorter term place—to your place, for instance, where you keep them four months?—Yes! Perhaps they do not know. We don't arrange with any girls beforehand how long they are to remain.

14,546. But don't they tell each other?—Yes. I don't know whether these other homes are full! Ours is quite full!

14,547. Do you get them good situations?—Yes. Here is one of our cases:—Maggie Kerr was a very rough character before she came here. Had been in prison almost countless times, principally for being rough and disorderly, though one imprisonment was for attempting to stab another girl. Every time she was arrested the real cause was drink. Had been in two other homes, and in the Lock Hospital. She came here a rough, dirty object. Maggie stayed here less than three months, and when she left, the officer in charge reported: 'Maggie thoroughly rewarded us; 'she became altogether changed, and her parents, 'finding that she was doing nicely, took her home.' She was heard from more than a year afterwards, and we have no reason to suspect that she is not still doing well. Last heard from in April 1894.

14,548. I see you have two cases in your statement—not fallen women?—That is so; they are not fallen women.

14,549. How did they come to go into the rescue home?—Well, they had no food, and no work.

14,550. Let us go on to juvenile offenders.—I had some figures prepared. I thought they would be interesting, especially as they touch Scotland. I have not complete figures of juvenile offenders, merely those of Glasgow. During the past three years there have been 16 juvenile offenders in the home, ages from 11 to 15 inclusive. Of these only one, a girl of 13, was not fallen. She was a drink case; results satisfactory. Out of the remaining 15 there have been:—Unsatisfactory, 4; satisfactory, 9; very satisfactory, 2. (*a.*) Out of this same 15, seven were drink cases combined with immorality, and of these 7 there were:—Unsatisfactory, 2; satisfactory, 5. (*b.*) Of the remaining 8, cases of immorality without drink, there were:—Unsatisfactory, 2; satisfactory, 6. That is, 71⅔ per cent. satisfactory in the first statement (*a.*), as against 75 per cent. in the second (*b.*) Out of the total number, 16, of juvenile offenders, there are 4 unsatisfactory, giving as the result:—Satisfactory, 75 per cent.

14,551. Give us one or two of these juvenile cases.—Lizzie Aird went into sin when very young, but did not take to drink. She was driven from home by starvation and ill-treatment, wandered about with circus people, and was finally found in a very low lodging-house. She stayed in the home just six months, and during that time altered and improved wonderfully. She has developed in almost every way, and has given evidence of being really saved.

14,552. What would be her age?—I do not know that. They are all between 11 and 15. Here is a case in which the age is mentioned:—Jeanie M'Kinnon came to this home when 15; had then been fallen for a year. Not a drink case. She remained with us just two months, her mother taking her home at the end of that time. Her conduct here was most satisfactory; she gave definite evidence of being saved, and did well. Hannah Davlin had a very sad life. She went into sin at 15: soon after that her father died, and she was left to the tender mercies of an aunt who had twelve children, and made Hannah the servant of all. She ran away, but was found by the aunt and taken back with her. Hannah left to come here, where she has done very well. She went from here to go into service; she was not a drink case. Maggie Lucas came to this home when 25, but fell when 15. Was also given to drinking. Stayed in the home four months, and while here a real change took place in her. With a few exceptions, has gone steadily forward in the right way, and has given evidence of being truly rescued. She was led astray in the first place by some girls who worked in the same warehouse, and who took her to a brothel.

Col. Adelaide Cox.

30 Jan. 1895.

14,553. (*By Dr. Sutherland.*) Do you find in London prostitution is synonymous with drunkenness?—Usually we do.

14,554. Do you find much prostitution without the drink element?—Some, but very little.

14,555. (*By Sir Colin Scott Moncreiff.*) You don't care to keep women in rescue homes more than about four months?—From four to six months.

14,556. When you have an inebriate case you would not say that that was long enough time always to recover them?—We have had a good deal of evidence that it required a longer time to win inebriates from their vice. Would you turn them out?—We would not turn them out; we would let them take their chance like anyone else.

14,557. You risk them going back into vice or drink?—We never send any girl to a situation unless it be what we call a teetotal situation. We like to get them situations in houses in which there is no drink.

14,558. Still they would be exposed in the streets?—We rather they went out and took their chance than keep them in a packing case, as it were, for a longer time.

14,558A. In your homes, do you consider it any improvement to have a small number divided up, instead of taking in, say 100?—We object to that; we do not like to take more than 30 into one home. We have homes where they can take 35 or 36, and there are other homes where the accommodation is for not more than 25. We like to take 30, not more or less.

14,559. There is a certain percentage of children and babies among them?—We have a separate home for mothers and their children.

14,560. Among those who come to you are a proportion of poor married women?—Yes, a proportion are women who have been deserted by their husbands and gone to the streets for a living.

14,561. The women who come to you are all mixed up, whatever their antecedents have been?—Yes.

14,562. You don't find any harm in that?—We should if they were left alone, but we have a complete system of oversight; we never leave them alone. That prevents any conversation which would be hurtful.

14,563. (*By Miss Stevenson.*) Can you give us any idea in what proportions those women who have been with you only six months are received back again into the homes?—I should think we receive back again, sometime or other, about one quarter of them.

14,564. How many times would you receive a woman back?—That would entirely depend on the circumstances, and also upon the depth of her repentance. If she had persistently gone into wrong-doing, we perhaps should not receive her back again more than once; but if she was a poor weak thing, and did wrong under extraordinary circumstances, we should receive her back as many as four times.

14,565. Do you find that any proportion of these rescue cases are weak minded?—Yes, weak of intellect.

14,566. Any large proportion of them?—Speaking generally, I should say about one-fifth of the whole.

14,567. In regard to your Edinburgh shelter, do you take into that shelter your fallen cases as well as destitute cases?—We should, but its chief object is to shelter destitute people.

14,568. Do you find people coming to you over and over again who have been refused admittance into the innumerable shelters and refuges that there are in Edinburgh—who have been refused there as almost hopeless cases?—No.

14,569. Do you make any inquiry as to what previous help these women have received?—None whatever, so far as our shelters and metropoles are concerned.

14,570. You cannot tell how many of them have been in the various homes that already exist in Edinburgh?—I should think only a few of them. Although we receive those that are fallen, it is not a rescue home. People needing a rescue home would not come to us except occasionally. They would not come to it as a rescue home, but merely as wanting a bed.

Col. Adelaide Cox.

30 Jan. 1895.

14,571. You give rather a cheaper bed than some other homes?—Yes, the usual lodging-houses are 4d.; our prices range from 2d. to 6d.

14,572. You have a *crèche* in connection with your shelter at Whitechapel, have you not?—We had one, but we gave it up. The slum post officers work the *crèches* in London. (*Mr. A. C. Lamb.*)—Instead of having one large creché, there is one attached now to each slum post. There are forty of them in London, with two or three children, instead of having twenty or thirty in one place.

14,573. I understood that this créche I speak of was for the children of the women who were lodging next door?—There were a few of women who were lodging in the shelter. But the most of them were the children of women who went out to work and who brought them to the créche to be looked after while they were away. But the créche was given up. The slum post officers now do the work.

14,574. (*By Colonel M'Hardy.*) The shelter that exists in Edinburgh is not intended for people from the prison in particular?—No.

14,575. You have taken no steps to put the Army into correspondence with the prison, so as to receive people discharged from it?—At the present moment we have a request from the Lord Provost to do something in that direction. But we have not had time to put it into operation. They are pressing us very much to have a home where we could receive from Court those whom they want to discharge without sending to prison. In connection with rescue work at Cardiff, there is an officer appointed to the jails and to the Court, and they want us to do the same in Edinburgh as we do in Cardiff.

14,576. You have a section of the Society in London which looks after the prisoners more particularly?—In London we have the Prison Gate work. We are asked constantly to meet a girl from the prison, and we do that. If she is willing to come we bring her to one of the rescue homes in London. But we have no special home yet for discharged prisoners among women.

14,577. Is there any organisation for meeting discharged female prisoners in London?—Our male officers are there in uniform and meet prisoners, and if women are desirous to go to the Army they are passed on.

14,578. In regard to Glasgow, you have nothing of that kind there, though there are an immense number of unfortunate women, many of them young, found in prison?—Nothing. When they are discharged, if they come to us and wish to put themselves under our care in the rescue home, we receive them.

14,579. But you have no organisation for gathering them in?—No, we have not. (*Mr. Lamb.*) That is because our homes at present are taxed to their full capacity, and we have no means to increase their usefulness.

14,580. (*By the Chairman.*) Did I understand you to say that the Lord Provost had been in communication with you as to the committal to you of prisoners with short sentences?—I presume he meant that in Cardiff we have an officer every morning who appears in Court, and the magistrates very often refrain from giving a prisoner a short sentence if we or somebody else are willing to take them.

14,581. But if the prisoner does not wish to go to you?—There is nothing to bind her.

14,582. Does the Magistrate ever say to the prisoner, 'I call upon you to re-appear for sentence on a certain 'day,' and then give them under your charge?—That is frequently done in London. They ask them if they are willing to go with us, and if they are not they give them a sentence.

14,583. (*By Col. M'Hardy.*) I gather from what you have said that you have no Prison Gate Mission in Glasgow?—We have now under consideration the acquisition of a large building in Glasgow to extend our women's work. I could not say what may be embraced in that.

Colonel Barker.

30 Jan. 1895.

COLONEL BARKER was next examined.

Colonel Barker.

30 Jan. 1895.

14,584. (*By the Chairman.*) You are an officer in the Salvation Army, and have been out in Australia in connection with the Salvation Army?—I inaugurated the work on the Australian Continent.

14,585. During your stay there, three Acts of Parliament were passed affecting juvenile offenders—Neglected Children and Criminal Law Administration—which greatly facilitated your work among the poor, the criminal, and the vicious?—Yes.

14,586. You have told us that your organisation was recognised by the various Governments, and that you received and are still receiving Government Grants in certain of the Colonies?—Yes.

14,587. Tell us about those different Acts of Parliament that were passed.—I may say that I have given Mr Herbert Gladstone for Mr. Asquith full information regarding the working of these Acts. Under the Juvenile Offenders' Acts, boys and girls can be sent to the Salvation Army for certain petty offences, instead of being sent to prison, the Government subsidising us at so much per head. Section 62 says :—

'Any private person, and any institution founded 'by private persons, and managed on their behalf, 'desirous of taking charge of a neglected child or children gratuitously, may be from time to time approved 'of by the Governor and Council as a person or institution,' &c., under section 21 of the Neglected Children's Act. I hold a warrant at the hand of the Chief Secretary of the Colony of Victoria, on behalf of the Governor, empowering me to apprehend, without warrant, any child apparently under the age of 16 years found residing in a brothel, or associating or dwelling with a prostitute, whether the mother of the child or not. We had never arbitrarily to put that power of arrest into force, but it has acted as a deterrent.

14,588. Take the first part—'boys and girls can be 'sent to the Salvation Army for certain petty offences, 'instead of being sent to prison.' What clause is that under?—It is clause 64. 'Where, under the provisions 'of this Act, any Judge, Chairman of any Court, or any 'Justice may be empowered to commit any child to the 'care of the department for neglected children, such 'Judge, Chairman, or Justice may commit such child 'to the care of any person or institution for the time 'being approved by the Governor in Council.'

14,589. What is the name of the Act?—The Juvenile Offenders' Act, 1887, of the Colony of Victoria.

14,590. Then, under this Act, I see the Salvation Army officers attend the Melbourne Police Courts regularly, the Corporation paying you £100 a year for this work, and that, under this Act, you receive juvenile offenders who may be brought up for petty offences, such as pitch-and-toss, till-pilfering, begging, &c.?—Yes.

14,591. Pitch-and-toss is a more venial offence than pilfering?—Yes, but they are very much connected. Gambling is very common out there. The little shop-boys make what they call 'books' on the races.

14,592. (*By Sir Colin Scott Moncrieff.*) Can a boy do that?—Yes, quite legally. A man keeps a shop, and a number of boys go in at the dinner hour and put so much upon horses that are going to run in the afternoon. I have letters here that will let the Committee see that for many years we have been officially recognised, and that the Salvation Army were dealing with this class of people, and with criminals as a whole in a practical fashion. One of these letters is from the Hon. Alfred Deakin, the late Chief Secretary.

14,593. You have powers—to go back to section 21 of the Neglected Children's Act—to apprehend any child found residing in a brothel, whether with its mother or not. Is there not a similar power in this country by recent legislation?—I never heard of anything of the kind here.

(*By Miss Stevenson.*) There is no doubt that power exists under a special Act.

Witness.—This Act is a deterrent. As I said, we have never arbitrarily put it in force; but the warrant was invaluable, as it gave me power to enter and search brothels for lost children whose parents had made application to us. We could also threaten to take proceedings against drunken fathers or mothers.

14,594. (*By the Chairman.*) You have received a great number of children under the section as to the transfer of guardianship?—Yes. That is section 62.

14,595. Tell us how it is done?—Well, it is under the section as to the transfer of guardianship. We have received, and continue to receive, a great many children under it.

14,596. The terms of committal are at the magistrate's discretion?—Yes.

14,597. Children are sometimes given back to parents when their character is redeemed?—Yes. I could tell you of one such case. W. C.'s father was a drunkard, who got married to a woman who had been a brothel-keeper, and whose child had been kept by the State for a considerable time. After they had been married the pair did well, and an application was made to the department for neglected children by the father and mother, and that was sent on to us. They satisfied themselves by their inspector that this man and woman were living good lives, and the child was handed back to them from the reformatory school, and put under the care of its mother.

14,598. From a reformatory school?—Yes. But since I have been home children, instead of being sent to a reformatory, are now sent to the Salvation Army, and the Government pays so much a head per week for each child, for it was found that a number of children who had been in a reformatory were afterwards traced inside a prison. We try to bridge over the gulf.

14,599. Have you any statistics on that point?—I have not them here, and I am afraid I could not give you late information.

14,600. But, as a matter of fact, you say that the number of reformatory children who were afterwards found in prison was great?—That is my experience. I had power, I may say, to enter every prison, hold meetings and converse with prisoners; and my experience was, that there is a great number of boys and girls who, after they passed through the reformatory, went back to prison for some offence.

14,601. When you get these children, what do you do with them?—They are sent, as the case may be, on to our farm and taught various trades.

14,602. You have got a farm?—Several farms there.

14,603. Your farm is, in fact, very like a reformatory or industrial school?—Well, of course, we have power to keep the children.

14,604. Well, a reformatory has that. Your population on that farm does not consist wholly of reformatory children?—No.

14,605. That is the chief difference. You mix them all up with all sorts of children?—Yes, the reformatory children lose their identity there.

14,606. How many cases have you had?—I have not the figures.

14,607. How long has the system of grants been in operation?—Since I have been home, so far as the children are concerned.

14,608. You have had no personal experience of receiving Government money?—Not of receiving money from the Government on behalf of children. Before we left the Colony, we received the following letter from the Department for Neglected Children and Reformatory School, Melbourne. It is dated October 31st, 1890. No. 4976:—Dear Colonel and Mrs. Barker,—Understanding from the public prints that your labours in this Colony will shortly terminate, I am anxious to express to you my great indebtedness for the valuable service you have often been enabled, and always been ready, to extend to the officers of this department in their important and difficult work. In the discovery, protection, and restoration of absconders, in the rescue and kind care

Colonel Barker. 30 Jan. 1895.

of those lapsed, and sometimes in the tracing out of deserting parents, we have always felt and found that your great resources were, when needed, at our service. It was also with great pleasure I observed that you were one of the first to qualify for, and exercise, the important powers of guardianship over neglected children *not* sent to the care of this department, which, under our new 'Neglected Children's Act' No. 1121, part eight, can now be held by 'private 'persons authorised on that behalf by His Excellency 'the Governor in Council.' Also to obtain and exercise similar authority under section 21 of that Act, to search for and rescue children of both sexes from houses of ill-fame. I trust your large experience in rescue work under the free institution and legislation of Australia will have a large and wide scope for its exercise in the mother country, or where hereafter your lot may be cast, and that yet more signal success may, by the Divine blessing, attend your labours and those of your fellow-helpers on behalf of the sinful and suffering.—I am, Dear Colonel and Mrs Barker, Yours most truly, (signed), GEO. GULLAUME.

14,609. Can you tell us what the Colonial Government give per child?—Ten shillings per week per head; and in addition to that, we received in 1886 £1000 for our rescue work, and in 1887 the first £1000 for our prison work.

14,610. What Act was that under?—There is no Act at all. It was granted to us by Parliament. It was a vote in the same way as the Legislative Assembly voted us a sum three or four years ago, when we dealt with the unemployed.

14,611. The next point is as to Prostitution. You say:—'In connection with our Police Court work 'already referred to, we have the privilege of visiting 'persons before coming up for trial, and in this way we 'come into contact with many prostitutes who had 'been committed to prison from time to time.' I suppose that could be done in this country?—I am sorry to say that, nothwithstanding the information we have given, and our large experience, we have been shut out from the privilege. Instead of working as we have worked on the other side, in a co-operative way, with other kindred institutions, these institutions in England have not done so.

14,612. But the institutions have nothing to do with it if the prisoner wishes to have a visit. If a prisoner wishes to see some friend, is he not at liberty to do so?—Yes. But even then we are under a disadvantage. As I told Mr. H. Gladstone quite recently, it is impossible for us to see him, under the present system, without half-a-dozen or more being by him.

14,613. You say, 'When we found them willing to 'lead a new life, we appealed to the magistrates on their 'behalf, and they were frequently remanded to us, and 'passed into our rescue homes.' Was there any Act of Parliament under which that was done?—There was no Act of Parliament needed for that.

14,614. Had you any powers of detention in the rescue homes?—No. If a young woman was arrested for crime on the streets of Melbourne, an officer of the Army would see her on the night previous to her appearance before the magistrates. When she came up, the officer would say, 'We appear on behalf of this woman.' Then, after hearing evidence, the magistrate would say, 'Are you prepared to go with the Salvation Army?' and if the woman said 'Yes,' then he would send her to the rescue home for a period of perhaps six months.

14,615. That is exactly what I want to know. These cases would be under a certain age?—They would be under sixteeen.

14,616. That is analogous to our reformatory business?—You could not deal, of course, with ordinary prostitutes in that way; but even these have often been handed over to us instead of being sent to prison.

14,617. In Glasgow they send people to these places in charge of policemen, but it is quite illegal.—(*Mr. D. C. Lamb.*) They take them in that way to our homes in London, and leave them, but we have no legal control over them.

Colonel Barker. 30 Jan. 1895.

14,618. Then as to vagrancy and begging, you say 'that in connection with our Police Court work we have 'received numbers of vagrants and beggars, and sent 'them to our workshops, and thence to our Farm 'Colonies.' That is in Australia?—Yes.

14,619. Is there any peculiarity about the Australian vagrants?—They are all the same in principle, only you call them 'vagrants,' and we call them 'sundowners.'

14,620. Is there any difference between the management of your workshops and farm colonies abroad and at home?—None whatever. They are all managed on the same principle.

14,621. Do they get the same wages as they get at home?—The same principle is applied in all our institutions, but the relative value might be slightly different. In the Colonies they are very stringent with 'sundowners.' A man may get out of prison to-day, and to-morrow, walking down the streets, if he is a known character, he may be arrested as a vagabond, and sent in for twelve months.

14,622. Does that do any good?—I was going to say that we have jumped into the breach in several cases, have succeeded in getting the men off, and in passing them into our home in the next colony.

14,623. You mention the case of M—, what was that?—It was a very difficult case. It occurred in England fifteen years ago. He was a schoolmaster. He had a fine prospect, was married, and had one child. He lost his position through drink and took to the road. For fifteen years his wife never heard of him. Twice he attempted to commit suicide. He tramped all over England, and probably Scotland. He was one of those ingenious fellows, got a living where others would have starved, by making toasting forks and other things of that kind. He came into one of the metropoles to lodge. He had never heard about the Salvation Army, but by and by he came under the influence of the Gospel. He began to wonder then whether he would be able to find him his wife. That we very soon did, for we found that Mrs Bramwell Booth had found the woman a situation through the servants' register. The man and his wife met after all these years. She said that if the Salvation Army gave him a clean bill she would return to him. They were reconciled, and at the end of the term were reunited, and are now very happy together. The man is one of the most zealous workers in the East end of London, and with his education is a great blessing among the poor.

14,624. You make a suggestion here 'that your 'agencies and other agencies should be dealt with by a 'special Act of Parliament, giving the magistrates power 'to remand inebriates, &c., to the care of certain institu- 'tions, &c., where they would be specially treated in 'classes or sections, passing from one to another as the 'management may consider wise.' Please explain.—Previous to my leaving the Colonies I had some conversation with Mr. Justice Molesworth and late Chief-Justice Higinbotham and Sir Samuel Griffiths, in regard to dealing with a class of people that constitute the residue of all our efforts and that of other institutions, and even corrupt our prisons. The prison to them is no punishment. The result was that the Salvation Army suggested this—that a number of these drunkards who were not criminals, but whom you may make criminal by sending them constantly to prisons, should be treated in separate institutions, to which they might be remanded by the magistrates for a period of twelve months, with the alternative of other twelve months if the drink was not out of their system.

14,625. Remanded?—Yes, we do not want them committed. We think they should be treated in classes according to capacity. We think they should be made to work, and we think it would pay. Nos. 1 and 2 we reckon would earn £1 a week, and that their cost would be about 12s., and that would leave a surplus to put to the credit fund to support No. 6, who could not so well help themselves. Justice Molesworth thought the suggestion was a wise one, and that something sooner or later would have to be done for that class of people that really corrupt the inside of

Colonel Barker.

30 Jan. 1895.

a prison; and, as a representative of the Charity Organization Society for some time in the Colony of Victoria, my own personal experience is this, that the sooner this class of people is grappled with by public men and institutions, it will be the better for the community at large.

14,626. (*By Col. M'Hardy, to Mr. D. C. Lamb,* who was examined by several Members of the Committee.) Have you any first-class workmen in your shelters?—A few.

14,627. How do they ever come to be there?—Sometimes through drink and sometimes through crime.

14,628. Have you ever any first class respectable workmen, thoroughly well-behaved and good citizens?—Well, no, not as a rule. Occasionally such cases do come to us through misfortune and reverses in business, &c.

14,629. How do you sell the product of your labour that you go into the market with?—At the rates current in the district.

14,630. And have you any opposition?—Yes.

14,631. You have had some opposition—we heard of it in connection with matches?—Well, that was very extraordinary, seeing the facts are entirely the reverse of those attributed to us. We were charged with 'sweating' the match business, whereas, as a matter of fact, we pay higher wages in the match industry than any other English firm pays, and our price is practically the same for an English-made match. In one department we pay as much as 60 per cent. higher.

14,632. How do you sell your firewood—in what manner. Do you sell it through agents or contractors?—No. We do our own selling and our own distribution.

14,633. Then you have horses and carts for the purpose?—Yes.

14,634. And you send out these men who are under treatment in charge of horses and carts?—Sometimes. One reason that was forced upon us was this—that we had a large number of respectable commercial travellers who had come down through drinking, and we sent them out to solicit orders. In the same way we arrange for the collection of waste paper. That gives employment to them.

14,635. Is there a certain point at which a man may become too bad for even the Army to deal with?—Yes. Because, of course, we must study the interests of the bulk of the establishment.

14,636. And you have no system for the very reactionary cases?—No. We want that badly.

14,637. You said you had some thieves, I think, among the women in your home, and that the average residence was six months. What I want to know from you is, do you say that you can cure a man of thieving in six months by any process you can suggest?—We will cure him at once if he gets converted.

14,638. (*By Dr. Sutherland.*) Don't you watch him?—We trust him too; but we take care not to put temptation in his way. If a thief comes to us we do not put him into the cash-box or set him to collect money. At the same time, we do not put any premium on conversion in our social work.

14,639. Can you say the number of thieves you have to deal with, and the number out of which you get satisfactory results in six months' treatment?—In the general treatment I should say the average would be for men about the same as it is for women.

14,640. For thieves! That is something like 63 per cent.?—Yes, the period runs about four to six months. The figures I am giving you refer to the Prison Gate Home; as a whole there is no classification of the cases. But I should say they are mostly thieves. I know thieving is a very persistent thing. (*Colonel Barker.*) Let me say this to the Committee, that what in my experience these people want is a helping hand. Here is a case in point, as to how criminals are manufactured. A boy at the age of 15 gets twelve months imprisonment for being in company with other bad boys. After he came out he got a situation in a Hackney Road coffee-house, and was doing well. One morning the master called him and said—'Look here, you have been in jail; you must clear out of this.' The lad had to go, drifted into crime again, and his last sentence was ten years, with a further term of police supervision.

Colonel Barker.

30 Jan. 1895.

14,641. (*By Colonel M'Hardy*). You are not registered as a prison authority by the Secretary of State like the Discharged Prisoners' Aid Society?—Yes and no. Mr. Asquith agreed to our being treated as the other Prisons Aid Societies, which had privileges that we had not. That is to say, that some of the other agencies had the privilege of going inside the prison gates, while we had to stay outside. We applied for permission to go inside, and the Home Secretary, as I say, agreed to give us the privilege enjoyed by other societies. But instead of levelling us up to them he levelled them down to us, so that all are now outside the gate.

14,642. Is that the present situation?—Yes, although I believe the point was brought up forcibly before the Royal Commission on Prisons.

14,643. (*By Dr. Farquharson.*) Do you exact any pledge from those joining the Army as regards drink?—Yes, when joining the Army, but not in connection with our social work. The men in the city colonies and workshops are not teetotallers. Those who go to the farm are supposed to sign the pledge.

14,644. Would that pledge be operative if they left the Army?—It is operative only so long as a man wishes to keep it.

14,645. I think you said that about 30 per cent. of those in the Army had been drunkards?—Yes; I mean those who had been known to be drunkards. I do not mean simply people who can take drink or leave it.

14,646. Do you get any bad cases of habitual drunkards and inebriates—people who are frequently up before the Police Courts?—Yes.

14,647. Do they rapidly improve in health and condition under treatment?—Yes. What we attribute the success of the Army with drunkards to is the employment it gives to men in the evenings. For instance, an ordinary workman who is converted from from drink. We give him some employment in the evenings at our meetings, so as to give him no inducement to go to the public-house. Our barracks are a regular *rendezvous*, and Sunday and Saturday alike our doors are open, and something for him to do.

14,648. You reclaim a good many, and fail with a certain number of cases?—Yes.

14,649. Do you consider it desirable that these failures of yours should be taken in hand and shut up?—Yes.

14,650. For a considerable period?—For any period that may be considered necessary. At the present moment they are a burden on society, and a source of loss and inconvenience all round.

14,651. You look upon farm work as of great importance in the reclamation of these people?—Yes. Apart from the personal benefit it would be to themselves as well.

14,652. Your farm is arable in the ordinary sense?—Yes; it had been under cultivation. It was all waste when we took it three years ago. But we are gradually bringing it under cultivation again.

14,653. It was land that had got out of cultivation?—Yes. It is very good land. It had lapsed out of cultivation during the agricultural depression.

14,654. What kind of soil has it?—A heavy clay soil.

14,655. On the whole your operations have been fairly reproductive. It has paid on the whole, taking it all over?—It has been extremely helpful. The last year was a half better than what it was the previous year, and the previous year was a half better than the one before it. We are in a fair way now to cover all expenses and pay a little on the capital outlay. During the last three years we have made no charge on the invested capital, the value of the improvements made on the land being in the opinion of the valuers equal to any legitimate charge that would have been made on the invested capital. This year we hope to pay all working expenses, and also contribute a little towards the invested capital.

Colonel Barker.

30 Jan. 1895.

14,656. Do you mean on the £100,000 you got for the Darkest England scheme?—The capital invested in the farm is about £80,000. That is about the sum we put into the land down there. Part of the money was used for the city colonies and workshops.

14,657. That is of the £100,000?—Yes.

14,658. You got the land very cheap?—Yes, fairly. We are now trying to acquire certain other properties surrounding it.

14,659. Some of your special departments, you say, pay—such as the dairy?—Yes, and market gardening; they pay pretty well.

14,660. Do you think that your arable land ought to be productive as ordinary agricultural land throughout the country?—Yes.

14,661. Your labour cannot be so efficient—conducted as it is partly by amateurs to farm work?—That is one of the difficulties. While it is cheaper it is not so efficient, and in the end it is a mistake to think it is cheaper labour. If I were running this farm as a private business concern I would discharge all these men to-morrow. But then we are running the farm to help these men, and that is quite another matter.

14,662. The agricultural labourer's business must be learned like every other. It is not acquired very rapidly?—No. Although there is a certain amount of it that can be done by novices. The market gardening work, for instance. There you can concentrate your men, for instance, in one quarter; they are under skilled supervision, and you get better work out of them than when they are all scattered.

14,663. But you must have a number of men with weak constitutions. Broken-down clerks, for example?—That is quite true.

14,664. Do any agricultural labourers come to you who cannot find employment elsewhere?—A certain number.

14,665. (*By the Chairman.*) Do the agricultural labourers in the district ever come to you?—We employ a considerable number of them at ordinary rates.

14,666. Do you employ the agricultural labourers in the district five or ten miles round you when they are out of work?—Yes, that is so. But our chief idea has been to get people from the city.

14,667. What do you do with your men just now?—They are double trenching. I was there yesterday.

14,668. (*By Dr. Farquharson.*) Had you much expense on the houses for your people?—There were three farm steadings on the estate when we acquired it. We have built dormitories, &c. for the men. We have put up a large cow-shed for dairy-farming and other buildings.

14,669. (*By Professor Dove Wilson.*) In your experience, is there more difficulty in reclaiming women inebriates than men?—I believe that is the experience.

14,670. Have you noticed any difference in the cases of men, between the reformation of those who have been imprisoned for drink and those who have not been in prison? Which of the two classes is worse to reform, or is there any difference?—We have not watched that point very closely. My own impression is, that the man who has been in prison is the more difficult.

14,671. (*By Miss Stevenson.*) You have both poultry and dairy farming at your colony; from your experience of the work do you think women could be suitably employed that way?—Yes, I daresay they could, in certain branches of it.

14,672. The difficulty which has arisen is to suggest employment for women who are shut up for a lengthened period for inebriety and other things. So much of the farm-work in these departments must be done by men?—Yes, that is so.

14,673. Is the proportion of work falling to men very large?—Yes. Because from my experience the women of England are not so hardy as the women of Scotland, and would not care to do work that women in Scotland do.

14,674. Of course our inquiry applies to Scotland. You think that Scotch women could undertake all the work in connection with a poultry farm, for instance?—Yes.

Colonel Barker.

30 Jan. 1895.

14,675. Not a dairy?—No, not a dairy. There is a certain portion of the work on a dairy farm that could not be done by women. I may say that our poultry section has not been any great success yet, and I believe that is a universal experience.

14,676. (*Dr. Farquharson.*) On what scale do you carry it on?—I cannot say the numbers we have.

14,677. Several hundreds or thousands?—Over one thousand.

14,678. And you have a sufficient run for them?—Oh, plenty of room for them.

(*Dr. Farquharson.*) It is the general impression that poultry farming on a large scale has never paid in this country.

14,679. (*By Miss Stevenson.*) At the shelter at Whitechapel, when I was there three or four years ago, you had a department then for discharged prisoners, I think. Have you that still for men?—Yes.

14,680. That is, you keep them apart from the metropole?—Yes.

14,681. Do you find as a rule that men who have been in prison are more helpless than men who come to you simply out of work?—Rather the reverse. The percentage of satisfactory cases amongst our criminals is higher than that amongst the ordinary class; because they are a better class of people that we have to deal with in the Prison Gate Home.

14,682. You mean they are men who have been in the habit of supporting themselves by industry, but who through falling into the hands of the police or into crime have been thrown out of work?—That is so. In the Prison Gate Home we do not take petty offenders, who are in and out of prison on account of drunkenness.

14,683. (*By Sir Colin Scott Moncrieff.*) You have reclaimed the farm at Essex?—Mostly.

14,684. You have been employing in it consequently more hands than it will be necessary to employ when you have got the place reclaimed?—Yes. But on that we estimate that with a little industry, such as brick-making and joinering, which we can dispose of in the neighbourhood, about 1000 persons can be carried upon the land that we have acquired.

14,685. How many colonists have you got at present?—About 300 colonists.

14,686. Would you require to acquire more land than you have got just now when you have got this into a proper agricultural condition?—We estimate the present farm will carry about 1000, and we have got 300 on it just now. We have acquired land which is waste at present, but we do not want public-houses springing up around us. In a few years we may go in for buildings, as we have a good frontage to the road.

14,687. (*By Dr. Sutherland.*) To what do you attribute your main success in reforming inebriates?—Well, to two reasons. First, to religious influences; and secondly, to improving his surroundings. We have also got success through our social operations.

14,688. Do you give them any medicine at all?—Not particularly, although we have a doctor attached to our city colony's staff, and I myself am a chemist and know a little of the run of things.

14,689. To what do you attribute in the main your relapses?—As I pointed out, pensioners have been a great curse to us. If a man can go steadily, he gets on all right; but if any extraordinary influence comes upon him, then he is at a discount, and down he goes. When I was in Scotland, the New Year time was a very trying time to us with fellows who had been converted. If they got through one New Year we reckoned they were pretty safe to go on.

14,690. If you reform a man by twelve months' supervision, and restore him to a position in society, is there much danger of him falling back?—No.

14,691. You think he will stand firm?—Provided there is no extraordinary influence brought upon him.

14,692. (*By Prof. Dove Wilson, to Col. Barker.*)

Colonel Barker.

30 Jan. 1895.

Is it the case that you have a great many vagrants in Australia?—We have what is exactly his counterpart—the "sundowners" or tramps—who go from place to place.

14,693. Is he liable to any punishment?—Yes; he is liable to imprisonment if the police know that he has no lawful means of support; he can be arrested on the high road.

14,694. Have you any wandering children?—Not a great number. *Colonel Barker.*

14,695. Had you any difficulty when you did find a wandering and neglected child in getting it taken charge of?—No difficulty whatever. 30 Jan. 1895.

14,696. There was none put in the way of that by the law?—On the contrary, it gave powers of guardianship. [The witnesses then withdrew.]

Mr. Henry Rogers.

MR. HENRY ROGERS, Assistant-Inspector of Reformatory and Industrial Schools, Great Scotland Yard. *Mr. Henry Rogers.*

14,697. (*By the Chairman.*) I understand you are Assistant-Inspector of Reformatory and Industrial Schools?—I am.

14,698. And that you have special cognisance of the Scotch reformatory Schools?—I have. I know them particularly.

14,699. Will you please tell us how many reformatories there are in Scotland?—There are nine reformatory schools and thirty-five industrial schools.

14,700. Would you give us the list?—You will find the list on pages 44 and 53 of the Inspector's report for 1893. They are as follows:—Reformatory Schools—Aberdeen, Oldmill Reformatory for Boys; Aberdeen Reformatory for Girls, Mount Street, Aberdeen. Edinburgh—Dalry Reformatory for Girls, Edinburgh; Wellington Farm School for Boys, Penicuik. Forfar—Rossie Reformatory for Boys, Montrose. Lanark—House of Refuge for Girls, East Chapelton, near Glasgow; Roman Catholic Reformatory for Boys, Parkhead, Glasgow. Renfrew—Kibble Reformatory for Boys, Paisley. Wigtown—Stranraer Reformatory School for Boys, Stranraer. Industrial Schools:—Aberdeen Industrial School for Boys; Aberdeen Industrial School for Girls; Aberdeen Female School of Industry; Aberdeen Industrial School for Roman Catholic Girls, Nazareth House, Claremont, Holburn; Ayr Industrial School for Boys; Ayr Industrial School for Girls; Kilmarnock Industrial School (mixed); Glasgow Industrial School Ship 'Empress,' off Row, near Helensburgh; Dumfries and Maxwelltown Industrial School, Dumfries. Edinburgh—Original Industrial School for Boys, Liberton, near Edinburgh; Original Industrial School for Girls, Leith Walk; United Industrial School for Boys, Blackfriars Street; Auxiliary Home, 52 Lauriston Place; Burghal Industrial School Poorhouse, Forrest Row; Leith Industrial School, Lochend Road; Victoria Industrial School for Girls, Restalrig Road, Leith; St. Joseph's Industrial School for Roman Catholic Boys, Tranent, near Edinburgh. Forfar—Arbroath Industrial School for Boys; Dundee Industrial School for Boys, Baldovan; Dundee Working Boys' Home; Dundee Industrial School for Girls; Industrial Ship 'Mars,' Dundee; Tender to 'Mars,' 'Lightning.' Lanark—Glasgow Industrial School for Boys, Mossbank, Millerston; Glasgow Industrial School for Girls, Maryhill; Roman Catholic Orphanage and Industrial School for Boys; Roman Catholic Industrial School for Girls; Slatefield Industrial School for Roman Catholic Boys; Govan Parochial School; Dalbeth Industrial School for Roman Catholic Girls. Perth—Fechney Industrial School for Boys; Perth Ladies' House of Refuge for Girls, Craigie; Girls' School of Industry. Renfrew—Greenock Industrial School (mixed); Paisley Industrial School. Stirling—Falkirk Industrial School for Boys; Stirling Industrial School for Boys; Stirling Industrial School for Girls. Wigtown—Industrial Home for Girls, Newton-Stewart. Also in Glasgow there are three day Industrial Schools under the Glasgow Juvenile Delinquency Act. But they are connected also with the School Board of Glasgow.

14,701. We will take the case of the day industrial Schools. Under what educational authority are they? Under the Scottish Education Department or the Home Office?—Under the Home Office.

14,702. Can you give us the number of inmates in the Scotch reformatory schools?—We have about 775 in Scotch reformatory schools.

14,703. Could you differentiate between boys and girls?—103 girls and 672 boys at the present time, up till 31st December 1894. In the industrial schools, up to 31st December 1894, there were 4600 children. Of these, 1132 were girls, and 3468 were boys. In the day industrial schools there were some 500 children.

14,704. We will take first the Reformatories. Can you give us any statistics as to the number of reformatory children that found their way subsequently into prisons?—You will find on page 20 of the Blue Book statistics of the number alive reported upon—doing well, doubtful, convicted, and unknown. There, taking the results for the years 1890, 1891, and 1892, you find out of 404 Protestant boys reported on, 82 per cent. are doing well, 15 per cent. convicted, 1 doubtful, and 3 unknown. Of 58 Protestant girls reported on, you have 71 per cent. doing well, 3 per cent. convicted, 5 doubtful, and 21 unknown. 'Doubtful' means this in regard to the girls, that many of those cases are not doing well.

14,705. I see that there are 21 per cent. reported upon as unknown. These Protestant girls appear to have escaped being reported on to a much greater extent than the English Protestant or Roman Catholic girls?—That is the case. They are not properly cared for. A number of our girls are lost. They go away, and pass beyond our ken altogether.

14,706. But that is a very important point. I find in the English Protestant schools there are only 9 per cent. of the girls reported as unknown, and in the English Catholic schools 8 per cent. returned as unknown; in the Scotch Protestant boy schools only 2 per cent. returned as unknown, and in the Roman Catholic boy schools only 1 per cent. returned as unknown; while in the Scotch Protestant girls' school they are returned as unknown to the extent of 21 per cent.—*Witness*—That shows some great default on the part of the schools, and it particularly points to two schools—Glasgow and Dalry—and of course, with so few schools, we know precisely where the fault lies.

14,707. Then what control have you as reporter, what power to come down on them?—Only to represent the fact to them that they are not doing their duty.

14,708. You can't cut off the grant?—There is no means of fining them in that way. There is only one alternative. If the school is not going on properly there is the withdrawal of the certificate. There is something clearly wrong. It lies between Glasgow and Edinburgh (Dalry). In Glasgow there has been a very great change of superintendents; that makes a very important difference. The old superintendent knows all her girls, but when a new superintendent springs up she does not know them, and they don't care for a new person.

14,709. The Committee visited Glasgow Reformatory for Girls, and I think the impression conveyed by everything we both saw and heard regarding the present superintendent was that the change made in her appointment was a very great improvement. Has that been your impression too?—Oh yes. She has brought up the school considerably. It is very soon done. These schools almost entirely depend upon the superintendent.

14,710. We have in Protestant schools 82 per cent. doing well. Do you think that these statistics are reliable so far as they go?—According to our information they are. It is in this way. If you take a list for three years—and we get a return from the school which is tested in some measure by ourselves—we get

Mr. Henry Rogers.

30 Jan. 1895.

a return from the school year by year for three years after their discharge, of how the children are doing. We get that in their own handwriting, giving the addresses of the children, and stating whether they can be classified as doing thoroughly well, or doubtful, or unknown.

14,711. Then you get returns, I suppose, from the prisons also?—Yes; we get a check from every prison in Scotland, with the names of all the children who were convicted in the past year who formerly belonged to a reformatory. They are very carefully made out, and these reports of the managers of the schools are checked by those figures.

14,712. Are the Scotch prison figures published in your report?—I am not sure whether they are published every year, but they are producible.

14,713. In sending in their returns, do the prison authorities confine themselves to the cases of reformatory children who have been out of reformatories only three years, or do they give the whole lot?—They send in the whole of the children who have been in their prison in the last twelve months, who have been convicted, and who formerly were inmates of a Reformatory or Industrial School, no matter for what year. The whole of the children are sent.

14,714. You use the word children; I presume you mean prisoners?—Yes, I mean prisoners who have formerly been in reformatories.

14,715. In your report I see you speak of adults. What does 'adult' mean in your report?—Adult means over 16 years of age. That is a very important table indeed.

14,716. If you get the returns from the prisons embracing all ex-reformatory prisoners, it will let you know the number of our ex-reformatory population that is in prison every year, will it not?—Yes.

14,717. Can you tell us how many were in Scotland in 1893—how many ex-reformatory prisoners? My point is this. You have given us returns here which only apply to three years. That is to say, a boy or girl gets out of a reformatory, and for the next three years he or she is under the supervision of the reformatory authorities, and it is on their reports for three years, is it not, that these figures are based?—Yes.

14,718. But the prison authorities deal with ex-reformatory individuals, not as confined to a period of three years from their dismissal from the reformatories, but for their whole life?—Yes. On applying to the Prison Commissioners they give us year by year the prisoners in the prison who have been in reformatories. But that does not concern us. We are not concerned with adult crime, but with juvenile crime. When we ask the Prison Commissioners to send us a list of all their children who were formerly in Reformatory or Industrial Schools, and these returns are used to check the returns of the school managers, and to see how many of our children are year by year convicted and brought into prison. When one child is convicted in any of the three years he is reported on as convicted, and he is never regarded as anything else than a convicted child afterwards. If, in the first year of his dismissal from school, he gets into the prison, well, he is done for with regard to us. He is no longer regarded as discharged, or doubtful, or anything else; he's regarded as a convicted boy. It is not taken off our reports even if he is doing very well.

14,719. We understand that. But these returns of yours show that among the Protestant boys 15 per cent. were convicted within the three years; and among the Roman Catholic boys 38 per cent. were convicted within the three years. Are there any Reformatories, do you know, where the percentage of reclamations is much higher than 82 per cent.?—Hardly any. I think it would be overstating it in regard to most schools to put it at more than 35 per cent.

14,720. I think we were told that in certain Reformatories the number of successes amounted to something like 98 per cent., or over 90 per cent. Would that be a fair estimate in your opinion?—Oh no, it would not be a fair estimate of the case.

14,721. Of course the actual number of prisoners who have been in Reformatories, and who lapse into crime over a period of 10 years would be very much larger?—There might be an instance of a high percentage here and there. I have known a Reformatory School where there has been a particular set of three years, with 94 per cent. of reclamations. But you may take it as my opinion, and that of my predecessor, that a lower percentage than that is the rule. He said, 'I am very thankful to get 70 per cent. out of a 'Reformatory School, and I think it is a percentage 'we ought to be thoroughly well satisfied with. You 'may ask why there is not a larger percentage, but, 'taking the schools together, Protestant and Catholic, 'we don't expect a larger percentage.'

Mr. Henry Rogers.

30 Jan. 1895.

14,722. I told you that we had been told there were very high percentages in certain schools. One of them was Aberdeen Old Mill, and I find from your report, page 105, that the results of cases discharged after three years—1890–1892—were, that 62 were discharged, of whom 55 were doing well, and 7 were convicted of crime. That would be about 13 or 14 per cent. only convicted of crime, and the balance doing well, because there is nothing here about 'unknown,' or anything of that sort. Now, that is somewhere about 87 per cent., is it not?—I think that is quite possible for some years, not always.

14,723. On visiting the prison in Greenock I saw a lad, a young prisoner who had been in a Reformatory, named Patrick Doherty, and on talking with him—he had been a Greenock boy, and had been sent to the Aberdeen Reformatory,—but on asking him how he came there, he said that a number of Greenock boys were sent there. I asked him how many Greenock boys he knew when he was at that Reformatory, and how many had turned out well, and how many he knew in prison. He mentioned a number, a proportion of prisoners that quite astonished me; so I asked him to give a list of all the Reformatory boys he knew as having been in prison to the Governor, and I asked the Governor to check this list by his prison books. We have got the result contained in a letter from the Governor. Three of the lads named by this fellow as being known to him to be in prison were in prison in 1894, and he names a number of others. Have you got figures for that year?—We can certainly get those returns—the very boys.

14,724. That is quite right, but of course your report will not say anything about it?—No.

14,725. We were told, on the one side, that the number of reformations were close on 90 per cent., that is by some of the Reformatory witnesses in Scotland.—*Witness*—But if we take all those numbers reported from the prisons we should have to put against them the whole number sent out from that school. We don't take the whole population who have been at that school. We only take the three years. We say that, to take three years after they have been discharged is a sufficient guarantee of their doing well.

14,726. I am not at all wishing to imply that your department is not acting exactly as it should act, and doing everything it should do. I am only wishing to know whether we could get information in this direction. Can you tell us what the Reformatory population is? That is, you have 775 children in Reformatories in Scotland; how many do you discharge annually?—I daresay we have in England and Scotland 5000 of a permanent population in the schools.

14,727. I want the permanent population outside the schools. How many are discharged in Scotland per annum?—That is all given per annum, but the population goes on for so many years. Frequently we have returns from the prisons of boys who have been away ten or fifteen years.

14,728. If we can get the number of children discharged each year we can easily get an actuarial estimate as to the age they will live.—*Witness*—Taking the population going out within the last three years, we say that during that three years only a certain number have been convicted, and we think that shows pretty well if we are doing well or not, if a boy keeps straight for three years after leaving the Reformatory.

14,729. (*By Sir Colin Scott Moncrieff.*) At what

Mr. Henry Rogers.

30 Jan. 1895.

age do they leave the Reformatory?—At 17, 18, or 19 years of age.

14,730. (*By the Chairman.*) I want the number of discharges from Reformatories?—We can make that table out, but it is not in the report. But it gives you a very fair approximation—475.

14,731. This table on page 20 shows 646 reported on during three years. That would give an average of a third a year, which would give practically the discharges, would it not?—Yes.

14,732. That would give 215 discharges per annum. But if you turn to page 316 of your report you will find another table, an abstract table, which gives the number discharged, transferred, or died in 1893 in Scotland as 166. That does not tally with our calculation of 213, does it?—No.

14,733. The number who were discharged must be less than 166. Allow six for deaths and transfers—and that is under the mark—that would give you 160 discharged, whereas, if you turn to the table on page 20, you have a three years' population numbering 646. A third of that is 215, against 160, which would be about 70 different. That in a small number like this is a very large figure.—*Witness*—Some years are more, some years are less.

14,734. Then was 1893 an exceptionally small year?—The numbers in Scotch Reformatories are very much reduced in the last few years.

14,735. Well, they have been very much reduced, but they are going up again now, are they not?—Very slightly.

14,736. Well, we have got it that the number for 1893 was 775, have we not?—These figures are absolutely correct.

14,737. Then may we take the annual increment at about 160 or 170?—Something like that, or 200.

14,738. So you get discharges in three years at about 600?—Yes.

14,739. How long has the Reformatory system been in operation?—This is the 37th report of the Inspector appointed.

14,740. Now we come to expenses of Reformatories. Have you any tabular statement giving them for the whole country?—Yes. You will find a *resumé* of it here on page 23.

14,741. I find here on page 24, 'The average cost 'of maintenance, including rent and expenses of dis-'posal, and allowing the usual set-off for the profits of 'the labours of the inmates, was for Boys' Reformatories 'in Scotland £18, 1s. 8d., and for Girls' Reformatories 'in Scotland £26, 7s. 4d., against £21, 2s. 3d. for 'Boys' Reformatories in England, and £20, 1s. 4d. for 'Girls' Reformatories in England.' Will you tell us how it is, that whereas the average cost for maintenance, including rent and expenses on disposal, in the case of boys is £3 more in England than it is in Scotland, the average cost in the case of girls is more than £6 less in England than it is in Scotland?—That is very easily explained. It is because there is so small a number to divide the main cost with. The abstract is made out by dividing the main cost by the number of inmates.

14,742. But the boys in England cost £21, 2s. 3d. against £18, 1s. 8d. in Scotland, do they not?—That is very easily explained. The boys in Scotland live on much less food than the boys in England. There is not so much meat food given as in England. They live cheaper, according to the wants and feeling of the country, than they do in England.

14,743. Scotch Boys' Reformatories are not so big as the English, I suppose?—There is a sufficient number in the Reformatories in England to divide out advantageously.

14,744. More advantageously than in Scotland?—Yes.

14,745. In the case of girls, on the other hand, the English girl costs only £20 as against £21 for the English boy, and £26 for the Scotch girl?—That is precisely so. There are only two of these small schools in Scotland. There are quite a few handfuls of children, and the same staff as for twice the number. Consequently they divide out for much more.

14,746. Can you fix the allowance per inmate?—Exactly the same for both the English and Scotch—6s. a-week.

14,747. And the Reformatory authorities are supposed, where it is possible, to recover the 6s. per week from the parents, are they not?—The Government take all the recovery from the parents.

Mr. Henry Rogers.

30 Jan. 1895.

14,748. But the Reformatory authorities collect it?—No; they collect nothing. The Government collects it all.

14,749. Then will you let me know what the Government allowance amounts to in Scotland. What is the actual expenditure—the total amount for Scotland?—I could supply that.

14,750. Could you tell us from the Civil Service Estimates?—Yes.

14,751. *Sir Colin Scott Moncrieff* (reading from the Estimates). The Scotch Reformatory Schools received £12,500.

14,752. (*The Chairman,* proceeding). And the amount received from parents of juvenile offenders in Reformatory Schools for 1893 were in Scotland what?—£297.

14,753. So that you practically expend £12,000 on the 6s. a-week, and recover only £297, or practically nothing?—It is very difficult to recover from parents in Scotland.

14,754. Is it much more difficult to recover from parents in Scotland than in England?—Yes, very much more.

14,755. What is the total English grant?—(*Sir Colin Scott Moncreiff.*) £63,000, of which £4337 is recovered.

14,756. (*The Chairman.*) Sir Colin tells me from the Estimates that the amount of the grant in England is only £63,080, which is five times the Scotch grant. Therefore the Reformatory system cannot be so largely developed in England as in Scotland. Of the £60,000 in England, you can recover £4,400, or a fifteenth, against less than £308 in Scotland, or less than a fortieth. Is there any reason for the difference of the amount recovered?—It is a much more difficult process in Scotland than it is in England. We can't appear in Court in the former country. In England we utilise the services of the police; our superintendent of police can appear. But one can't do that in Scotland. That makes a great deal of difference.

14,757. In Industrial Schools you make a grant. What do you pay there?—We pay 5s. a-week in the old schools, and in the new schools 3s. 6d. a-week.

14,758. I thought you paid 4s.?—Almost all the old schools get 5s. a-week, but it is slightly reduced after a few years, when the child has attained fifteen years of age. It is reduced to 3s., and we only pay 3s. at the age of 6, and from 5 to 8; but from 8 to 15 we pay 5s.

14,759. How is that recovered from parents?—By the same process.

14,760. It appears from the Estimates that in the case of Reformatory Schools there was recovered in England £4,400 for the last year against £338 in Scotland—that is to say, a mere fraction, less than a twelfth, of the amount recovered in England. In the case of Industrial Schools, on the other hand, against £10,700 recovered in England, there is £5289 recovered in Scotland, or more than a half. How is that difference to be accounted for?—That is partly owing to the allowances made by Parochial Boards to children sent to our Industrial Schools.

14,761. Doesn't that occur in England?—No. We deal very much more with the parent in England than in Scotland. All Industrial Schools in Scotland must be made pauper establishments, and the parochial authorities make a large use of them. They require to pay a certain sum for the children sent to those schools, which thus relieve the burdens of the country. We have had many struggles and fights to bring these on our list, but we managed to make a compromise, and they generally pay 2s. 6d. a-week if a good case is made out, and that 2s. 6d. a-week goes to swell the amount recovered.

14,762. How are the same class of children dealt with in England?—They are dealt with in the Industrial School in the ordinary way; there is no corresponding process of that kind in England.

14,763. Can you tell us exactly what the liability of

Mr. Henry Rogers.

30 Jan. 1895.

the Parochial Board is in respect to children?—It is contained in the clause of Industrial Schools Act which refers to Scotland—the Act of 1866. Section 38 says:—"In Scotland, where a child sent to a Certified 'Industrial School under this Act is at the time of his 'being so sent, or within three months then last past 'has been chargeable to any parish, the Parochial Board 'and Inspector of Poor of the parish of settlement of 'such child, if the settlement of the child is in any 'parish in Scotland, shall, as long as he continues so 'chargeable, be liable to repay to the Commissioners of 'Her Majesty's Treasury all expenses incurred in main-'taining him at school under this Act to an amount not 'exceeding 5s. per week, and, in default of payment, 'those expenses may be recovered by the Inspector of 'Industrial Schools, or any agent of the Inspector of 'Industrial Schools, or any agent of the Inspector in a 'summary manner before a magistrate having jurisdic-'tion in the place where the parish is situate.'

14,764. Is there anything of that sort in England?—No.

14,765. Is there any analogous case in regard to Reformatory Schools in either Scotland or England?—Nothing. That is an entirely criminal Act.

14,766. I see that the grant for Reformatory Schools is £12,500; for Industrial Schools, £57,000; and for Day Industrial Schools, £1,300. How do you pay in the case of the Day Industrial Schools?—We only pay 1s. a week; the whole cost of the food is only 1s. 3d.; and the School Boards contribute the rest, and they also have a lien on the parent.

14,767. Is there nothing whatever recovered on the Day Industrial Schools?—They get what they can out of the parent. We don't touch that. The school is entitled to the parental contribution in the case of Day Industrial Schools.

14,768. Did you not mention that the Reformatory School system in Scotland was dying out largely?—It suffered greatly from the disinclination of magistrates to send a boy to the preliminary course of imprisonment, but that is now taken away, and the magistrate can send him right from the Court to the Reformatory. One is hopeful, therefore, that the system will be more largely utilised.

14,769. They can do that in England too, can they not?—Yes.

14,770. You have told us about young people who have been in Reformatory Schools and got into prison. Can you tell us anything about children who have been in Industrial Schools and got into prison? Have you a table of percentages analogous to those given us before?—I have some statistics of the number of children in Industrial Schools.

14,771. Well, what is the number of children in Industrial Schools?—4,600.

14,772. Do you follow them for any length of time?—In exactly the same manner as in the case of the Reformatory Schools—for a period of three years after their discharge.

14,773. Does that include the period of probation, or exclude it?—It does not include the period of probation.

14,774. Every child is let out on licence at fifteen. Is it then included under your term 'discharged'?—No, it must be formally discharged before it comes under our term 'discharged.'

14,775. Have you got a table of discharges similar to that you showed us in the case of Reformatory Schools?—On page 29 you will find the total discharges. You see we have got the total population there. The total discharges to the same date (December 31st, 1893) were—boys, 63,890; girls, 16,396; total, 80,286.

14,776. But that is for the United Kingdom, is it not?—Yes. On page 31, however, fuller details are given. Scotch schools—number reported on, 1873 Protestant boys, of whom there were doing well 1695, doubtful 41, convicted 65, and unknown 72. The percentages are given below, and show briefly—Protestant boys, 3 per cent. of convictions against 15 in Reformatory Schools; Protestant girls, 2 per cent. convictions against 3 in the case of Reformatory Schools; Roman Catholic boys, 12 per cent. convictions against 38 per cent. in the Reformatories; and Roman Catholic girls, 1 per cent. convictions, and no corresponding column in the Reformatories.

Mr. Henry Rogers.

30 Jan. 1895.

14,777. How do you account for the greater proportion of convictions in Roman Catholic ex-Industrial School girls than ex-Reformatory School girls?—The Roman Catholic girls are very little looked after when they are discharged.

14,778. I observe that the children appear to be very much better looked after on the whole from the Industrial Schools than from the Reformatory Schools, inasmuch as the number of unknown in this whole lot is only 4 per cent. Protestant boys, 3 per cent. Protestant girls, and 2 per cent. Roman Catholic girls. Can you explain that?—Well, they are more easily dealt with. There is a greater tie between the school and the boys, as naturally you could expect. The child is not so vicious and intractable, not so daring. Then the Reformatory boy or girl is older and goes away, and gets away altogether. He has been stamped as a criminal, and he wants to get out of observation.

14,779. I suppose you find there is a number of boys and girls outside these years who do find their way into prison?—A good many girls get into trouble when they leave, unless they are properly looked after. It is a very critical age at which they leave Industrial Schools.

14,780. In the Greenock prison I found 14 Industrial School children during the year, and a few of them have been imprisoned several times in 1894. Would that surprise you?—No, it would not surprise me.

14,781. It is not an abnormally large percentage then?—No, I think not, if you take the whole population. It's a very large population from which they are taken. Many of those you would find had been some years away from the Industrial Schools. But we can't very well apply our test in any other way than the present, because we lose sight of those children. It is very difficult for the managers of schools themselves to extend their enquiries, or keep in touch with those children.

14,782. You have given us the cost of boys and girls in Scotch and English Reformatories. Can you give it now in Scotch and English Industrial Schools?—On page 32 you will see that the average cost per head of maintenance, including rent and disposal expenses, is in mixed schools for boys and girls £14, 0s. 1d. in Scotland, as against £15, 9s. in England. In the schools for boys only it is £14, 8s. in Scotland, as against £19, 0s. 4d. in England. In the schools for girls only, it is £13, 10s. 0d. in Scotland, against £17, 10s. 5d. in England.

14,783. Now, would you please explain to us how Reformatories and Industrial Schools are supported. You give a grant of 6s. a week in the case of Reformatories, and 5s. or less in the Industrial Schools, do you not?—Yes, 5s. or 3s. 6d.

14,784. Then who contributes the balance?—The balance is made up in England by something which exists only to a very small extent in Scotland. No child is received from the committing authority without a guarantee of 1s. 6d., 2s., or 2s. 6d. a-week in addition to the Government allowance. In the case of the Reformatories, a child would not be received without a guarantee from the committing authority of a supplementary grant of 2s. or 2s. 6d., as it may happen.

14,785. Who guarantees that then?—The County Council, or, in former times, the Quarter Sessions. The County Councils have the fullest statutory authority to contribute to the management of those schools.

14,786. Then can the County Councils recover that?—There is no recovery. It is an absolute grant.

14,787. Is there any other method by which they are supported?—The profit derived from industrial pursuits—what they make for themselves, of course—but nothing else. In England in the large schools the boys can go out and assist their neighbours in farm work, and so on; and in all the agricultural colonies the boys do go out freely whenever their labour is required or acceptable.

14,788. You speak of agricultural colonies. Do you mean Reformatories?—I mean Reformatories established right in the country.

Mr. Henry Rogers.

30 Jan. 1895.

14,789. Who has the control of the Reformatories?—The managers themselves of the different institutions. But we grant licences, and they satisfy our requirements. They carry on the institution at their own discretion, but in conformity with our regulations. They must not exceed the Home Office regulations.

14,790. Do you say in Scotland there are no grants by the County Councils?—Not to the same extent. The Prison Board in past times were accustomed to make an occasional grant, but no capitation grant like that in England. Hence the difference in the cost per head. The Scotch schools can't afford it, but the English schools have the money, and they spend it.

14,791. But take the case of certain Reformatories, for instance Aberdeen, where the County Council give, I think, £600 a-year. How is that?—Those schools got into pecuniary trouble, and applied to the County Council, and I think the agreement was to give them £600 or £800 a-year. But that is an unusual thing.

14,792. But has not the County Council here power to make this contribution of 1s. 6d. or 2s. as it is wanted?—That form of capitation grant is not adopted in Scotland.

14,793. Is there any difference in the statutory power of the English County Council and the Scotch County Council in that matter?—Yes, I think there would be some legal differences. Their powers are not stated in the same way. But I am not quite sure that there is anything to prevent the County Council in Scotland at present from providing capitation grants. It would be not be awarded quite in the same manner, but one has not found there is really any legal difficulty in the way of Scotch County Councils contributing.

14,794. What does your inspection of these schools consist of? Have you just one inspection? Are there Inspectors for the different branches, or does one Inspector do the whole work?—Our inspection is very comprehensive.

14,795. Oh yes. I merely ask what it is. You inspect yourself, I suppose?—Yes.

14,796. Then do you inspect the education as well as everything else?—We do. We inspect also the bedding and the domestic arrangements and everything in the house. We have to look into everything and see that the requirements and wants of the boys are properly looked after. Everything comes under our notice when we go; therefore I say it is a most comprehensive thing, and requires perfect knowledge of the whole of the schools to do it properly. Of late years, I am glad to say, we are trying to introduce a second, or surprise visit in addition to the annual regular inspection. I may say that nearly all the schools in Scotland have been subjected to a surprise visit in 1894.

14,797. You are the educational authority as well as everything?—Yes, we have to examine every child once a year.

14,798. And the code you use is the English code?—It is very much according to the necessities of the case. We can't come up to the English code in every particular, but we sail as close to the wind as we can. We are obliged to put the same test nearly to all children, but there is not very much difference.

14,799. Is there any practical reason why the educational inspector should not do the educational part of this inspection?—There is no reason in the world why he should not, except this—that it gives the Home Office Inspector a very close knowledge of the children being with them four or five hours in the school. When I sit down to make an inspection I mix with the children. They talk to me, and I see how they are made up and how they do their work. I gather there, too, what the real tone of the management is.

14,800. Have you any table in your report showing the educational status of the children in Scotch Schools?—In every case there is a full educational report of every school in the kingdom.

14,801. Have you no summary embracing the whole country?—Well, there's a very full educational report here on page 268: 'Educational state.—Order and 'attention in both schoolrooms very good. In the 'boys' schoolroom there were 20 in Standard V.; a 'very good class, good work, no failures. 25 in 'Standard IV.; reading writing, and arithmetic good; 'dictation good, with one exception. In both these 'classes, the children had been taught mental arithmetic, 'and geography of Europe. 25 in Standard III.; 'reading good; writing generally good; 6 failures in 'dictation; two failures in arithmetic. 16 in Standard 'II.; reading, with one exception, good; writing very 'fair; five failures in dictation; four in arithmetic. 'Standard I. were receiving instructions with the 'girls. In the second schoolroom I found 12 girls 'in Standard IV.; a good class, all passed in all 'subjects. 12 girls in Standard III.; reading good; 'spelling indifferent; writing very fair; dictation 'good; one failure in arithmetic. 10 in Standard II.; 'one failure in arithmetic. 5 girls and 19 boys in 'Standard I.; coming on very well. 15 boys and '5 girls in a preparatory class; mostly newcomers.' Moreover, there is an individual examination of all the children. We take every child in every class, and every child reads to us, and does four or five sums on the slate, and does dictation, and gives answers in geography and also does a piece of recitation, &c.

Mr. Henry Rogers

30 Jan. 1895.

14,802. How many schools are you able to overtake in the course of the year?—Our schools amount to about 140 in England and Scotland, of which 34 are in Scotland. There are three Inspectors at the present time.

14,803. This is the educational report on the Dundee Industrial School for Girls: 'The order and 'attention in the schoolroom were very good; but the 'girls scarcely so bright as I have seen them. But 'they passed a very fair examination. There were 20 'girls in Standard V.; very fair reading, very good 'writing; one failure in dictation; four failures 'in arithmetic. 12 in Standard IV.; very fair read-'ing; very good writing; one failure in dictation, and 'one in arithmetic. 12 in Standard III.; no failures. '10 in Standard II; no failures. 16 in Standard I.; 'one failure in arithmetic. Nine in a preparatory 'class; all very young or newcomers. The girls are 'exercised in musical drill, and are taught singing.' We visited that school, and were struck with the fact that a very large number of the girls in Standard V. had been through Standard V. before, once or twice, and one even three times. How was that?—Yes, we don't think it desirable to go beyond Standard V. in our Industrial Schools. We don't see the necessity of girls learning decimal fractions: I would rather see them learning the making of puddings.

14,804. But is the alternative of making puddings given?—There is the alternative given to every child. We only require them to keep up to a certain standard after reaching it, and then to perfect the industrial training of the child in sewing, machine work, and especially cooking, or laundry work, or whatever the girl is going in for. We think, and I am sure the ladies agree with us, that it is far better to do this than to go on cramming a quantity of stuff into their heads which they will forget after six months.

14,805. Are the girls freed from work at the class to do this industrial work?—They don't go every day to the school room, but we take care that they read every night, and we keep up the standard they have reached.

14,806. Then Standard V. is kept up all round?—Yes, we don't see any advantage in going beyond it. I give you my impression after long acquaintance with these schools. The children forget everything with the greatest ease. We sometimes have children coming back after a year, and they seem to forget everything. As for decimal fractions or mensuration, it is useless.

14,807. Can you tell us what standard of the Scotch Code Standard V. corresponds to?—Scotch reading and acquaintance with books is admirable, but they are always behind when we apply Standard V. arithmetic to Scotch schools, because the Scotch standard is a standard behind.

14,808. But are the other subjects of the Scotch standard the same? Does Standard V. of the English Code correspond with Standard V. of the Scotch in other respects?—It is very much the same as the Scotch Code. It is superior to the Scotch Code only in the matter of arithmetic.

14,809. (*By Dr. Sutherland.*) Do you expect the

Mr. Henry Rogers.

30 Jan. 1895.

same standard of efficiency in the standards in Industrial Schools as you do in a public school?—Quite; there are not quite so many extra subjects, however. We can't quite keep up to the standard of public schools in those.

14,810. Then you are not so rigid in your examination of an Industrial School child as the Inspector of a public school would be?—Not quite in extra subjects, but in the rest we are quite as particular.

14,811. How about girls' work? Is that part of your Code?—That is quite a part of our Code.

14,812. And do you inspect that also?—Yes.

14,813. Is it satisfactory?—We always have very good knitting and, I may say, sewing too. I think our English sewing is superior to the Scotch sewing, but the Scotch knitting is superior to the English.

14,814. Now, I want to ask you this: A boy is committed, we will say, by a magistrate to a Reformatory for 5 years. That is considered, I suppose, as a sort of sentence more or less punitive; but we found cases in which, after a boy had been so sentenced, the Reformatories would not take him in, and he was discharged. Is that a common thing?—Not very common.

14,815. I give you an example. We found in Dundee prison a boy suffering from lupus of the face. He had been sentenced, the Governor told me, in the first place to a few days' imprisonment, and then to the Reformatory. The custom, the Governor told me, was to leave the name of the Reformatory blank until they found whether the Reformatory would take him. Is that so?—That is the custom.

14,816. No Reformatory would take this boy because he had lupus of the face, and at the end of ten days he walked about his business. He had been in gaol repeatedly since. What do you say to that?—Now you name that lupus of the face, I can tell you that you would not get a Reformatory in the kingdom that would take him in. We don't call ourselves infirmaries. There are not the means at the disposal of the Reformatories to deal with such a case. It would be a chronic case.

14,817. There's another case we came across—a boy in Glasgow prison who had been an inmate of a Reformatory, and who had had some operation performed on him there which brought about a certain form of paralysis that made him an undesirable inmate, and he was turned out at half his time. Have you anything to say in regard to that?—I may say at once no Reformatory could take such a case. It could not deal with it.

14,818. But this came on after he was in, and he was then turned out.—*Witness.*—The first thing they would do when they found it out—when they found a boy unfit for discipline or industrial work—would be to put him out. A boy unfit for discipline and an industrial occupation would not be received in our Industrial Schools. They have not means to deal with those cases.

14,819. There's another case I should like an explanation of. In visiting a Reformatory we were told of a girl who had been sent there, and was found to be suffering from a certain disease that compelled her being sent to a Lock Hospital. When she came back she was more or less obstreperous, and she was sent to a Magdalen Institution. I don't at all question that that may have been a very good place for her, but is there any provision of the law sanctioning such a thing?—We frequently have cases of the kind. We send them to the infirmary or the hospital of the place near to which the Reformatory is situated, and if we can deal with the case we take them in.

14,820. I am not questioning that. It is evident that you should be able to send them to a special hospital; but the point of this girl's case was that when she came back and was obstreperous—committed some breaches of discipline or something of that sort—she was sent to a Magdalen Institution. Was that legal?—Well, you may rely upon it that that child was something more than obstreperous; she was outrageous.

14,821. I am not questioning that, but what is the machinery under which that would be done?—A medical certificate must be sent to the Secretary of State, and he sends a discharge on the understanding that she would be sent to one of these penitentiaries.

Mr. Henry Rogers.

30 Jan. 1895.

14,822. Would the girl be discharged?—Entirely discharged. No manager has the power to send a boy or girl away without the concurrence and the special warrant of the Secretary of State.

14,823. So, was she discharged before going to the Magdalen Institution?—I don't say she was, but she ought to have been.

14,824. Then a girl being put in a Reformatory, if she had not been discharged, I suppose would be in the position of an inmate out on licence, still a prisoner of the place?—She would be regarded as an inmate out on licence, but we should not pay for her in one of those institutions—we should not pay it to the Reformatory.

14,825. You would not pay the grant, even if the girl was not discharged?—The moment she leaves the institution the Government grant is gone.

14,826. If she is out on probation is the grant gone?—Yes.

14,827. Would it be competent then to make use of the probational machinery to send her out to such a place as a Magdalen Institution?—Only on licence. We could not put her under the disciplinary charge of any other institution and pay for it.

14,828. What is the procedure in the case of transfers?—On application to the Secretary of State for a transfer from one school to another there is a warrant granted and sent to both schools, and the thing is done.

14,829. Is there any machinery for visiting Reformatories and Industrial Schools—apart, I mean, from the people who subscribe to them and take an interest in them?—On certain days they are always open. They are not closed places at all.

14,830. Is there visiting by Justices?—No visiting by Justices, because there is a committee of management, and Justices constitute those committees frequently.

14,831. Then, in the case of a Reformatory for instance, you might have a committee without any official member whatever, might you not?—Only a self-constituted committee, but, of course, they are respectable gentlemen.

14,832. What are your rules about corporal punishment?—These are all laid down by law.

14,833. What are the corporal punishments?—In a Reformatory, they consist in punishments up to 18 strokes of the birch; and in an Industrial School they are not to exceed 12 strokes. That is for very extreme punishments, of course. There are modified forms, and the discipline is mainly carried on after all by a system of rewards and punishments, and so the boys find if they commit an ordinary offence.

14,834. What about confinement?—Confinement to a cell is permitted up to three days.

14,835. A dark cell?—No, a light cell. No dark cell is allowed.

14,836. You don't allow flogging for girls, do you?—Certainly, if they are very obstreperous. Sometimes it is more necessary for girls than for boys, but it must be modified by circumstances. But there are cases and conditions under which corporal punishment must be inflicted on girls as well as boys, or we could not keep up discipline. I don't advocate any too severe control over girls, but there have been cases in my experience where nothing but a whipping will bring these children to their senses.

14,837. Up to what age does the official permission to whip girls extend?—I don't think there is any official rule; it is best perhaps not to have one on that point, but of course we generally recommend no application of corporal punishment to girls after the age of 14 or 15. It is for the young girls I advocate it.

14,838. (*By Dr. Sutherland.*) Are all punishments logged?—Every punishment is required to be recorded.

14,839. Should you inspect the punishment books when you make your inspection?—I do, and sign them.

14,840. Is it not the case that you have hospitals attached to every Industrial School and Industrial

Mr. Henry Rogers.

30 Jan. 1895.

Training Ship?—We have in Training Ships for moderate cases, but not for critical cases. We, as a general rule, send them to a public hospital.

14,841. And they are brought back, when cured, to the ship?—Yes.

14,842. If you cannot receive a boy into a Reformatory because he has got lupus on the face, have you any suggestion to make as to what should be done with that boy?—I can't make any suggestion in regard to that particular case. I see no difficulty, however, in the way of establishing an Industrial School or Reformatory in the country for the treatment of those cases.

14,843. What is done with the bed wetters?—Well we cure them as far as we can.

14,844. Is not a bed wetter quite as objectionable a boy as a boy with lupus on his nose?—No, we can deal with the one, not with the other. We can deal with the first class you speak of, because by careful management, kindness, attention, and vigilance we can cure the one, but the other case we could not deal with.

14,845. There was a boy suffering from that skin disease to which I have just referred, who was dismissed from a Reformatory and turned adrift; and we found him in Edinburgh prison because he was a disagreeable boy in school. What do you say to that?—Well, a little more enquiry would find other causes probably for that dismissal. It would be an incorrigible case, and the boy would be a dirty, idle fellow.

14,846. But you are aware that the officers and bigger boys have been known to bully those boys as being undesirable members of the school?—I can't allow that generally. An incapable man might be unkind to a boy like that, but a capable man would look after him.

14,847. Do you really think that a boy because he has lupus on his nose should be kept out of a school where there is a small hospital and a doctor attached?—Yes, I do.

14,848. Why is there a doctor on the staff?—To deal with the ordinary cases, not the extraordinary cases. We can't deal with those extreme cases, such as breaking out of diphtheria and typhoid fever. Such a case would require constant attention. You would require a nurse to deal with a case of lupus. This school is for discipline and improvement; it is not an infirmary.

14,849. But still you think those children ought to be dealt with some way?—Yes, certainly, but we can't do it with the present constitution of our schools.

14,850. Who decides what the diseases are which should exclude a boy or girl from any of these schools?—The medical officer would say, 'This is a chronic case,' and would require a nurse and a special treatment'; and we are also afraid that the thing might spread. But our sick boys always meet with kind attention.

14,851. Do you think that an extra allowance would be given for such a case in a special institution?—I do so. I don't see that the Government should have any proper objection to the establishment of such a school, and to giving 8s. or even 10s. of a grant.

14,852. (*By the Chairman.*) Do I understand you to say that you think the Government would have no objection in the case of a special school for the reception of reformatory and industrial school children who were infirm and subject to some disease, such as has been referred to?—I quite believe that the Home Secretary, if the case were properly represented to him, would be most anxious to entertain a scheme and give some additional grant. I'll not say a double grant, but some additional grant.

14,853. (*By Dr. Sutherland.*) Who do you think should decide what the diseases are that should exclude a boy?—These have not been tabulated. A committee of medical men would soon give us reasonable advice on that point. They would exclude all those chronic cases and inveterate cases that you can't deal with except after a long course of treatment. Our medical men are anxious to receive cases, and would not refuse them except under such discouragement.

14,854. In the medical report filled in before the boy goes to the school you don't specify any complaints, and a boy may have a good physique and yet have lupus of the nose?—We don't expect him. We could not deal with him, mixing with other boys. Such a boy would go about and do what he liked because he knew he was not subject to any discipline.

14,855. But in prisons the existence of lupus on the nose is no excuse for escaping discipline?—In prison no conditions can be laid down. Here they can.

14,856. The same conditions in regard to punishments for breaches of discipline, &c., would apply, I should think, equally to a reformatory school as to a prison, in which there are a good many of the same age as is met with in a reformatory?—There is no necessity to receive any case in a reformatory, whereas in a prison you must receive every one. A reformatory is not a prison, but a school.

14,857. (*By Sir Colin Scott Moncrieff.*) In cases near the border of England and Scotland, do Scotch boys always go to Scotch schools, and English to English?—Mostly, but some boys go over the border. We send boys to Stranraer Reformatory from the Mansion House here. There has been a communication between Stranraer and the Lord Mayor, and boys have been sent to Stranraer for many years.

14,858. Now, who settles the place where they are to go?—The authorities have the right under the Act of making agreement with the managers of the various schools as they think proper. Stranraer takes them because they get 2s. 6d. a week. The Stranraer people get nothing from the County Council or the Prison Board. They have to make the money or get it from those who send the children. But it is a self-contained school, and does a great deal of work.

14,859. In that case, how do they collect the money from the parents?—We collect the money from the parents in the spot they reside in, and they are mostly in London, so we collect it.

14,860. Suppose a boy or girl is sentenced to a reformatory, the child cannot go straight from the dock to the reformatory if the reformatory is at the other end of the country. What is done with it in the meantime? Where does it spend the night or two nights on the way?—Well, the department now pays for the transference of the child from one point to another. If the child were going to Stranraer, he would be put up at Carlisle most likely.

14,861. And where would he put up there?—He would be in charge of a police constable, who would be responsible.

14,862. Is that done straight away? Is there always a constable ready to take a child right away at Police Courts in England?—There are certainly men ready at once.

14,863. No delay?—No delay whatever. He is sent right away.

14,864. Suppose any child sentenced by a county magistrate, would there be any delay there?—There would not be much delay with county constables. They get the money back. There used to be a little difficulty at first, after the change. We had this arrangement in reformatory school procedure. A boy was sent to prison first, and then to the reformatory, and when there was a change it was a little disordered at first. But we're working all right now.

14,865. (*By Miss Stevenson.*) Is it not the case that in the licences to these reformatory and industrial schools the managers have power to refuse children, and that in the committing sections of the Act the phrase is used 'to a school of which the managers are willing to 'receive him'?—It is so.

14,866. Then, how do you find out when a boy is committed and before he is sent off to a particular school that the managers are willing to receive him?—In the main part of this business previous arrangements are made for the reception of boys from different localities whom they guarantee to receive.

14,867. Before the case is tried?—Whatever case you like to send them, if it satisfies their general conditions they will receive it.

14,868. But I have known cases where an industrial school and reformatory were full, and the boys have been going about after a term of imprisonment with no

Mr. Henry Rogers.

30 Jan. 1895.

place to send them to. In the case of industrial schools, a child was going about with a warrant attached to him and no place ready to receive him. What would you say about that sort of case?—The industrial school boy can be sent to the Union workhouse, or he may be sent to the police cells. That difficulty, however, of where to keep a boy in the interval is not yet settled.

14,869. There was a very considerable contribution made by Parochial Boards in Scotland for children maintained in industrial schools. So far as I can make out the amount was somewhere about £150, was it not?—Oh, it is much larger than that.

14,870. Payments from parents and Parochial Boards?—It is mostly from Parochial Boards.

14,871. I should like to understand this table which gives the particulars of the receipts given to each school, beginning at page 432.—These Parochial Board payments are made under the 17th section of the Industrial Schools Act of 1866. The Parochial Boards pay the whole cost.

14,872. Oh, this is really what is paid to the managers of the schools and not to the Treasury?—Yes. When a child is insubordinate at the workhouse, they say to the industrial school, 'Will you take this boy?' The section runs as follows:—'Where the 'guardians of the poor of a Union, or of a parish 'wherein relief is administered by the Board of Guard-'ians, or the Board of Management of a district pauper 'school, or the Parochial Board of a parish or com-'bination, represent to two justices or a magistrate that 'any child apparently under the age of fourteen years 'maintained in a workhouse or pauper school of a union 'or parish, or in a district pauper school, or in the 'poorhouse of a parish or combination, is refractory, or 'is the child of parents either of whom has been con-'victed of a crime or offence punishable with penal 'servitude or imprisonment, and that it is desirable that 'he be sent to an industrial school under this Act, the 'justices or magistrate may, if satisfied that it is ex-'pedient to deal with the child under this Act, order 'him to be sent to a certified industrial school.'

14,873. With regard to the education given to children in industrial schools, you examine, as I understand it, according, roughly, to the provisions of the English Code?—Yes.

14,874. But in the schools under the Day Industrial Schools (Scotland) Act and the Juvenile Delinquency Act of Glasgow, do you apply the same standard to the children?—Pretty much the same. We require to keep rather nearer the Code in those two schools.

14,875. Is there not a difficulty arising in the case of those children sent there as truants, and who are only in the school for a few months? Doesn't it break the continuity of their education?—What we have to do with the children in those truant schools is so elementary that it doesn't make any difference. The Code we apply is not, at any rate, lower than the Scotch Code, so they accept our Code.

14,876. I understand personally you are very much in favour of the establishment of day industrial schools?—I think they are most useful schools, and I should be very glad to see a few more in Scotland. If you would allow me to express my opinion, I should like to see one or two in Dundee, and certainly in Greenock, and a couple, or one at any rate, in Aberdeen.

14,877. (*By Professor Dove Wilson.*) Have you noticed that the proportion of boys in reformatories to the total population in Scotland is much larger than in England?—Yes.

14,878. I have worked the figures out here roughly, and I find that in Scotland there is a boy in a reformatory for every 5150 of the population, while in England there is only a boy in a reformatory for every 7270 of the population. What is the reason of the much larger proportion in Scotland? Is it explained by the fact Sir Colin Scott Moncrieff has just drawn attention to?—It is rather a difficult question to answer, but I think it is more because the centres of population are more concentrated in Scotland than England, consequently at such places as Dundee we have a very large number, and they come from a very dangerous class of children.

14,879. Would you be inclined to explain it, then, by the inferior character of the population of Scotland?—No; but I think these large towns are very bad. There is not a city in the world that presents so many formidable aspects as Glasgow and Dundee, and therefore I think you get a very large number from places such as that.

Mr. Henry Rogers.

30 Jan. 1895.

14,880. What would be the number of English boys at Stranraer?—They say there are about 80 cases at Stranraer, and I daresay some 50 or 60 English boys.

14,881. Are there any Scotch boys in English schools?—Oh yes, accidentally, by way of a large Scotch population. They send us a few, and from quite scattered parts; but Carlisle sends by design to Dumfries.

14,882. Do you think that the power of licensing boys out from reformatories is sufficiently used?—No, I don't think it is. I think it might be used to greater advantage.

14,883. Is there any great tendency on the part of the managers of some schools to keep the boys at home during the latter part of their time, when their work has become valuable?—There is rather a disposition in that direction, I must say. I think some more stringent regulation in that respect is required to insist upon the managers placing their boys out on licence. It is a most dangerous thing to keep a boy too long in a reformatory or industrial school.

14,884. Have you noticed that in Scotland they are much worse in that respect than in England?—In England about a fifth are out on licence, in Scotland only about a ninth. There is a tendency in this way, where a trade is carried on to a large extent, and is a thriving one. It does act prejudicially to the placing out of boys when they ought be placed out.

14,885. (*By Colonel M'Hardy.*) You said that in some cases boys and girls had been refused admission on account of their physical condition. How many would there be in a year?—It would be no evidence to say what the condition of things is now, because it is so well understood that the schools would not take these children that no application is made. The health question is on every paper of enquiry, and it is distinctly stated that no child unfit for discipline can be received.

14,886. You said it was dangerous to keep a boy or girl longer in the reformatory or industrial school than the proper time. How is the time arrived at, and what is the danger?—The danger is if you keep a boy too long—say in a reformatory school—he becomes thoroughly sick and tired of his detention. He thinks he might be just as well outside working for his own advantage as for the benefit of the managers inside. Then when he gets out he goes into a workshop and finds younger boys than himself making better wages than he can, because he is not accustomed to the ways of the shop, and he has to go as an improver. So he gets discouraged.

14,887. Would the case be the same with the girls?—Well, we always have domestic service for the girls. It does not matter so much with girls. We don't deal with them nearly so much.

14,888. The time in each case would have to be determined on its own merits, I suppose, according to the boy's temperament?—Yes; but if a boy gets on well, and is able to earn his own living after three and a-half years, he should be sent out.

14,889. How have three and a-half years come to be a proper time?—Suppose a boy goes in at fifteen, when he comes to eighteen he generally has more sense, and begins to see his way.

14,890. You find that the Prison Commissioners in Scotland had a good deal of trouble when the new Act was passed about the disposition of the child during the time that the reformatory was settled upon, where imprisonment was not made necessary, but was optional. The question, you say, has been settled in England by sending the boy to the Union workhouse?—Yes.

14,891. But in Scotland a great number of cases come to the knowledge of the Prison Commissioners, where, for convenience, and utterly against the spirit of the Act, the magistrate has committed a boy for

Mr. Henry Rogers. 30 Jan. 1895.

two or three days to the prison, because then the Government would pay, and no one else. You say that question has not been settled. That is a very undesirable state of things, I suppose?—It is very undesirable. The question presents many difficulties.

14,892. Of course your department is one to which we look for action in the matter?—I think so—the Home Office.

14,893. And you say no action has been taken?—No action has been taken. There are many difficulties attached to the question. There is no place—the county authorities don't establish a place; and in many cases, perhaps, the police officer takes the boy to his own house, or puts him into the police cell.

14,894. It is a financial difficulty, is it not?—A good deal.

14,895. Can't your department get over it?—The only way we could do it is to establish a few places here and there.

14,896. (*By Miss Stevenson.*) Since this previous imprisonment has been done away with in committals to reformatories, have you had evidence as to there being any greater difficulty in maintaining discipline in the reformatory schools?—I have had some few remarks made to me on that subject, but I don't pay much attention to it. *Mr. Henry Rogers.* 30 Jan. 1895.

14,897. My reason is that I saw in an Edinburgh paper yesterday, in the report of the Dalry Reformatory, that the managers there attributed the insubordination of some five girls during the past year to the fact that they had been sent direct from the Police Court to the reformatory without the previous discipline of imprisonment.—I don't think there is much in it. But of course they say at Dalry that the girls come to them much more unruly than they used to be. They were tamed down a little bit by the imprisonment, but I think the advantages are so great under the new system that we must get over these difficulties.

14,898. In the day industrial schools (Scotland) Act, 1894, there is a provision for children sent under section 4 of the Act as truants to an industrial school, that they must be let out on licence after three months. Do you approve of that?—Yes.

14,899. You think three months is quite sufficient time for a boy who is a truant to be under discipline?—I think it is quite enough to give him a lesson.

TWENTY-EIGHTH DAY.

Scottish Office, Dover House, London, Thursday, 31st January 1895.

PRESENT:—

Sir CHARLES CAMERONI Bart., M.P., *Chairman*).
Col. A. B. M'HARDY, R.E.
Sir COLIN SCOTT MONCRIEFF, R.E.
DR FARQUHARSON, M.P.
Professor DOVE WILSON.
Dr J. F. SUTHERLAND; and
Miss FLORA C. STEVENSON.

Mr. C. S. Loch.

MR. C. S. LOCH, Secretary to the London Charity Organisation Society, and Member of the Royal Commission on Aged Poor, called in and examined by the Chairman. *Mr. C. S. Loch.*

14,900. You are Secretary to the London Charity Organisation Society and Member of the Royal Commission on Aged Poor, I believe?—Yes.

14,900A. You have been for a long time connected with the Charity Organisation Society?—Yes, I have.

14,900B. In connection with that society you have come across a large amount of vagrancy?—Yes; vagrancy connected more particularly with what I may call the homeless poor of London. But, also, I have had continually to study the question of vagrancy in the country, since the two are connected.

14,901. And, I suppose, in connection with vagrancy, you have come in contact with a good number of the poor who are not altogether homeless, but make a living, possibly a good living, by begging?—Yes, we have a good deal to do with the casual mendicant class too.

14,902. A good number of cases are referred to you by your subscribers, I suppose?—Quite so. We deal with a large number of cases every year.

14,903. I understand you have a chart showing the rise and fall of vagrancy?—Yes, this is for England and Wales. This particular chart is taken from the Local Government Board report so far as the statement of vagrants is concerned, and it gives the mean number of vagrants relieved in England and Wales each year since 1858 by the poor law authorities. The blue line represents the rise and fall. It rises in 1869 to 7400, and falls again to 2800 in 1872; rises again in 1881 to 7000, falls again to 4283, and then goes up again in 1888 and 1893. The interesting point in the chart is, that while general pauperism has, on the whole, decreased since 1870 or thereabouts, vagrancy apparently has kept up to its old level. Then, this red line is added simply to show the total number of persons proceeded against for begging. That is taken out of the judicial statistics.

14,904. I observe that, when vagrancy is not at its highest, in 1888, the prosecutions for begging reach a point far above that which they do even in 1869, when vagrancy was much higher?—That is so.

14,905. Is there any explanation of that?—I think it quite likely that at that time there was more stringency.

14,906. Do you think the Charity Organisation Society would have anything to do with it?—No.

14,907. Well, from the rise and fall shown in the chart, are we afforded any clue to the causes of vagrancy, or could you give any explanation of the different times about which the increase has been most manifest?—I should say, generally it had to do with industrial depression, up to 1873 at anyrate, but latterly it seems to me that, possibly owing to the low prices, it is more easy to turn vagrant than it used to be, and vagrancy may be due less directly to more industrial depression and more dissociated from pauperism than it used to be.

14,908. Of course, you are cognisant of the different organisations that obtain in different English counties for the assistance of vagrants, such as the Gloucester system, and different systems of that kind?—Yes, quite.

14,909. Could you give me any information regarding them and their success?—There are two systems more particularly noted—one called the Gloucester system, and the other the Dorset. The Dorset system is a system by which the county, as far as possible, is associated together in order to give to the vagrants only bread. Tickets are provided which are always interchangeable for bread, and for a certain quantity, no matter how many the tickets be. The Gloucestershire system tries to draw a distinction between the wayfarer and the vagrant or tramp. The words are a little difficult to define, but the better class are sometimes called tramps. These men are, as far as possible, passed on by a way ticket through the county, the idea being to keep them as far as possible on certain routes. The Gloucestershire people are very much in favour of their system, and it is a little difficult to say which of the two is the better, particularly because it is so difficult to get a comparison of the two counties which is absolute. What we lack in England is uniformity of system; and hence comparisons are often misleading.

Mr. C. S. Loch. 30 Jan. 1895.

We want more uniformity in the casual ward system. It ought to be uniform, in my opinion, throughout England. What happens now is that in many places there are sometimes very small and insufficient casual wards, sometimes what we call an open ward instead of a separate ward, and consequently, when the people apply for relief at the workhouse, there is not sufficient accommodation in the workhouse casual ward, and so people have to be put up in some other way. The consequence is, that the system only acts very unequally.

14,910. Before we leave these two particular systems, the Dorset and the Gloucester, I saw in the last few weeks an article in a paper that circulates in connection with the police, in which each was stigmatised as an absolute failure, and in which it was stated that the statistics of vagrancy in the adjoining county of Somerset, I think, where there is no form of relief, were quite as hopeful and encouraging as in either of the other two. Is that your experience?—I can only speak at the moment from my impression of a paper read by Colonel Curtis Hayward, who is an advocate of the Gloucester system; and I came to the conclusion, that until, as I say, one casual ward system was adopted throughout, one could not really judge what the relative effect of the ticket systems upon the different counties might be.

14,911. Of course, you are aware we have no provision for the able-bodied poor in Scotland. There are no casual wards, and the able-bodied tramp or vagrant has no claim upon the parish; therefore, we are more interested in voluntary systems than in the pure question of the casual ward. I was anxious about this, because we hear that in Ayrshire they have adopted the Gloucester or the Dorset system, but without any very great success?—The Dorset, I think.

14,912. In the article I referred to, it was suggested that Gloucester complained of the vagrants being driven into them by other counties. That, I suppose, is a complaint?—Yes, it is a complaint. I think it is extremely hard to judge of its value in the different conditions of the counties. For instance, Gloucester is no doubt a county through which there is, and must be, a great track of vagrants, towards Cardiff and Wales; so to compare it with Somerset is difficult.

14,913. You have a line in your notes here on regulations?—Yes. I had in my mind, in that word regulations, our Poor Law Regulations which you no doubt know. I said what I had to say about that in saying there ought to be more uniformity.

14,914. Your next note is number?—Yes. The question, I think, is rather exaggerated as to the number of these vagrants. Colonel Curtis Hayward would say there were about 10,000 or 11,000 in the country.*

14,915. You have no official statistics on the point?—Apparently, your Scottish night census is the best thing there is for a large area, so far as I know. In Wiltshire, they made a census twice on the 31st December, and they found the number varied from 79 in 1892 to 101 in 1893, showing the number is not very large, if you take the county. In Gloucestershire, the number varied between 1887 and 1893 from 74 to 103 in a single night.

14,916. But there must be something very defective according to that, because, according to our census, there are something like 10,000 in Scotland?—But I am speaking here solely of the county area.

14,917. That is true; but you embrace the towns in the county, do you not?—Yes; these are returns got up by the chief constable in Gloucester, and, I think, in Wiltshire. Your number in Scotland is 8000 odd.

14,918. And those include all the people in the casual wards?—Yes, and in the common lodging-houses.

14,919. Well, the number of people in the casual wards throughout the country would be known, I suppose?—Our maximum in a year on a day count is 7400. That is not very far out with your Scotch.

14,920. It is very far out, because Scotland has a seventh of the population of England, do you see?—True; but you must make some allowance for the fact that you take your night census in common lodging-houses and other places. This night census is only for the poor law.

Mr. C. S. Loch. 30 Jan. 1895.

14,921. Oh! only for the poor law? Then the deduction from that is that by far the larger number of tramps are not put up by the poor law authorities, but find shelter elsewhere?—The deduction which I understand Colonel Curtis Hayward to draw is this—that some 20 years ago there were about 8000 vagrants in the country; and that now, notwithstanding all the increase of tramps, there were not 10,000 in the whole of England. But that is nearly double your total in Scotland.

14,922. But it ought to be seven times our Scottish total?—Wilts is 79 to 101.

14,923. Well, we have in Lanark, for instance, 313—(*Mr. Loch*, a very different county)—Dumbarton 204, and Fife 479. There are two classes of vagrants, as you have properly pointed out, and you have called honest working men in search of work tramps, as distinguished from vagrants. We have also our tramps and we have our vagrants, and they must be dealt with in different ways. You embrace both tramps and vagrants in this return, do you not?—The Gloucestershire people do the same.

14,924. Have you the population of Gloucestershire?—548,000

14,925. Say 500,000. Well, the numbers I have here, from 1887 to 1893, are 74 to 103 on an April day count; but here we have Perth, with a population of 96,000, less than a fifth of Gloucestershire, showing upwards of 500. Can this be correct?—I think I have made a mistake in this way—I have not given the common lodging-houses. In 1886 the numbers in the casual wards in Gloucestershire were 111. Then, in the lodging-houses in 1886, there were 597.

14,926. Roughly, 700 tramps in a population of 300,000, at all events, excluding Bristol. That is three times the population of Perthshire, where we had 538, as against 700?—This table is all analysed into ages and classes, and I might bring it up to date. It is done by Admiral Christian, the chief constable.

14,927. I am afraid, Mr Loch, we must be talking about different things, because this seems impossible. Is there any other county regarding which you have similar statistics?—I am afraid not. In fact, that return is rather special; it is not to be had generally.

14,928. Well, you state that you think the English system of casual wards discourages tramps, do you not?—I think it is a good system with uniformity.

14,929. Well, we have this experience in Roxburgh—the parochial authorities had instituted shelters. I think that they possibly stretched their powers, or acted illegally in doing so, but the number of vagrants who came to those shelters grew enormously; and wherever we have had shelters the complaint has been that the vagrant population has been increased. In one place, near Edinburgh, where some person left a bequest to furnish shelter and food for tramps, the trustees, I think, had to obtain an Act of Parliament to knock the bequest on the head. What do you think of shelters?—A shelter, it seems to me, is a most pernicious thing. The only possibility of managing it well is to have a separate ward or cell, and to have a labour test and uniform dietary.

14,930. It is complained, is it not, that that acts very hardly upon the working man in search of work?—I don't think it does act hardly. It is much better for them than a shelter. They are kept separate, and have not the conversation, which is one of the worst parts of shelter life. Nothing could be worse for increasing vagrancy than a shelter, in my mind.

14,931. The shelters generally consist of booths, with fires, and the inmates sleep along the floor. In some places they get some supper—porridge, probably—and the same for breakfast. Is that the same here?—That is like one of the Salvation Army shelters, for instance, in London, and nothing is more ruinous in my opinion. Those places bring together people of the

* For note in regard to the estimated number of vagrants in England and Wales, see Memorandum, p.

Mr. C. S. Loch.

30 Jan. 1895.

dirtiest description, and they simply lie all night in an atmosphere that can hardly be called proper for human beings to breathe; and there is no cleanliness. Sometimes lavatory accommodation is very deficient. Now, all those difficulties are met with by our casual ward system; and, if I may venture to say so, if the members of this Commission would visit one or two casual wards here, they would see a very different state of things. In confirmation of that, I may say in America, where it is also voluntary—in New York and Boston particularly—they have been now planning their casual wards, if I may so call them, on the separate system, for these reasons.

14,932. Now, as to this difference between the systems in the two countries—that which renders it illegal in Scotland to give relief to an able-bodied person, and that which prevails in England, the theory of which is that no man should be allowed to starve. I think that is the statement of the principle underlying the English law, is it not?—Yes. I think the two are not so different, really.

14,933. Which, in your opinion, is the correct light to look at it in?—Do you think that the principle underlying the English law is too humanitarian, or that underlying the Scotch law is too severe?—Well, my own inclination is this: It seems to me a pity to bring in legislative action if you have trustworthy voluntary action. If, therefore, you can deal with your casuals in Scotland, say by a thoroughly good system of casual wards, with test labour, I should say, 'have that.' If that fails you, I am inclined to think that our English system is the better. If you take the whole group of the able-bodied, irrespective of these sections we have been considering, then, I think our system, on the whole, acts fairly well, if we act strictly on what is called the out-door relief test order. That is to say, no relief is available for an able-bodied man except in the workhouse, unless he does a task of work, according to which he gets relief for his family. That must be done under the immediate direction of the guardians, and treated entirely under the point of view of a test for relief. I think, myself, if that principle is adhered to, we may get over a great many of our chronic difficulties, and with very little friction.

14,934. Here is a sentence in this report—'As to 'the relative number of habitual vagrants among the 'wayfaring population, the following statements made 'by the late Barwick Baker, at a Poor Law Conference 'in 1882, are interesting. He said, the strange 'thing which surprised Admiral Christian, and also 'himself (the speaker), was that the number of state-'ments believed to be true out of 553 was 424; and 'the number of men believed to belong to the tramp 'class was 129. This would make an important dif-'ference in their reckoning, if, instead of having to 'deal with 30,000, or 40,000, or 50,000 tramps and 'vagrants, such a proportion as in Gloucestershire was 'found of poor men travelling at their own cost, and 'with whom they had no more right or wish to inter-'fere than with any of the members of the present 'meeting. They had a right to take notice of the 171 'who lived on the public in workhouses, and of the '129 who lived by begging; but, judging by this 'county, there might be only 10,000 or 15,000 to deal 'with in all England.' Is that so?—Yes.

14,935. Did these numbers, 10,000 or 15,000, exclude the honest working men in search of work, and the 30,000, or 40,000, or 50,000?—Yes. I was speaking of Colonel Curtis Hayward's figures. The difficulty of the whole problem is—what is the number of the men in the common lodging-houses?

14,936. How would you classify men in the Salvation Army Shelters?—The shelter provides distinctly for the resident population in a particular district.

14,937. Yes; we were told that in shelters—notably, I think, Whitechapel—there are a number of resident men, working about the docks, who live there regularly. But, in the majority of cases, we were told it was a very fluctuating population, and, probably, people did not live there more than a week?—There is no doubt part of this population is very fluctuating, but the difficulty is to classify it quite as you would desire into tramps—using the word in its better sense—and non-tramps, vagrant.—(*The Chairman.*) We would call all those fluctuating people vagrants. They would come under what the police would return as vagrants.

Mr. C. S. Loch.

30 Jan. 1895.

14,938. (*Mr. Loch.*) That is to say, you take your common lodging-house population as a vagrant population.

14,939. (*The Chairman.*) The police do.—(*Mr. Loch.*) Then, that probably makes a difference.

14,940. At all events, it is evident that our census and your figures do not apply to the same thing, and that we can't start from the assumption that England is so much better off in the matter of tramps than we are in Scotland?—I should like to think that over a little.

14,941. I mean to say, our figures are not parallel. Are they?—No.

14,942. We now come to London statistics. Can you give us some of these?—Here is a night census on 16th January 1891, in nine refuges and in the casual wards. The total of men, women, and children was 1781, and the estimate that was made by our committee that went into the matter at that time was that the total homeless, as we say, on a single night, was amply estimated, and beyond the mark, if taken at 2500. These are homeless cases that would come to the casual ward and to the nine leading refuges.

14,943. And you make your estimate from your nine refuges and the casual wards?—It is an absolute count, not an estimate at all.

14,944. But, I thought you said, 'estimate of the 'total homeless'?—Yes; that is made from the count.

14,945. Here, again, you see, we have London, with a population as big as Scotland, with an estimated homeless population of 2500, against 10,000 vagrants shown in our figures?—We have simply worked out a night count from time to time. In the report of our Special Committee on the Homeless Poor of London you will find the data.

14,946. What class of people are these divided into? Have you any classification — artisans, labourers, women and children, &c.?—I am not sure it is classified like that. There is a classification according to age, to marriage, and as to being able-bodied. In the casual ward census we have only a published statement of the men, women, and children.

14,947. In the refuges, had you many men able-bodied?—The reply to the question, 'Whether able-'bodied' was given in the affirmative in 649 cases.

14,948. Out of what number?—Taking them from 16 years upwards, the total is 712.

14,949. That makes no allowance for women?—No; they are separately accounted for. It is not a question of their being able-bodied.

14,950. How many women have you?—Altogether, 193.

14,951. Only 193! And the children?—Very few—33.

14,952. And a great majority of the men apparently were able-bodied?—Yes, that is the answer; a rather difficult point to answer.

14,953. What were the refuges?—Houseless Poor Asylum, Banner Street; Providence Row Night Refuge; Church Extension Association; Tenter Street Refuge; House of Shelter; Field Lane Refuge; Newport Market Refuge; Church Army Central Labour Home; Ham Yard Hospice; and House of Charity.

14,954. You have not got any Salvation Army place here, have you?—No, not included in that. We have a good deal of evidence about them in this report, but it is not in tabular form.

14,955. You have told us your opinion was that these shelters were of a very bad tendency?—Yes.

14,956. How are the shelters in London conducted? Are they some sort of thing, such as I have described to you—rooms, on the floors of which the people sleep?—Yes, certainly.

14,957. Is the shelter given for nothing, or charged for?—A small sum, 2d. or 3d., is charged. The

Mr. C. S. Loch.

30 Jan. 1895.

Salvation Army people have twopenny shelters where the lodgers don't lie down, but sleep on chairs that have sort of rests in front of them. Above a penny or twopence they very often have some sort of board with a pillow provided. That is what used to be.

14,958. But are there no gratuitous shelters in London?—Oh, yes; these refuges, in a sense, are. They are all charities, pure and simple. There is generally no charge at them.

14,959. Then, are they much run after?—That depends on the management. Some of these are very carefully managed, indeed. The Newport Market Refuge, for instance; and there they, as far as possible, cross-examine and apply checks of knowledge and information. There is no question, as a rule, of getting in, unless you pass a small committee meeting that is held every evening.

14,960. And, in this refuge, they refuse any persons under the influence of drink?—Oh, yes, I think they would. Those would go to the casual ward.

14,960A. Casuals are taken in whether drunk or sober, are they?—Anyone would be admitted to the casual ward.

14,961. You have a note here about increase of shelters. What does that mean?—The increase in shelters is coincident with a decrease in common lodging-houses, proving to me that the shelter is simply a substitute for the common lodging-house.

14,962. But in the common lodging-house people have beds, do they not?—Yes; but the charge is less in a shelter. To be able to pay 2d. instead of 4d. is an enormous attraction.

14,963. Well, I think, we were informed that in some Scotch common lodging-houses, where they could get spring mattresses for an extra couple of pence, if the people had the extra couple of pence they went in for the spring mattress. That indicates rather a different feeling, does it not?—I don't know about that. You have this coincidence here of the fact that there has been this very marked decrease in the trade of the common lodging-house, while there has been an increase in the shelters.

14,964. Has not the London County Council started a model common lodging-house?—Yes, one.

14,965. On the model of those in Glasgow. Is it in operation yet?—Oh, yes, I think so.

14,966. Then, has it led to the establishment of any others?—No, I think not. You mean of the same type?

14,967. Of the same type. In Glasgow, for instance, the man who formerly managed the city model common lodging-house has started a number of model lodging-houses on the same principle throughout the town, and made a commercial work of that system of model lodging-houses of which the municipal authorities set the pattern. Has that not been noticed in London too?—No. I think it has not acted like that in London. The Guiness Trust have another lodging-house, I think, and that is all. Shelters of one sort or another occupy the ground.

14,968. Now, the society in common lodging-houses is not generally very refined, I suppose, and possibly the characters of a number of the men in them would not bear inspection? In fact, we have been again and again told by prison aid people that they send men on release from convict prison to common lodging-houses. You have nothing to say as to the demoralising effect of that?—No, I have not. It seems to me that men who are discharged would very naturally go to common lodging-houses. I think a great number of persons apply for poor law relief from the common lodging-houses, showing that the people there are on a very low grade in every way. I gave particulars about this before the Labour Commission—about the number of applications that came from common lodging-houses in certain unions to the guardians.

14,969. You have a note here as to these refuges or shelters being centres of infection. What have you to say on that point?—They are centres of infection. That is proved by the last report of the Metropolitan Asylums' Board. They made an elaborate inquiry into the question in its connection with small-pox in London, and they traced a considerable amount of that disease, as the figures here show, to the shelters.

Mr. C. S. Loch.

30 Jan. 1895.

14,970. Would you give us them?—Here is a table. Out of 325 cases, 31 come from Blackfriars; 32 from Lisson Street; 14 from Horesferry Road, Westminster; and 23 from other shelters of the Salvation Army; 16 from Medland Hall, Ratcliff; 179 from common lodging-houses generally; 20 from casual wards; and 10 from free shelters generally. In common lodging-houses they immediately report infectious cases, and that answers very well; in the shelters there is no such practice. I think it is a great blot. On reference to the chart, it will be seen that the curve of the attacks among the whole population follows the curve among the vagrants, and that, ever since the disease was stamped out amongst the latter, it has only smouldered amongst the community, and, even if it has got a start, as in the Portobello Road outbreak, it has been promptly stamped out. If it is true, then, we can't control the disease among the community generally, until we have controlled it amongst the vagrants. Our first efforts should be directed to preventing the spread of the disease amongst them. We can control some of these centres of vagrancy, but not others, as we stand.

14,971. Yes; but take the case of incipient small-pox, or mild small-pox when it has been nearly cured and is still infectious. The people in the common lodging-house would not know anything about it any more than they would in the shelter. And in the case of well-marked small-pox, the inmates of the common lodging-house would not have a small-pox patient among them, would they?—Yes; but, in the case of the common lodging-house, the master is under obligation to report at once.

14,972. And when he does report?—The case is immediately taken off to one of the infectious diseases hospitals.

14,973. You think these shelters do not reduce vagrancy?—No, I don't think they do. So far as one can judge from the figures, they have in no way reduced vagrancy. It was supposed, when they were started, we were to have some great change in these matters. I think, on the other hand, vagrants simply use them.

14,974. Now, what is the law in London as to vagrancy—as to the suppression of vagrancy? What are the crimes of vagrancy?—There is what we call the Vagrant Act. The chief clause of this Act (5 Geo. IV. chap. 83) is section 3, where vagrants are divided into three categories—'(1) Idle and disorderly persons; '(2) rogues and vagabonds; (3) incorrigible rogues and 'vagabonds.' In the first category comes 'every 'person wandering abroad, or placing himself or herself 'in any public place, street, highway, court, or passage 'to beg or gather alms, or causing, or procuring, or 'encouraging any child or children (under 16) to do so.' The punishment for this is hard labour for any time not exceeding one calendar month. In the second category comes 'every person committing any of the 'offences hereinbefore mentioned, after having been 'convicted as an idle and disorderly person, or every 'person wandering abroad and endeavouring, by the 'exposure of wounds or deformities, to obtain or 'gather alms, or endeavouring to procure charitable 'contributions of any nature or kind under any false 'or fraudulent pretence.' The punishment in this case is hard labour for not more than three months. In the third category is placed 'every person committing an 'offence against this Act, which shall subject him or 'her to be dealt with as a rogue and vagabond, such 'person having been at some former time adjudged so 'to be, and duly convicted thereof.' The punishment is, in this case, committal to the House of Correction, with hard labour, till the next general or quarter sessions; and at quarter sessions he may be further imprisoned, with hard labour, for one year, and (if not a female) punished by whipping.

14,975. Does it hold good in London?—Yes.

14,976. So, practically, the only vagrancy crime here would be begging?—There's another clause which includes lying about in unsuitable places and so on.

Mr. C. S. Loch. 30 Jan. 1895.

14,977. Here is a passage in your pamphlet on 'The Necessity for Repressing Vagrancy and Mendicity,' page 10, which appears to be inconsistent with the statistics you have given us:—'The following statistics 'with regard to tramp, vagrants, and others, without 'visible means of subsistence, proceeded against 'summarily or for indictable offences, are taken from 'the Judicial Statistics for England and Wales published 'in 1889. Proceeded against summarily, 26,809 males 'and 4323 females; apprehended for indictable offences, '216 males and 32 females, showing a total of 31,380 'criminal vagrants wandering about the country.' What would you say to that?—But you don't know what the amount of overlapping there is between case and case.

14,978. The report goes on:—'In the same year 'there were no less than 30,368 persons charged with 'begging, or having no visible means of subsistence, 'resulting in 19,050 convictions for their offences'?—I have rather trusted myself to actual night courts.

14,979. The law as to vagrancy in England has not been altered for very many years?—No.

14,980. Your society has a great deal to do with investigating cases of begging-letter writers and beggars who go about from house to house with false stories and so forth, has it not?—Yes.

14,981. In your investigations do you find many genuine cases among the multitudes who must be referred to you?—You are speaking now of the begging-letter writer class?

14,982. Yes; and of the begging-visitor class—the man who comes and tells you he is a workman out of employment?—Of course, I think you may say the large proportion of those are unsatisfactory; but, at the same time, if you take the whole number that come to us in the course of the year, say 20,000, the proportion that you can't help, purely on account of their fraud, is not very large.

14,983. I presume, in cases that are vitiated by fraud, the people think twice before coming to the Charity Organisation Society?—Those cases would be referred to us very largely by persons to whom they applied.

14,984. Do you think that among the homeless poor the honest workman in search of work constitutes a large proportion?—I am inclined to think that it constitutes a larger proportion just now than it has at certain periods in the past.

14,985. And, I suppose, it is very difficult to believe stories told by tramps?—Oh, entirely; absolutely impossible. I think that is proven. Quite recently, this last year, a Mr. Paul, a workhouse master, has made an elaborate investigation on that point, and it is absolutely proven. His statement was published at a Poor Law Conference.

14,986. Now we come to the question of relief schemes. You mention here 'limitations in England as 'to poor law'?—I have already mentioned that incidentally in regard to the other matter.

14,987. Do you mean that a person must perform work?—The outdoor relief test for the able-bodied.

14,988. You mention here the German system?—I simply put down that at hazard. I don't know whether you wish me to go into that.

14,989. Well, we have heard a good deal about it, but I must say in a very vague fashion. We have heard about labour colonies, but chiefly about those into which the men enter compulsorily. But we have been told that there are other labour colonies to which men have been committed. Is that so?—That is in Holland.

14,990. We know about the beggar places in Holland and Belgium; but we are told that in Germany, as supplementary to the labour colonies, there are colonies to which admission is made compulsory. Is that the case?—The Arbeiter Colonien system is a purely voluntary system; and, if they are committed in the way you have described, they are committed to what is called the Arbeitshaus, and they might possibly have attached to them land where the men are put to work. But that that is in any way comparable to the well-known German system is, I think, unlikely.

14,991. You have spoken of the arbeitshaus. Arbeitshaus is what they generally term it, is it not?—House of Correction, I think, is the way we should interpret it. Mr. C. S. Loch. 30 Jan. 1895.

14,992. But they might be sent to the arbeitshaus for offences in the colonies, might they not?—For offences under the General Vagrancy Act, but that is a police affair purely.

14,993. Your next note is, 'in and out, summer and 'winter.' What has that reference to?—It is really from Mr. Mayor's article published in the report of the Labour Department of the Board of Trade on the unemployed.

14,994. But, unfortunately, Mr. Mayor was one of a deputation who went over to Germany to report on the system, and there were three members of his commission before us; but we found, after reading their report, that we knew more about the affair than themselves. Mr. Mayor was abroad at the time, unfortunately. In these German colonies they have some legal powers of detention to make the men work, have they not?—Not in the colonies. They are purely voluntary.

14,995. Well, it did not state so in the report. It gave some peculiarities of the German law applicable to those cases which, they said, enabled labour to be extracted out of the inhabitants of the colonies, which are not possible here. Have you been at the Dutch and Belgian labour colonies?—I have not visited them.

14,996. Do you know anything of the financial results?—No. I have only second-hand information, which you could easily get in books.

14,997. What is this note of yours—'summer and 'winter'?—The three points which struck me off-hand about the German system is that the vagrants use it in the winter and go out in the summer; and I thought it was no check on vagrancy from that point of view. Next, the large number of persons who have been in some way convicted is remarkable in the German labour colonies. Thirdly, the growing difficulty of getting work for men who have been in the colonies; and, also, there is a great desire on the part of several to be very much more stringent. Of course, if they were to stop the system of free admissions, they would altogether upset the system itself.

14,998. In connection with the Dutch colonies, I think it was Sir John M'Kinnell, formerly connected with the Board of Supervision, who sent in an official report, which has been published, and in which he said, I think, that it took sixteen of the colonists to do the labour of one man. From what you saw in Germany, did they appear to be equally successful in shirking work?—I could not bring it down to that point of precision. In Berlin, where I saw them in a kind of colony-house that they work in, it seemed to me quite possible the work would be very lightly done; but I could not bring it down to that precision.

14,999. There have been some very interesting experiments recently in London on the subject of relief works, have there not?—Yes. There is an analysis at the end of this paper of all that was done in the winter of 1893.

15,000. Yes; but, since then, has there not been a society, a report of whose labours was published in the *Times* about Christmas time?—That was the Mansion House Relief Conference. Well, this paper refers to the first year of the same work.

15,001. Would you give us the figures of that?—This refers to 1892–93:—'The Mansion House Confer-'ence commenced work about the middle of January. 'Its special object was to assist the casual dock 'labourers, who were excluded from the docks owing 'to the classification of the labour. The area covered 'by the Conference included Stepney Poor Law Union, 'Poplar, St George's-in-the-East, and a portion of Mile 'End. The work was, in the main, confined to married 'casual dock labourers under 55 years of age. A piece 'of land was secured at Stratford for the purposes of 'test work, and the men whose characters proved satis-'factory, after investigation, were sent there to work 'under strict supervision.' After about ten days' work

'(eight hours a day, at 6d. an hour—five hours on 'Saturdays) the men came before the Committee, with 'a view to permanent help. Some 200 men have been 'thus seen. It is not likely that a large proportion of 'them will prove capable of being raised permanently 'above the ranks of the unemployed. 716 applica- 'tions have been received, and of these 365 were in- 'quired into. The rest were rejected at once, for 'various reasons, *e.g.*, that they were not dock labourers, 'or were single men, or were too old, or did not live in 'the parish, or were living in common lodging-houses, '&c.'

15,002. Or were living in common lodging-houses?—Yes. That we should consider a very fair rule, in this part of London certainly. Then, there was a further inquiry made into this on behalf of the Board of Trade. The cases were selected by Mr. Llewellyn-Smith on behalf of the Labour Department of the Board of Trade. The total number of applications was 716; of cases investigated, 365; set to work at Abbey Mills, 253.

'Of these,' says the report, '29 were dismissed for 'misconduct or incompetence, and 16 failed to attend 'before the Committee after the conclusion of their 'work. The total number seen by the Committee was '208. The number of cases selected for special inquiry 'was 92. Of these, 13 were emigrated, and a separate 'report upon them will be furnished by Captain Gret- 'ton, who is at present visiting Canada; and 3 were 'sent to other parts of England, where there was a 'seeming prospect of work. This reduces the number 'to 76. The inquiry officer's report has been in each 'instance attached to the case papers, which have been 'returned to the Labour Department of the Board of 'Trade. It will be seen that 12 of the men have dis- 'appeared; 1 died insane in the workhouse infirmary; '1 was an inmate of the workhouse; 40 appeared to 'be in no better position than in the winter, having 'had only the most casual and broken employment 'since their discharge from Abbey Mills; the remain- 'ing 22 were in fairly regular work, and seemed to be 'better off. To determine to what extent the improve- 'ment in these cases can be connected, directly or indi- 'rectly, with the assistance afforded to them by the 'Mansion House Conference on the Unemployed, a 'closer examination is required. I take first, the cases 'in which some material assistance was given over and 'above the spell of work at Abbey Mills. In 20 in- 'stances men were placed upon the books of a trade 'society by the payment of the necessary fees. 12 'appear still to remain on the societies, though some 'are certainly in arrears, while 8 seem to have lapsed. '3 out of the 20 have not been traced; 10 are as badly 'off as ever; the remaining 7 are in a better position. 'Of these, 1 has gone to America at the expense of his 'own relatives out there, and 2 have gone to sea. The 'restoration to the trade society was of no advantage 'to these 3, and it is doubtful whether it made any 'difference in 2 of the remaining 4 cases. 3 men mis- 'applied money given them to pay their trades union 'fees. 7 men were given B tickets, on the recom- 'mendation of the Committee; 1 has disappeared; the 'other 6 have had only the most casual employment. 'At present the depression of trade has prevented these 'men getting any advantage from their technical pro- 'motion to the B class. Even had it been otherwise, 'it is obvious that the nett result of the intervention 'of the Committee would have been to transfer work 'from one set of individuals to another set. 5 men 'were set up as hawkers or dealers. 4 have failed, and 'returned to casual labour. The fifth is reported to 'be making a very poor living. 15 were furnished 'with clothes, tools, or equipment, to enable them to 'start work of one kind or another; 3 have not been 'traced; 1 is in the workhouse; 6 are no better off; '5 are in regular work, and appear to be fairly well. '1 of the 5 was provided with clothes to take up can- 'vassing for a life assurance society. It did not 'answer, and he subsequently went to sea as a coal 'trimmer. 2 men were set up in partnership with a 'boat, at a cost of £5. It produced about 20s. a week. 'One of them, fortunately, got regular work as a lighter- 'man, and is doing fairly well. Consequently, he has 'temporarily, he says, abandoned his share in the boat. 'The other has changed his address frequently, leaving 'debts behind. He could not be found, but his part- 'ner assured us that he was still plying the boat, and 'that he himself reckoned to fall back upon his share 'of it, if he were out of work. In 6 other cases some 'temporary relief was given. 1 has not been traced; '1 has gone to sea as a coal trimmer; 4 have had very 'casual employment during the summer; but 2 of these, 'at the date of the inquiry, had obtained more regular 'work. 2 men obtained direct employment—1 under 'the vestry, and the other under the London County 'Council, through the personal influence of members 'of the Committee. 1 of these has been already 'counted on the list of those who were supplied with 'tools. The remaining 19 received no direct assist- 'ance from the Committee, beyond the temporary em- 'ployment at Abbey Mills. Of these, 4 have not been 'traced; 7 have died; 5, including one man selected 'as ganger, or foreman, at Abbey Mills, are in 'regular work. The rest are apparently no better off. 'The total number who have had poor law relief since 'their discharge from Abbey Mills is 7. The number 'is made up as follows:—relieving officer's order for 'wife's confinement, 3; medical order, 1; in work- 'house or infirmary, 3. Only 4 have applied for re- 'lief to the Charity Organisation Society.'

Mr. C. S. Loch. 30 Jan. 1895.

That gives an analysis that, so far as I know, has never been made in any other instance.

15,003. But you have an analysis of another year's work in the *Times*, I understand?—An analysis of another year's work has not been made in this form; but, so far as the results of the second year's work are concerned, they are very similar.

15,004. But I think they claim, do they not, to have effected a permanent improvement in the case of some 30 per cent.?—I think that the figures are worse than for the year I have given.

15,005. Well, that does not seem a very encouraging result, does it?—I'm afraid not.

15,006. You have got another labour colony established here—that of the Salvation Army, in Essex. Do you know anything about it?—I think I could hardly speak about it. My information is only second-hand.

15,007. Is it the impression of your society that it is likely to be successful?—Our society is certainly not of opinion that these are good methods.

15,008. Could you inform us what you would think the most hopeful method of dealing with vagrants, taking first the irreclaimable, ordinary vagrant; and, secondly, the genuine working-man, on the tramp, whom, I suppose, we all of us wish to deal with differ- ently from the professional vagrant? We will take the professional vagrant first. What of him?—Our poor law system—and, of course, to some extent we must fall back on that—is certainly on the line of what you might call restrictive toleration. It makes it comparatively easy for a man to move on certain not very pleasant conditions. I think, myself, that is the result of a great deal of experience, and is, on the whole, a good system. If, then, you come to the better class, it might be dealt with in some——

15,009. But before leaving that, have you, in the English law, the right to confine the professional tramp longer than is necessary for him to perform his spell of work? You can't say, can you, 'If you come in here, 'and get a night's shelter, you must stay two or three 'nights?'—He is detained, if he turns up in the same union—and London is taken as one place for this pur- pose—a longer period than on the first occasion. The rule is this—subject to discretionary power in the hands of the guardians—a casual pauper cannot discharge himself before nine o'clock on the morning following his admission, nor before he has performed the work prescribed for him. If he has been admitted before to any workhouse in the same union, he is not entitled to discharge himself before the fourth day from the date of admission. Then there is a further order guiding the discretion of the guardians somewhat in the matter.

Mr. C. S. Loch.

30 Jan. 1895.

15,010. Well, but London is a very big place, and any professional tramp who comes here, and relies on the accommodation in the ward of one of the workhouses, must almost, in crossing London, be compelled to put up a second night in the same union. Is that not so?—I don't think so. I think these people who apply go to a casual ward, or a shelter, or a common lodging-house, as they arrange. They know the ropes.

15,011. That is quite true, but that does away with the advantage of the casual ward. London is a very big place, and extends over many miles; and a tramp going, say, north or south, through London, would almost require, if he did not get out till perhaps 10 or 11 o'clock, after he had picked his oakum or broken his stones, he would almost require to put up again in London, would he not?—I think your hours are too late. A man who has got his task done can start earlier, and I can easily get through London on the same day. I am speaking of the metropolitan area. If he's at Woolwich one day, and wishes to get to Chiswick, he can very well walk across.

15,012. If he knows the roads he could do that?—Oh, I think you may take it they know that. I think the working man is better treated in a casual ward on these conditions than he is in any other way, provided he can't pay anything.

15,013. What does the labour test consist in?—Generally, breaking stone.

15,014. And for women?—Generally, I think, in picking oakum.

15,015. Now, we will come to the working men—the better class of vagrants. What of them?—With regard to them, the difficulty, of course is, that they are on the look out for work. Our system, I think, facilitates their seeking it, if they desire to do so; but I don't think any system of employment will do aught but mischief to them. It will keep them in a particular place. I am speaking, of course, of artificial employment, and it is better that they should be left to their own resources. What I think is best, speaking generally of those who come to casual wards or refuges, is that volunteers should try to deal with particular cases. I know, in the case of young people, that is something very effective. The Church Army have, in certain unions, the permission of the guardians to visit casual wards for these cases. In that way you can pick out particular cases. I think the problem resolves itself to that.

15,016. Does the Church Army visit the London casual wards?—I don't think it visits all; it visits some.

15,017. Are there any other volunteer agencies working in connection with vagrancy in the way you have described?—Well, several refuges—Newport Market Refuge. It deals very well with the cases that come before it.

15,018. But that is outside the poor law?—Yes.

15,019. Would you explain that Newport Market Refuge?—The committee are very careful in discriminating between those who come to them. They choose the better class cases.

15,020. Is it supported by subscribers?—By subscribers almost entirely. I think it owns the Refuge premises.

15,021. Does it deal with a large number of cases?—Yes; a good many in the year. They have accommodation for 30 on a single night.

15,022. Have you had any other experience of relief works?—Yes. I think I have been engaged in almost every large experiment of relief works in London in the last 12 or 15 years.

15,023. Then, has the result in other cases been more hopeful?—I am convinced the other way myself. I don't think it is a good system at all. It is purely a matter of experience, so far as I am concerned.

15,024. Have you any substitute for it in your own mind?—I don't think it is wanted. I would rather charity, co-operated with the poor law, in different cases.

15,025. But if a large number of people are out of work?—The very exceptional instances where there is something quite unusual may, I think, be provided for by exceptional arrangements, but the poor law, I think, as it stands, is quite able to bear the pressure of ordinary winters.

15,026. And you think that the English poor law system works well; that it is sufficiently humanitarian; and, in respect of its power of relief to the able-bodied, it is superior and more in accordance with the spirit of the age than the Scotch, which does not afford that right?—As to the first part of the question, I should say simply yes. In regard to the second, I should say it is a very serious thing to introduce a system of poor relief for the able-bodied. But, on the other hand, I should say our system, where thoroughly well administered, works well.

15,027. And you think it is thoroughly well administered?—Well: I think the standard of administration has certainly improved very greatly in the last 10 or 15 years.

15,028. (*By Col. M'Hardy.*)—Mr. Loch, you, as I understand, call vagrants professional vagrants, as we would understand it in Scotland, distinct from the working men?—One is in this difficulty. The word vagrant is the ordinary poor law term, and may include or not the working man.

15,029. I suppose it is a fact that a large number of men in search of work do march about independently altogether of the professional vagrant class?—Entirely.

15,030. From this report it seems that in Gloucester alone 50,000 men, or something like that, cross the county in the year?—It is quite possible.

15,031. So the numbers are very large. The man in search of work would not be a tramp if he could afford to pay his railway fare, so he's therefore a poor man?—I look upon him as a man who is often trying to get a higher wage by going elsewhere, and sometimes also in difficulty and want of work.

15,032. But, if he were searching for a higher wage, he would not be marching across country, would he?—I think the counties of England are very closely connected in this way in the matter of demand and supply. For instance, Cardiff and Yorkshire would play into one another's hands in this matter. But these large numbers seem hardly to get their night shelter in the casual ward. So far as one can make out from the numbers, they are able to pay their way, and there is no necessity for it.

15,033. You think they have all got sufficient funds to take them from where they start to the place they go to?—I can't say all; but, I think, the majority.

15,034. But it is that particular class we have here in Scotland, and they are possibly in greater numbers; certainly so at certain times. Do you think it would be right to help those men in giving them food, if they were needy, and shelter?—I should certainly not. I should let them go about the country from common lodging-house to common lodging-house.

15,035. But if you had a man who was not a professional vagrant—a workman who wanted to get somewhere—would you be prepared to help him along? Would that be a right thing to do?—I think he ought to go to the casual ward.

15,036. And that there is ample accommodation for him?—I think, in London, it is so in the main; and, if it is not, I think it ought to be provided.

15,037. You say there is a test. Would you apply the test in every case?—If this man—I am simply holding on to this honest working-man—is in search of work, is not it desirable that he should get work as soon as he can, rather than be detained breaking stones for the night's shelter, if the police or the parochial authorities were satisfied of the honesty of the case?—The discretion allowed to the guardians is very large, and I don't think that the test of work, such as it is, is really a great hindrance to a good man.

15,038. And it might be ommitted by a master of a workhouse, if he thought it right. Is that so?—This is the rule about it:—

'(1) The guardians may give any directions to the

Mr. C. S. Loch. 30 Jan. 1895.

'master of the workhouse, or to the superintendent of 'the casual ward, with respect to the discharge of any 'class, or classes, of casual paupers before the expira- 'tion of the respective periods specified in the section 'above cited, and such directions shall be followed 'by the master or superintendent.'

'(2) If, in the opinion of the master of the work- 'house, or the superintendent of the casual ward, any 'special circumstances shall require that a casual 'pauper shall be discharged before the expiration of 'the periods mentioned, ... he may discharge 'such pauper accordingly, and report the facts of the 'case to the guardians at their next meeting.'

'(3) A casual pauper, who has been detained for 'more than one night, and who represents to the 'master of the workhouse, or the superintendent of 'the casual ward, that he is desirous of seeking work, 'shall, if he has, to the best of his ability, performed the 'prescribed task of work, be allowed to discharge 'himself at 5 o'clock a.m. in summer, and 6.30 'a.m. in winter.'

15,039. So, as a rule, the test would be asked for?—I think the test is, in many places, a very light one, and the man's being a good man is distinctly considered.

15,040. I rather think I understand Admiral Christian to say that, in a case where they were satisfied a man was an honest man, they would not detain him. Is that so?—Yes.

15,041. (*By Dr. Farquharson.*) Do you think there are really a very large number of workmen in the country who want work and can't get it. We have been told there are a million?—Oh, no; I don't think so. I don't think it is possible to put the matter statistically. Of course, the increase of vagrancy makes one think there is an increase in the number, but what increase we do not know.

15,042. Of course, there are a certain number of honest, able-bodied workmen for whom there is no work. What are we to do with them? Is the State to provide occupation for them?—On no account, I think.

15,043. What is to happen to them?—I think they should apply to the poor law in the ordinary way.

15,044. Then, these respectable men must drift into pauperism from circumstances over which they had no control?—So far, that may be true; but I don't think, myself, that a very large number do so drift. I think, taking an ordinary winter, the poor law guardians would open their stone-yard, or something of that sort; for these men would push through that winter, and would not return.

14,045. Do you say a considerable number of so-called unemployed are brought into that condition through drink?—I think the causes of what is called want of employment are infinite; and a great deal of what is called want of employment is not due to drink, but to physical weakness and physical infirmities. There is much want that is alleged to be due to want of employment, which, when you examine the cause, does not turn out to be so.

15,046. But what would you do to check the present condition of vagrancy, so long as the agricultural classes and other people give relief to those people freely, and apparently gladly?—I am afraid you can't. You can't check the voluntary giver. The idea of the Dorset and the Gloucester system both is that you should be able to check them in some way, and, as you have seen, the result is not conspicuous.

15,047. (*By Professor Dove Wilson.*) Do you think that the alleged increase of vagrancy is proved?—Well, I personally would take, as a very fair test, the poor law figures. In that case, the alleged increase of vagrancy is only proved so far, that it is equal to what it was in bad years, about 1869 or 1870.

15,048. (*By Miss Stevenson.*) In reference to the Salvation Army Shelters, you said they really were common lodging-houses?—I think that is what they come to be.

15,049. Then, have you found, since these shelters have been opened, that they have interfered with the existing common lodging-houses?—The common lodging-houses have decreased in number.

15,050. In speaking of the relief works, you said that, in selecting the men who were to receive this employment, you excluded those who were living in common lodging-houses?—Yes. *Mr. C. S. Loch.* 30 Jan. 1895.

15,051. Why did you do that?—Because the common lodging-house men in that district, as a class, are distinctly not the men to be put on relief works.

15,052. Then you made an exception because of the locality where this work is being given?—Well, there are common lodging-houses and common lodging-houses. Some are quite different in type. Common lodging-house men in that district would not be men from whom you would expect a fair day's work.

15,053. In reply to Colonel M'Hardy, you said you would leave the honest working man, who was out of work, to go on from one common lodging-house to another, did you not?—That is not inconsistent; because, as I say, common lodging-houses vary very much, and there are many decent places.

15,054. You spoke of the assistance given by the Church Army in many cases. Does your association consider that their work is on better economical lines than that of the Salvation Army?—We think they try to deal well with a few cases, and to select them well; and to us it seems that the whole problem, from the charity side, is to do that.

15,055. And let the others slide?—It is not quite a case of letting the others slide. The difficulty is this, that you may let the whole slide, if you do not take care; and that is what has happened. If you don't concentrate where you can help, you probably would not concentrate at all.

15,056. In the case of a man who gets casual relief—the case of a man in search of work—does he, by receiving that relief, become a pauper, with a pauper's disabilities?—Certainly.

15,057. In reference to the numbers of homeless people found in London, I see there were only 33 children. That seems to be an entire contradiction of the statements one sees in the applications one gets from Dr. Barnardo, and others who look after children, as to the number of children who go without proper refuge in London. Do you believe there are children sleeping out under railway arches, and in barrels, and that sort of thing?—One can only speak from casual experience. I don't think that the evil prevails to the extent represented. I think that the number may be larger in summer, when it is not so disagreeable; but I think these figures are a good test, because it is generally known that people can go to the refuge, and there they are received with open arms. There is nothing to keep them away.

15,058. (*By Sir Colin Scott Moncreiff.*) I understood you to say you thought the refuge system of the Salvation Army wrong in principle. That is, I presume, from not requiring a test?—Well, it seems to me what happens is this: A large crowd of casual people are accumulated. They simply come and go. I don't see how it differs from a common lodging-house. By crowding a large number together, you interfere with the chances of a permanent result; for permanent results always follow from individual treatment.

15,059. But, then, would it be better to have no such places at all?—Certainly.

15,060. (*By Dr. Sutherland.*) I thought these shelters belonging to the Salvation Army were the filters through which the hopefuls are passed on to the factories, and the labour colony?—I don't think that holds.

15,061. Is not that what the army claims?—Yes; but, then, the large number that is collected is altogether too large for the purpose of any reasonable filter; and, as a matter of fact, very few who enter these common lodging-houses do pass through.

15,062. Is the feeling in England, at the present moment, in favour of the poor law system, which enacts that an able-bodied man, who, up to the moment he gets out of work, has been a sober and industrious citizen, shall register as a pauper before he can obtain relief? Is that feeling gaining ground?—Of course, when addressing oneself to a matter of feeling, one can

Mr. C. S. Loch. 30 Jan. 1895.

only generalise. If you polled the reasonable guardians who had had experience, or if you waited a year or two and then polled the men who now have been elected, and will then have experience—I don't think their feeling will be in favour of a radical alteration in our law by which able-bodied men should be able to get out-door relief allowances, irrespective of a work test.

15,063. You are speaking now of the feelings of guardians?—I am speaking of the feeling of those who have served in office.

15,064. Of course, you are not in any way representing the feeling of those who receive relief?—I don't know that anything represents their feeling very definitely.

15,065. Oh, yes; I think public opinion and parliament represent their feelings very fairly. There is a growing public opinion that an honest man out of work should not, in order to obtain relief, be registered as a pauper, or compelled to enter the casual ward?—The able-bodied paupers in England are a very small number, and can hardly, therefore, be said to be represented in parliament. There is no doubt a certain weakening of feeling in the matter of independence that has prevailed in the last ten or fifteen years. England has, at different periods, had those gusts of sentiment, but these have passed over. I look upon this as one that is passing over. The leading politicians of the last ten or fifteen years have been in favour of our adherence to the poor law system.

15,066. But with the view of removing the pauper stigma, isn't the feeling in England, at the present time, in favour of something in the nature of an old age pension, such as has been sketched by Mr. Chamberlain, which implies the maintenance of the honest poor outwith the workhouse?—I refer to those who are definitely able-bodied, and are so returned in poor law returns.

15,067. Well, among the tramps who go through the country, there's the honest tramp, I suppose, and the dishonest one, and both need relief, don't they?—Presumably.

15,068. Then, your opinion is that the poor law is the proper source of relief, and not private or mendicity societies?—I think that the poor law is the main source of relief. For the exceptional cases, you should have voluntary intervention, and, if you will, refuges.

15,069. Then, do you find now in England that the poor houses are sufficiently numerous and near each other to accommodate and shelter these men for the night or two?—I think, in the main, it is so.

15,070. And that the relieving officers, who correspond to our inspectors of poor, are numerous enough all over England to deal with the cases of vagrancy which march through the country?—I should have said for cases of vagrancy, yes. The question is, whether they are numerous enough for the residents. That is the greater difficulty.

15,071. Supposing you had in England two workhouses within thirty miles of each other, and half a dozen people get stranded at night midway between—able-bodied men in search of work—where do you propose to shelter them?—Well, of course, if you are to become the travelling father of a travelling population, you will want some sort of shelter at every interval. If, on the other hand, you believe, as I do, that these people have a certain amount of knowledge of the road, they will accommodate themselves to the conditions they find. If those conditions are reasonable, if the accommodation is within a fair day's march, that is all you need think about. If the accommodation is beyond a fair day's march, then the matter may be serious. I think it is not possible to meet every eventuality; and the only way is, as we have done in London, to have the stations on the main routes.

Mr. C. S. Loch. 30 Jan. 1895.

15,072. We may take it, may we not, that if the poor law does not provide relief for such people, they will provide it for themselves by masterful begging, or theft?—I don't think so.

15,073. But isn't the experience in every country in Europe in that direction?—A man must get through somehow. There's no doubt that the vagrant accumulates by begging—I am speaking of the vagrant in the ordinary sense. Stories are rife of his often having in his possession a large amount of coppers, which, it is clear, have been got in that way. As I understand your problem—taking your better class man—it is, how is he to be provided for. If he goes to the casual ward he is well provided for, and he gets that for nothing, and he need not beg.

15,074. That is, presuming the casual wards are near enough; but assume there are not sufficient casual wards in England between a fair day's march, and that the relieving officers are in many cases 10, 15, or 20 miles apart, would you consider, these things being the case, that the poor law is the proper source of relief not only for honest men tramping in search of work, but for the dishonest vagrants?—I say, that the poor law is the proper source of relief under those circumstances.

15,075. That is to say, when the relieving officers are, it may be, 10, 15, or 20 miles apart, and the casual wards the same?—I beg your pardon. If you make the conditions such that you cannot expand your system or remedy its defects, there is an end of it, and you must provide for your vagrants in some other way. But if you take England, and find that there are too few of these casual wards, then it is open to the poor law guardians to increase the number.

15,076. In Scotland, we have been told by witnesses, that poor houses are far apart, and inspectors of poor are correspondingly far apart, and it is impossible even to deal with cases of vagrancy in sparsely populated districts of Scotland; and it has been suggested to us that the police, who are much more numerous—in the proportion of 6 to 1—are the proper parties to dispense temporary relief, and the best parties to discriminate as between the honest and the dishonest. What do you think of that?—I should prefer treating it as a poor law question. I should modify the poor law arrangements so as to meet the dilemma.

15,077. (*By the Chairman.*) One question about labour bureaus. What do you think about them as a means of assisting the honest workman?—I think very ill of them. I think they are quite useless.

15,078. There have been some established in London, I understand, both by the Salvation Army people and some of the Vestries?—Yes, a few; one or two. Where there has been a man of great energy they have partially succeeded as long as his influence was at work But, in the main, I think they have been unsuccessful. The truth is, it is very difficult, at a time of pressure, to provide work, when want of work is the chief difficulty.

15,079. And I suppose, as a matter of fact, the chief work they can provide is spasmodic, and for very unskilled men?—Quite true; and the employers do not necessarily rally round a labour bureau when they can get unskilled labour elsewhere.

15,080. Do you know how many vestries in London have bureaus?—I could not tell you off-hand; but it would not be difficult to find out.

15,081. Is there any organisation for co-operation among them?—We were told it was of the utmost importance they should have some common centre, so as to have the demand and supply in each district brought under some governing eye. Do you know if anything of that sort has been done?—I think not.

Sir James Crichton-Brown.

SIR JAMES CRICHTON-BROWNE, M.D., LL.D., Lord Chancellor's Visitor in Lunacy, called in and examined by the Chairman.

Sir James Crichton-Brown.

15,082. Sir James, you have had a long connection with lunacy matters, I believe?—For thirty years.

15,083. You were for a long time superintendent of of the West Riding Asylum?—I was at the West Riding Asylum for ten years.

Sir James Crichton-Browne.

30 Jan. 1895.

15,084. You are now in London?—I have been in London for the last twenty years.

15,085. You are the Lord Chancellor's Visitor in Lunacy?—Yes.

15,086. We desire to have your opinions on the subject of the connection between habitual drunkenness and diseased conditions of the mind. In the first place, what is your idea of the influence of heredity on habitual drunkenness?—It is very considerable. I could not give any statistical or numerical estimate on the spur of the moment as to the amount, but it is very large. One sees hereditary predisposition incontestably coming out in the children of a man who has been insane. One of these, perhaps, is subject to epileptic fits; two others are habitual drunkards; one is insane. Cases of that sort are frequently presenting themselves.

15,087. So you think it is to be referred to the influence of heredity?—I also believe that drunkenness, contracted as a vice, carried on, and becoming habitual, may set up a condition of the nervous system which will be transmitted to the child, and appear as hereditary drunkenness. That, however, I should say, is contrary to the modern physiological theory that acquired habit cannot be transmitted. But we see it constantly in practice nevertheless. I believe that drunkenness, originally adopted as a vice, socially, or from any special reason, may reappear as disease in descendants.

15,088. Well, you have made some very minute investigations into the connection between drunkenness and insanity, and found a very large amount of insanity caused at all events, have you not?—I found that 15 per cent. of insanity was attributable to drunkenness, directly and indirectly. I should say that, in about 10 per cent. of the cases, it was the direct toxic action of the alcohol on the nervous system. Then, in about 5 per cent. of cases, the insanity was indirectly due to alcohol—a man, when drunk, fell and broke his head and set up disease of the brain, or starved his wife, having spent his money on drink, and she became insane from poverty of blood. These, and similar cases, were the indirect results of drink.

15,089. Your experience is, that different effects are produced by beer drinking and whisky drinking?—I am still inclined to think that whisky produces fiercer and more violent forms of intoxication.

15,090. But I refer to the curious fact you mentioned in your evidence to a committee that among the insane in England there is a much larger proportion of epileptics; that epilepsy and general paralysis are more frequent in England than Scotland; and that this may be connected with the whisky drinking in the latter country?—Yes. I believed then, that there was a considerable adulteration of beer by *Cocculus Indicus*, the active principle of which is *Picrotoxin*. I knew this, that a man having beer in one public-house could get drunk on sixpence; whereas, in another public-house, it would take a shilling. I know *Cocculus Indicus* does set up epileptic condition in the lower animals certainly, and that general paralysis and epilepsy are more prevalent in England than in Scotland. But, of course, there is a racial difference behind all that.

15,091. That would go to show, would it not, that whisky is a more wholesome, as well as a cheaper, intoxicant than beer; because the evidence brought before us is that, in certain shebeens, a man can get drunk on a couple of pence?—Whisky, we know, is more wholesome for those subject to certain diseases. It is less pernicious in some cases than beer; but, upon the whole, I should say that a drink is pernicious in proportion to the amount of alcohol it contains. And, then, there are other conditions to be taken into account—the ethers or essential oils, with which the alcohol is blended, have a certain effect upon the nervous system.

15,092. Does the drinking of methylated spirits exist in England?—I know nothing of it here; but in Scotland, I remember, a medical man reported to me three cases of death from methylated spirit that he had had to deal with. I know men in England have told me that, when they could not get good drink, they took methylated spirits. It used to be a tradition, too, that in the dissecting rooms, the porters took the methylated spirits there used. But I never came across a case in the West Riding Asylum.

15,093. Have you had any case of ether drinking?—That is, I believe, entirely limited to Ireland. Regular ether drinking, I have never heard of in this country.

Sir James Crichton-Browne.

30 Jan. 1895.

15,094. In your asylum, I suppose, you had dipsomaniacs?—Yes.

15,095. Would you please explain exactly your meaning of the word dipsomaniac?—I take it to be a disease of the nervous system, manifested by paroxysmal or persistent inebriety. You cannot, however, draw the line between habitual drunkenness and dipsomania.

15,096. And you treated this as a form of insanity?—Cases were sent to the asylum to be treated. Usually they were labouring under the immediate effects of a drinking bout—*delirium tremens* or *mania à pôtu*—and, when they recovered, they proved to be dipsomaniacs. In my professional work I have come across numerous cases of pure dipsomania.

15,097. Well, in these cases in the asylum, has a very short time sufficed to cure a person who has come in labouring under *mania à pôtu* or *delirium tremens*; has it been a few weeks' business?—A few days or weeks might effect a cure of the acute phase of the disease, in such cases. Often they recover from the immediate effects very quickly.

15,098. Well, under the English law, can a person be considered insane when he has recovered from the immediate effects?—No; he could not be long detained as a lunatic. He could claim his discharge.

15,099. So you are no better off than in Scotland, in that respect?—No.

15,100. Do you consider lunatic asylums suitable places for dipsomaniacs?—No. My idea is, that for dipsomaniacs of the poorer classes, who could only pay a small amount, institutions, if they are to be established in England, would have to be in connection in many instances with the county asylums. There would be so much expense involved in organising separate institutions that I should think the county councils would not care to encounter it. They would have to be under the management of the county councils, I should say; but in separate buildings from the asylums, although under the same administration. Of course, for the affluent classes, certain retreats are now in existence.

15,101. Have you any experience regarding these retreats?—I have. I have visited one or two private ones in past days, and I have seen a number of patients who have passed through them; and I am bound to say my experiences have not been altogether favourable. When I gave my evidence before a Committee some years ago, I looked forward to them as the best possible mode of dealing with the habitual drunkard, but I have somewhat modified my views.

15,102. To what extent?—Well, I do not think now, in regard to the affluent classes, that it is the best possible way to treat persons afflicted by dipsomania,—to send them to mix with a number of other persons similarly afflicted; to make a caste of them, and to put them into the midst of what may prove demoralising conditions. Then, practically, I do not think they have been as successful as it was anticipated they would be. I have no doubt some of them have been admirably managed, and have secured good results; but in some of them I know drunkenness has gone on practically unchecked, and that patients have occasionally come out more demoralised than when they went in.

15,103. As to the segregation of the habitual drunkard—how would you accomplish that?—With the affluent class there is no difficulty in carrying out treatment, provided the acquiescence of the patient can be secured, and with reference to dipsomaniacs of this class I take a more favourable view of the prospects of recovery than I formerly did. I have known a number of cases of complete and permanent recovery. I know of men and women now filling important social and public positions, who have been dipsomaniacs. But they have not been segregated; it has been by private and individual treatment—by voyages on teetotal ships, or by travelling under medical care, by residence with refined and well-regulated families, by moral influences sedulously and wisely exercised, and by therapeutical treatment that recovery has been secured in such cases—never by destroying the self-respect of these victims of a distressing disease, and branding them as members

Sir James Crichton-Browne.

30 Jan. 1895.

of a pariah class. I am sure branding dipsomaniacs as outcasts or a class apart tends to destroy what self-respect and moral control they have, and is apt to render their condition hopeless. My hopefulness about the cure of dipsomaniacs is in regard to the young—men and women not forty years of age. I have not, I think, seen a permanent cure after that age.

15,104. One of the institutions that will occur to you as well managed, I suppose, will be that of Rickmansworth?—I have no personal knowledge of that establishment.

15,105. Dr. Norman Kerr gave us statistics showing us that some 30 per cent. of the total cases had done well?—I should think there must be great difficulty in tracing out the subsequent histories in the case of places of that kind, and therefore in saying that permanent good has been done. At the same time, I do not doubt that the establishment at Rickmansworth has done much useful work.

15,106. That was so; but do you think his estimate agrees with your experience, or have you a higher or a lower percentage of recoveries or reclamations than Dr. Kerr by the method of treatment you speak of?—I should think that would be a good record of recovery for the class of cases sent to an inebriate home like Rickmansworth. I take it, they must be a very bad class of cases, and it would scarcely be fair to contrast them with cases taken in early life and in an early stage.

15,107. Where you have no legislation for habitual drunkards, you have the habitual drunkard congregated in homes. For instance, in Scotland, you have homes, and in certain cases for habitual drunkards only; in other cases, for a society comprising a large number of habitual drunkards. Do you think an effective inspection of such places is desirable, or do you think that the system that we have of inspecting only places licensed, and leaving all others uninspected, is good?—I should insist upon the most rigid inspection of all homes for habitual drunkards. I believe they are extremely liable to abuse.

15,108. Do you think the inspection would require the sole attention of an officer appointed for the purpose? You are aware that, as conducted in England, the inspection is in the hands of a gentleman whose chief salary and duty is in connection with another work, which doubtless occupies a great deal of his time, Dr. Hoffman?—On general principles, I should be inclined to put these institutions under the Commissioners of Lunacy; and to strengthen the Commissioners' Board, so that special inspection of them might be carried out, but I can see objections to that course.

15,109. Lord Shaftesbury was very much against that, was not he?—Yes; the Commissioners did not wish to undertake such work, and feared that to do so would interfere with their present functions. It would be impossible that the Commissioners should do the work without having their Board strengthened; but they would do it most efficiently, because the disease of habitual drunkenness is a kindred condition to mental disease and is indeed but one variety of insanity. Might I say, in regard to retreats, to do them justice, that one of their advantages, it seems to me, beyond the treatment they confer upon the unfortunate dipsomaniacs themselves, is the comfort and relief they give to their families. That is the real difficulty—what are you to do with these wretched drunkards, who are breaking up so many homes and wrecking so many lives. I have not so much hope of the benefit retreats may be to dipsomaniacs, as I have a sure conviction that they will be a source of comfort, and give rest for a time, to families afflicted with dipsomaniacs in their midst.

15,110. You know that there is a large number of retreats in Scotland?—I know in Scotland there used to be small private retreats in Lismore and Skye and other parts. But I know cases in which the result of seclusion in such isolated retreats was not encouraging. Patients sent to them were relegated to a desolate, miserable life, and that is not the way to cure them. I can recall cases that came out worse than they were when they went in. Their time was spent in devising expedients to evade the rules of the establishment, and procure drink, or in anticipating the debauch which would follow emancipation.

15,111. But I am speaking of the homes for the poorer classes. You have never seen such places as Queensberry House, in Edinburgh, have you?—I visited it many years ago; but it was a place of refuge for all sorts of dilapidated persons, I think. I am speaking of 20 years ago; I know nothing of it for the last 20 years.

15,112. Do you know anything of the English inebriate retreats not under the Act? There are a number inspected and licensed, and a number not licensed, I believe?—Some of these private homes, I believe, have been occasionally conducted as lunatic asylums without license. I have heard of lunatics actually being detained in them and mixing with the dipsomaniacs.

15,113. That is a very important point; and that, I think, would emphasise the necessity of applying inspection all round, would it not?—Certainly. There are a large number of people anxious to escape the provisions of the Lunacy Act, and I have heard of discharged dipsomaniacs complaining of the wretchedness of being shut up with lunatics *de facto* although not *de jure*. If houses for dipsomaniacs are not inspected you may have cruelty—harshness of treatment or neglect. It is found, even with the very close system of inspection lunatic asylums are subjected to in England, that it is difficult to avoid abuse.

15,114. And, in the case of lunatic asylums, if you allow a man to set up a lunatic asylum to escape inspection altogether, I suppose it would be putting a premium upon men starting unlicensed houses?—Certainly.

15,115. Well, that is practically what is done in the case of retreats at the present time. Any man who chooses to take out a license puts himself under inspection; whereas, any man is able to set up a retreat, and manage it as he likes, if he does not ask for a license.—(*Witness.*) I should draw the line at a retreat where two or three are boarded; where a patient can have pleasant family life, and associate with wholesome, pure-minded people, but such small retreats, although not licensed, should be subject to inspection.

15,116. But you have a distinction of number by the Lunacy Act, have you not?—The Lunacy Act number is one.

15,117. Would you put it, in the case of inebriate homes, at half-a-dozen?—I should put it at two. For more than two a license should be required.

15,118. (*By Dr. Farquharson.*) You express a rather confident opinion, do you not, on the probability of cure in the case of young people?—In early life, yes; cases up to 40 years of age. I know cases both of dipsomania and morphiamania, that I could point to in which absolute recovery has been secured; but I should not be so sanguine about such people if they were put into a recognised retreat and branded ever afterwards as dipsomaniacs. These cases that I speak of in which complete recovery has taken place have always been under private care—never sent to an institution and branded as dipsomaniacs.

15,119. But would there not be a difficulty in treating the pauper class like that?—Of course, that is different. You cannot afford the kind of treatment I indicate in pauper cases.

15,120. Then, in order to make the best of a bad job, it would be desirable to have public institutions, where those people could be sent and compulsorily detained?—Yes. But the difficulty would be to prevent the relatives from taking advantage of these places too soon in cases of simple drunkenness. There is a great deal to be done in the home, and by private personal endeavour; and, if you allowed them to resort in the case of intemperate relatives to a public institution, you would deprive the relative of an incentive to the use of those domestic reformatory influences which are sometimes effectual.

15,121. But in every large town you find a certain residuum of drunken criminals largely responsible for the crime. Would you be in favour of seizing these people, and shutting them up?—Seizing them on what grounds?

15,122. Oh, repeated convictions. Say, so many convictions in a year, and so many in the course of a certain period?—Yes. Of course, there would be great advantage in that to the good order of the town, and the well-

Sir James Crichton-Browne.

30 Jan. 1895.

being of the sufferer himself, as you would prevent him from propagating his vicious variety, and perhaps give him a chance of recovery. But, of course, there is the great question of the liberty of the subject. How long is the confinement to continue; and under what conditions is it to be carried out? I should think two medical certificates should be required, and an order of a magistrate, and not less caution should be observed than in the case of a lunatic.

15,123. Would you be inclined to make the medical evidence the same as in lunatic cases?—I should certainly not make the precautions less; because, if a family wanted to get rid of an obnoxious member, they might select this means of doing so.

15,124. Do you think medical men would be satisfied themselves at having that work put on to them?—Medical men will do any work if it is of a professional nature, if they are paid for it, and if they are properly protected.

15,125. Have you come to any conclusion as to the period of time necessary to cure the habitual drunkard?—Are you speaking of that residuum class?

15,126. No; of the habitual drunkard generally?—It would depend on the condition of the patient, nature of the disease, and duration of the habit. I should think two years would be required in bad cases to establish a habit of self-restraint.

15,127. Do you draw a distinction between the influence of alcohol on the young and on the old?—Alcohol acts far more injuriously upon persons past middle life than upon the young.

15,128. Is it also particularly because the old drunkard has had his tissues structurally damaged by the action of the alcohol?—That may be so, when he has been a drunkard for a long time. But I mean that the injurious effects of alcohol are particularly obvious among those who take to drinking after middle-life. Then as regards young people, I have known cases of boys coming from school who have become addicted to drink; and, in these cases, I have seen complete recovery, even if they have gone very far.

15,129. You would require to give a large amount of latitude to the medical men in charge of the institution as to the period of detention?—To the medical men and the Board. I would not give indeterminate sentences of imprisonment, nor leave the detention altogether at the discretion of the medical officer of the institution. The duration of treatment would have to be decided by the Board.

15,130. Then, what would be the function of the Commissioner who visited those places? He could not tell, from the mere inspection of the patient, whether he was cured or nearly cured, or ought to go out or in, could he?—The Commissioner could see to the sanitary condition of the institution, and to the management and treatment given. He would give a private interview to each patient, and hear what he had to say; and then he would have access to the records of the establishment and hear the reports of the officers.

15,131. You would give him judicial functions?—I would give the Commissioners power to discharge, as they have in an asylum. The process in an asylum ordinarily is for a discharge to take place on the recommendation of the medical officer to the magistrates; but when the Commissioners visit an asylum, they have power to discharge should they think it expedient to do so.

15,132. Would you give power to prolong the detention, if it appeared necessary?—On the report of the medical officer. But may I suggest this: In the case of an asylum, if the friends of a patient propose to remove him, and the medical officer of the asylum certifies that he does not approve of this, the patient is not set at liberty. But he should be able to give a report to the Commissioners, and they should be empowered to give an order that he should be confined in another retreat.

15,133. You think it would be a convenience to attach those new institutions, in the case of paupers, to the present asylums?—I do. I think it would be an advantage to have all the skill and special knowledge of the staff of the asylum brought to bear on the sufferers from alcoholic degeneration. Nervous diseases are so closely connected with drunkenness that it would be well to have the advantage of the skill of the medical staff. It would be possible to have the institution near at hand, and thereby save expense.

Sir James Crichton-Browne.

30 Jan. 1895.

15,134. Do you think the medical officers of the asylum would take objection to it?—I can quite see that they might.

15,135. Of course, you would have to have vigilant care exercised as to the introduction of liquor, and have a careful inspection of letters and parcels?—I foresee that difficulty; and also that asylums are generally near large towns. But, then, isolated positions, where there is no population, are not to be found in this country, except in a very few spots.

15,136. Are you still of opinion that the adulteration of beer has a special effect upon the nervous system?—I believe that adulteration does exist, and I believe there are great differences in the quality of wines. If I take a pint of claret supplied to me by my wine merchant, I feel no ill effects whatever; but, if I go to a hotel, perhaps, and order a pint of the same claret, I feel flushed, thirsty, and uncomfortable. There are different ways of treating and manufacturing wines that make them very different in their effects.

15,137. What are the direct effects of alcohol?—We have a whole sequence of morbid effects due to alcohol. Epilepsy is only a collateral effect. The direct effects are—intoxication, then *delirium tremens*, then the more protracted form of that which we call *mania à potu*, in which case a man may be insane for a few weeks, then, after that, either recovery takes place, or he passes into the monomania of suspicion, which I take to be one of the most dangerous results of chronic alcoholism. This is one of the forms of the disease from which homicidal maniacs often suffer—a form in which the delusions of *delirium tremens* exist in a chronic form; and it is really a stereotype of these delusions that you find in *delirium tremens* which are found in this monomania of suspicion, which often leads to homicidal acts, and which it is so difficult to get juries to recognise. And, then, we get chronic alcoholism, with dementia, in which a man becomes demented and stupid, and with symptoms akin to those of general paralysis.

15,138. Do you believe in the association between drink and crime on the large scale attributed to it? Do you believe the connection is always cause and effect, or is it coincidence?—Pure alcoholism may lead to crime, but crime and alcoholism may be both manifestations of disease of the nervous system. A man may be alcoholic, because he is a criminal. Crime from drunkenness may be a mere accident. A man gets drunk and quarrels with a companion, and seizes a book and strikes him and nothing is heard of it. But if it is a knife he strikes him with it turns out homicide, and the drunkard becomes a criminal. I believe a great number of criminals are weak-minded, and labouring under impairment of intellect.

15,139. Do you consider the effect of new spirit is much worse than that of old?—Yes, I do. Fusel oil is present in larger quantity in new spirit. Fusel alcohol is much more damaging than ethyl alcohol.

15,140. (*By Col. M'Hardy.*) I heard what you said about heredity and inebriety, and I want to read to you the evidence given by Mr. Quarrier, who is a well-known name in Scotland, and has passed some 10,000 children through his hands—a large number of them, as I understand, the children of drunken and diseased parents. He said—'I don't believe in any 'hereditary taint, except sin.' Then he was asked—'You don't think they turn out drunkards?' He said, 'No. I could cite scores of cases taken from the most 'drunken homes that are virtuous and well-doing to-'day.' Then he was asked again about the children of criminals, he replies—'The same thing applies to 'their children, if you can get them young, say, six 'years old. Their manners and sight become sharp 'about five, and, if you can give me any young child 'from any home under five, I'll be bound for it that 'that child will have none of its father's immoralities 'and drunkenness. Both parents may be drunken, or 'drunken and everything that's bad, and that is my 'experience.' What do you say to that?—Well, I

Sir James Crichton-Browne.

30 Jan. 1895.

should say that Mr. Quarrier's experience is at variance with that of almost all experts in Europe and America. I do not under-rate the value of virtuous environment and early training, but they will not change the Ethiopian's skin or the leopard's spots. If the father's hand partakes too freely of fermented grapes, the children's teeth are certainly set on edge. Dr. How's statistics on idiocy clearly prove that idiots are in a larger proportion—and a much larger proportion—the children of criminal and drunken than of healthy parents. Then I would like to know the full extent of Mr. Quarrier's experience. If he is dealing merely with children he would not see the effects, because, as a rule, nervous diseases don't develop until after puberty. Was he dealing with children simply?—(*Col. M'Hardy.*) Yes; and he emigrates these children to Canada, and follows them and keeps in touch with them. There are so many of them there that there were 50 marriages last year of his people, and therefore he has continuous touch; and that is his experience of, as I say, 10,000 cases.—(*Sir James Crichton-Browne.*) Well, of course, there is a great deal of truth underlying what he says as to the importance of withdrawing children from evil and contaminating influences in early life; and there is no doubt that children of drunkards might be saved in that way. But it has never been alleged that all the children of drunkards suffer the consequences I have described—nervous or vicious propensities. We say, for example, given a hundred children whose parents have been drunkards, in these you might have 30 per cent. with disease; while given a hundred children of sober parents, in these you might have 5 per cent. diseased.

15,141–42. (*By Dr. Sutherland.*) Nervous disease may take the place of inebriate habits?—Yes; the legacy has many forms and that is one of them.

15,143. (*By Sir Colin Scott Moncrieff.*) My impression has been that we have had cases of drunkards in Scotland almost week after week getting three or four days' imprisonment, and then out and in again; and apparently there's no deterrent in their going to prison, and there's no reformation. Don't you think, in cases like that, it would be desirable to give a bench of magistrates power to send these unfortunate martyrs to drink to a reformatory for a period of six months or longer without medical inquiry?—You mean, where you have had repeated convictions. Of course, in these cases, there would be no risk in such a procedure. I should say they are a small proportion of the cases where the man is a habitual drunkard, but never convicted. You see, if you have drunkards coming up again and again, a few cases may make an immense number of convictions. The cases are not to be measured by the number of convictions.

15,144. (*By the Chairman.*) You laid great stress on your preliminary remarks upon treatment. You said, 'with proper treatment.' What do you mean by proper treatment?—That divides itself into two different lines. Moral treatment, under which I include certainly not leaving them to loaf about or play billiards, and waste their time, but giving them work to do, and plenty to occupy their mind. And then there is the medical treatment. Of course, upon that, I can hardly enter here, but I may say it must be individual. In every case we see symptoms of nervous disease, which lead us to certain lines of treatment. Nerve tonics which are so much used now—strychnia and others—can be used with the most powerful effect in many cases.

Sir James Crichton-Browne.

30 Jan. 1895.

15,145. You know a number of vaunted secret remedies have been proposed, such as the Tyson Cure, the Gold Cure, the Metabolic Cure. You have naturally seen what has been said about them. Is it your opinion, or that of the profession generally, that there is anything in them?—They are worse than useless and sheer quackery; creating fallacious hopes, and leaving the patient to sink down to lower depths.

15,146. (*By Dr. Sutherland.*) In speaking of the *annexes* you propose to set up alongside of the asylums, are you aware that Dr. Magnan of Paris has made a proposition to have a separate inebriate asylum in Paris to hold 600 alcoholic patients?—I should say, in the case of large towns absolutely, separate institutions would be possible; but I think it would be a very heavy burden, on the counties of England, if you required them to set up separate asylums. But in large cities, like London, it would be entirely proper to have separate institutions, both for the study of disease and for the treatment of it.

15,147. In speaking of the cure of dipsomania, have you more hope of those cases which come on as a vice than of those which come on as the result of disease or injury?—Decidedly; but I should not despair in either case.

15,148. In Scotland, lunatics are disposed of by two methods: one by the sheriff's warrant of committal on the strength of two medical certificates, the lunatic not being present; and the other a public inquiry before the sheriff, conducted by the procurator-fiscal, where medical men and other witnesses are examined, and where the lunatic may himself demonstrate his sanity or insanity. Would you prefer the public or the private procedure in the case of poor and rich alike?—Oh, the private. Do you mean that this takes place in the sheriff court before a magistrate?—(*Dr. Sutherland.*) Yes, in the case of lunatics found in the street, dangerous or offensive.—(*Sir James Crichton-Browne.*) Oh! I should prefer a private inquiry.

15,149–50. Would you not make some provision to give the man or woman some power of protesting?—I should give the same power as in the case of Chancery lunatics. A petition is served upon the alleged lunatic, and he or she is given fourteen days to decide whether or not to demand a jury. If they don't demand a jury, the inquiry is held before the Master in Lunacy. If they do demand a jury, the Lords Justices appoint a visitor to see whether he or she is capable of demanding a jury, and on the Visitor's report a jury is granted or refused. I do not for a moment propose a jury in cases of inebriety, but I think some option might be given the alleged dipsomaniac as to the mode of inquiry.

Mr. David M'Laren.

Mr. DAVID M'LAREN, Ex-Magistrate of the City of Edinburgh, called in and examined by the Chairman.

Mr. David M'Laren.

15,151. Would you please explain your past experience of the questions which have been remitted to us?—My experience of this question, I may say, began, first of all, as a director of the City Mission of Edinburgh, where we had a missionary who visited the police cells. But that was only casual. I did not pay much attention to the subject of habitual offenders in connection with their work. In 1856, I was elected to the Town Council. The whole council was re-elected at that time, and I went in for two years, 1856 to 1858. The police were under the control of the council, and I visited the cells occasionally. Then, after I left the council, in 1859, they sent me to the County Prison Board, where I continued till 1864. I had correspondence with Sheriff Watson of Aberdeen at that time, who was virtually the founder of the Ragged Schools in Scotland, and, I rather think, had to do with the first Reformatory School Acts. After that, my official connection with the subject ceased; but, as a justice of the peace, I received from Mr. Henderson, chief constable of Edinburgh, year after year, his returns to the Police Commission. I took the liberty of addressing the Lord Advocate, Mr. Balfour, in 1882, or somewhere between 1882 and 1884, in connection with the General Police Bill, which was being brought into Parliament that year; and I submitted to him a memorandum, which was virtually a good deal the substance of the paper I hold in my hand—a Draft Report of the Education Committee of the Edinburgh County Prison Board. Since then my official connection with the subject has ceased.

15,152. You refer in your notes, do you not, to the subject having been under discussion so far back as 1847?—In 1847, the Inspector of Prisons' report actually uses these words—I was very much struck with them.—'More especially is this applicable to a 'large proportion of the female prisoners. To use the

Mr. David M'Laren.

30 Jan. 1895.

'words of Mr. Smith, the Governor of the Edinburgh 'gaol, as quoted in the Prison Inspector's annual 'report of 1847, "they return again and again; '"and at each successive committal, the hardening '"process makes progressive advancement."' That was in 1847, almost fifty years ago.

15,153. Then, in 1864, there was a committee appointed by the Edinburgh County Prison Board? It was a standing committee—the education committee of which I was convener, I suppose almost the whole time I was on the board. We had the subject of repeated convictions before us in 1862; and I have here a letter of Sheriff Watson's on it, dated the 10th of January of that year. It must have been in connection with some communication from the Aberdeen Board to Edinburgh. We expressed a very strong opinion upon it. In the report of this committee, adopted by the Board, the conviction was expressed that the system tended to foster crime, and this both as to juveniles and adults.

15,154. What system?—The system of repeated convictions and repeated imprisonments.

15,155. Then you got a remit from the Perth County Prison Board, did you not?—Yes, we did. That was in 1864—the beginning of 1864.

15,156. And that was the cause of your writing this report?—Yes. In 1864, the Perth Prison Board sent a communication to, I think, the whole of the Boards in Scotland, or, at least, to a certain number. The Edinburgh Board, at their meeting on the 7th April 1864, remitted, for the consideration of the committee, a letter of the Right Hon. Lord Kinnaird, sending 'his lordship's motion at the quarterly meeting of the '[Perth] Board held on the 18th January,' which minute sets forth, 'That the Board, having taken into con-'sideration the number of cases in which persons have 'been sent to prison after repeated convictions, 'especially in reference to police offences, recommend 'that some measure should be taken in connection with 'other Prison Boards to enable the police magistrates, 'or sheriffs, after a certain number of convictions, to 'send such persons to a poorhouse, or other asylum, 'where they may be properly cared for and detained.'

15,157. That was remitted to our committee; and, I may say, that although all official connection on my part has ceased since then, any attention I have been able to give to it has only confirmed the opinion which was given in the report I then drew up.

15,158. (*The Chairman.*) Then just give us briefly the gist of the report?—(*Mr. M'Laren.*) In 1862 we had reported that the system of frequent recommitments, involving, of course, repeated short imprisonments, tended to foster crime, both in juveniles and adults. The first thing we did on the remit in 1864, was to endorse our previous deliverance on that subject. We then examined into the extent of the alleged evils of these repeated imprisonments and their consequences, and then tried to suggest something of a remedial nature. I presume, this committee have already had the evidence of Mr. Henderson as to repeated convictions in Edinburgh. I may say that I have several of his reports here, and I cannot but think that some tables in them, and his remarks upon them, afford striking illustrations of the conclusions of our own report. In that report there are some tables to which I would invite the committee's special attention. Table I. shows the extent to which the evil, which we were told to inquire into, prevailed. There are three years given here, 1860–61, 1861–62, and 1862–63. The first column gives us the number of commitments in Edinburgh, Glasgow, and Perth respectively. We took Perth, because it was the gaol represented by the Perthshire Board. The figures I may read, and the percentages of re-commitments. Edinburgh, in 1860–61, there were 4424 commitments; and in the same year, in the same prison, there were 1468 re-commitments, or 33 per cent. In Glasgow the percentage was 23, and in Perth it was 18. In 1861–62, Edinburgh had 5395 commitments, of which 1903 were re-commitments, or 35 per cent. In Glasgow, the percentage was 24, and in Perth 15. In 1862–63, there was a remarkable change in Glasgow. In Edinburgh the commitments were almost identical with those of the previous year—5384; re-commitments, 1781, a percentage of 33. But in Glasgow the percentage was 44, and in Perth, 21. In our report, we mentioned that we understood that the extraordinary rise in Glasgow was to be accounted for by some new local police legislation. I now come to table II., which is the one which has most impressed anyone with whom I have conversed on the subject.

Mr. David M'Laren.

30 Jan. 1895.

15,159. This table II. shows the number of criminals committed to Edinburgh prison in the quarter ended 31st March 1864,—that immediately preceding our report—who had previously been in custody in the said prison more than 29 times. Each one of them had been, at least, 30 times in the Edinburgh prison, and here is an important note—'in this table, each prisoner is 'only counted once, however often he may have been 'committed in the period to which the table applies.' A man or woman may have been committed two or three times in January, two or three times in February, and two or three times in March, but he is only entered here once. Here are the figures:—The average length of sentence passed in the quarter was between 30 and 31 days. The number of criminals was 58. Not to include three females, who were sentenced to 6, 12, and 6 months respectively, would reduce the average length of sentence to 24 days. In the aggregate the operation of apprehending, trying, imprisoning, and discharging these 58 persons who were imprisoned in the Edinburgh gaol in the first three months of 1864, had been gone through more than 2969 times in Edinburgh; and, probably, with not a few of them, the same process may have been repeated in Glasgow or other places. We thought that showed both the futility and absurdity of the system. I recollect—I was in business at the time,—I could not help comparing the police officers to my travellers. They went out, and had a regular number of customers, and these men figured so frequently, just as a regular customer would do in my own ledger, year after year.

15,160. (*The Chairman.*) I hope your customers were more profitable, Mr. M'Laren.—(*Mr. M'Laren.*) Well, I hope so; but, of course, I don't mean to say that the police took credit as a traveller would. In the figures of table No. 5 of Mr. Henderson's reports, there is a strong confirmation of the conclusion to which we came, that this system, instead of benefiting the community, did much harm. This is specially brought out in his report for 1882. In this table, for that year which I have analysed for myself, I have taken the number of those prisoners who were oftener than six times in Edinburgh gaol in the year. I find there were 87 of them, and that the number of arrests of these was 842—pretty nearly ten times each. And I may say, in passing, it is remarkable how uniform that average keeps up in other years.

15,161. But here is his remark—'This table includes 'several prisoners who have been in custody hundreds 'of times, and who continue year after year to form a 'constant source of trouble and annoyance to the pub-'lic. It is not too much to say that every one of this 'class is the means of doing great injury in the neigh-'bourhood which they frequent, and the cause of 'numerous arrests of other prisoners, who were drawn 'into a criminal life by their company and example.'

15,162. (*The Chairman.*) Does Mr. Henderson repeat that remark in any of his other reports?—I rather think he does. In fact, I used to be amused at his regular repetition of it. The last few years I noticed he dropped it. I wrote to him, and he said he was like a voice crying in the wilderness, so he dropped it.

15,163. But, in your own experience, have you noticed these repeatedly convicted criminals increase crime?—I have a letter which bears on that question—a letter from Bailie Anderson, who has a very high repute as a judicious magistrate in Edinburgh. He says:—'There can be no question that by the removal 'of some of the old and, to the police, well-known 'offenders from the districts of the city where such 'offences are most ccommitted, one fruitful cause of 'disorderly conduct in others would be removed. 'Thus, do I often find two placed at the bar charged 'equally with the same offence—disorderly conduct,

Mr. David M'Laren.

20 Jan. 1895.

'—and one of these an old offender, and the second 'appearing for the first time. In most cases the 'old offender is the real cause of the offence. The 'knowledge, too, that a penalty of long detention 'would follow the frequent commission of the offences 'would deter from cases of this kind.'

15,164. What is the date of that letter?—March 24th, 1883. I told you that I had communicated with the Lord Advocate in reference to the General Police Bill of 1883.

15,165. And you proposed, did you not, that there should be a long detention of habitual criminals?—That was proposed by the Committee.

15,166. And you wished to impress the same thing on the Lord Advocate?—Yes. There is one case I am very anxious to bring before you, because a single case very often illustrates a general principle better than anything else. In Mr. Henderson's report for 1892 there occurs the following passage:—'I fear that, 'until a different mode is adopted with reference to the 'treatment of habitual offenders, no great diminution 'in the number of apprehensions for "Offences" can 'be hoped for. The following instance will show the 'mode in which a prisoner who has been more than '100 times in custody during the last six years was 'dealt with during 1892, when she figured 27 times in 'the police court.' This poor creature was only 24 years of age. 'January 9th, prostitution, fined 5s. 'or one day; January 25th, incapable, 10s. or seven 'days; February 22nd, 10s. or seven days.' She appeared seven and twenty times, at a great many of which she was fined 5s. or one day. At last, on September 12th, she was brought in for breach of the peace, and she gets 15 days' hard labour. That would let her out on the 27th September; and two days afterwards, on the 29th, she is apprehended again for breach of the peace, and that time she gets 21 days' hard labour. She would get out from that on the 20th October; and next day, October 21st, she is again arrested for breach of the peace, and again gets 21 days' hard labour. Then, she would get out from that on the 11th November; and, on the 16th, she is again arrested and fined 10s. or five days. On November 26th, 10 days. Afterwards, she gets 5s. or one day; and at last the judge lost patience, and on December 5th, for breach of the peace, she got 40 days.

15,167. You said, 'The judge lost patience.' Might it not be a different judge?—Well, I am speaking of the bench generally. That shows how positive evil is done by these frequent imprisonments. Governor Smith says, 'they return again and again, and at each 'successive committal the hardening process makes 'progressive advance.' That would show it did no good, but harm.

15,168. Then, I have a note of Sheriff Watson. What I have now to speak about is not in this report at all. It has occurred to me since. Thinking that, if you were to suggest remedies, you should know something about causes, I thought I might bring this out. One of the causes of frequent short imprisonments, which are not adverted to in the County Board Report for Edinburgh, is the want of more definite legislation as to the punishment for offences. Sheriff Watson's letter from Aberdeen, dated 1862, speaks a great deal of that. He speaks of police offences being visited with imprisonment, and says that that is one great cause of the great number of repeated offences; but he does not say how otherwise he would visit them. Whether he would like them to go on without being punished, or whether they should be dealt with by a fine, which, in many cases, could not be enforced, he does not make a suggestion.

15,169. There is another testimony on this subject, and that is the view of the thirteen judges. You said just now it might be another judge in the case of the Police Court. I am now speaking entirely from my own opinion. I think it quite right for the judge to have discretion, but, when a maximum of punishment is indicated for any offence, one would suppose it would be inflicted upon the persistent offender; but if, instead of that, such an offender is visited with the most nominal punishment, one day for instance, instead of 60, which they might give, it goes without saying there must be frequent repeated imprisonment and habitual offenders. In this connection, I may mention the practice of the late Bailie Thomas Russell, a most conscientious judge. When he went to the bench, on the first day he sat there, he said, 'I wish it to be known on what 'principle I intend to act here. When I find those 'brought up to me for the first time I'll try to speak 'as gently, as firmly, and kindly to them as I can, and 'then dismiss them. When I find those brought up 'here who have been up often before I intend to give 'them the very longest punishment I can inflict.' He did so, and the result was, the first Sunday he went to the chapel in the gaol a woman, who had been visited by him with such a severe punishment, took up the readiest missile she could find and flung it at his head. That showed the way on which they looked upon it. Bailie Anderson says he has seen a man plead not guilty in the hope that the judge next day was one who would take a lenient view of his case.

Mr. David M'Laren.

20 Jan. 1895.

15,170. As to punishment, I may, perhaps, be thought very heretical, but I venture to think we may have been on the wrong tack of late. I hold that punishment ought to be viewed, in the first place, as deterrent, and second, as reformatory, although, of course, it is very much the first in importance to the offenders themselves. But, as regards the community, I don't think we have sufficiently recognised the deterrent principle, and consequently we have lost sight of the community's interest. To reform the offender is well, but to prevent others becoming offenders is better. These are two distinct lines. I think we ought to keep both before us, and in the order I have stated.

15,170A. Reverting to the County Prison Board Committee's Report, under sections 6 and 7, we have our suggestions. First, as regards whipping. I don't profess myself to know whether I would attach much importance to it or not. For example, whether more male juveniles might be punished by whipping than are now done? It is understood there are conditions attached to this sentence which render magistrates chary of inflicting it.

15,171. You are aware, are you not, that in Edinburgh they have some strong prejudice against whipping which does not appear to be shared in other towns?—I was told they were afraid of some legal disabilities. I do not refer to whipping for heinous offences. There was a great diminution in whipping for juveniles of late years, but there was a great diminution in punishments of all kinds after the Reformatory Acts came into operation. We thought it might be for inquiry whether prison discipline was capable of change, making it more severe in some respects; whether it should not be more punitive. But the Prison Discipline Society might be a far better authority than any suggestions which a private individual could make. When a sentence is only for two months, or less, ought there to be any relaxation of severity before the close? That is merely a suggestion. Ought the inconvenience of imprisonment be allowed to wear away before the prisoner gets out? I venture to suggest that for your consideration. I understand that sometimes there's a diminution as time goes on.

15,172. (*By the Chairman.*) Yes; but that hardly applies to our case. The average committals of habitual offenders with whom we were told to deal in Scotland were only for 15½ days, so they have no time for a mitigation in the severity of their punishment. —(*Mr. M'Laren.*) Governor Smith said—'Give me 'power, and I'll empty the female side, at least, of 'the Edinburgh prison in a single month; give me 'power, to cut the hair of all prisoners, and that will 'be done.' He said, 'You can have no idea how they 'dread that. There was one poor girl who was in 'fever, and the surgeon told her she must have her 'head shaved, to save her life she would not allow it. 'At last I got her to do it by saying I had been 'submitted to the same operation myself.' Sir Alexander Gibson Maitland, who was a member of our Board, says, 'I have seen a soldier go down on 'his knees to me that he might not be sent to the 'black hole, because that involved cutting his hair close 'showing how much they objected to it.'

Mr. David M'Laren.

30 Jan. 1895.

15,173. What does your Committee say on the subject?—'More especially would they suggest a 'measure which, in the opinion of those best fitted 'to judge, would act more effectually in the way of 'deterring than any minor punishment that has been 'tried. It is *certain* that, in all cases of recommitment above a *fixed number of times*, the prisoner's 'hair should be closely cut. This is regularly and invariably done at the large penitentiaries of Millbank 'and Brixton, so there is still the sanction of prison 'usage if that be asked. But, even if there were not, 'it may be doubted, as has been already said, whether 'the ameliorations of prison discipline have not gone too 'far, and whether it may not be time to retrace our 'steps in some measure. It has been stated, on good 'authority, that there is no punishment so much dreaded; 'and it is believed the number of recommitments, 'both male and female, would be immediately diminished 'by the adoption of this practice.'

15,174. Then, I may mention the suggestion of Sheriff-Substitute Hallard, long on the police bench of Edinburgh: 'Every police judge and sheriff should 'have it in his power to inflict six months' hard 'labour without a jury.' I question very much whether that could be enacted, and apparently the County Board Committee did not take it up. I don't know what the powers of English police judges are in that matter.

15,175. What about Bailie Anderson's suggestion?—His suggestion was that in such cases the sitting magistrate should have it in his power to remit them to a higher court—to the sheriff-substitute, for instance.

15,176. That is in the case of repeated conviction, is it?—Yes. Instead of sentencing, as that poor creature was sentenced, to one day's imprisonment, the judge would say, 'You have been here so often, I'll 'remit you to the Sheriff's Court.'

15,177. I come now to the reformatories?—We thought that a prolonged detention in the reformatories would not only lead to their reformation, but it would also act as a deterrent. Bailie Anderson bears testimony to that.

15178. But what reformatories are you talking about? You are talking about proposed reformatories for adults, are you not?—Yes. We thought the principle of juvenile reformatories might be extended to adults, and, I believe, there was great success in Ireland in what were called Intermediate Prisons. The idea was that the age should be extended from 16 to 18, or even more.

15,179. But has not that been done?—That was for ordinary reformatories. We would have made new reformatories for adults, instead of giving them merely criminal imprisonment. The effect would be to place the offenders in the more favourable position brought out in the first half of our table III.

15,180. In that table there is a comparison of two quinquennial periods, ending respectfully in 1856 and 1861, showing the average yearly number of the previous imprisonments *in the same prison* of prisoners received in these two periods. In the former, the yearly average of those committed once before, was 3316, in the latter, 2565, showing a decrease of 751 or 22 per cent.; in the former period of those committed twice before, the average was 1656, in the latter, 1253—a decrease of 25 per cent.; the decrease in the second period of those committed thrice before, was 13 per cent.; of those committed four times, 11 per cent.; of those committed five times, 5 per cent. But when you come up to those who have been in prison from 6 to 9 times, there is an *increase* of 7 per cent.; from 20 to 50, 5 per cent.; and above 50 times committed, 56 per cent.; showing that those frequently committed were getting harder and harder.

Mr. David M'Laren.

30 Jan. 1895.

15,181. But how do you account for this decrease in the number of the once, twice, and thrice committed?—It was thought that the marked decrease in the latter five years was due to the influence of the Reformatories in laying hold of the young. I think the Reformatory Acts came into operation towards the end of the first five years, and during the second five under consideration. Sheriff Watson suggested these tables, referring to the Irish Intermediate Prison Act for female refuges.

15,182. (*By the Chairman.*) But as for the percentage, I find, if you come down to later years, the percentage has gone up enormously; and that the percentage of once previously convicted in the quinquennial period ending 1893 was 145 per cent. There was an increase in the last year on 1861 of 217 per cent. of those imprisoned a second time; 269 per cent. of those imprisoned thrice, and so on. Doesn't that rather exclude your theory?—Not having seen the Returns which bring out the results you quote, I can express no opinion. The remaining table of the County Board Committee Report to which I would invite special attention is No. IV., bearing on the ages of prisoners when committed. This table shows that in the first quinquennium the yearly average of the total commitments in all the prisons of Scotland was 21,372, in the second, 18,575, showing a decrease in the latter of 13 per cent. But the analysis of the ages of the prisoners when committed brings out a striking result. The decrease of prisoners committed under 16 years of age was 35 per cent.; of those between 16 and 18, 34·7 per cent; between 18 and 21, 21·2 per cent; between 21 and 50, 6 per cent.; above 50, 1·6 per cent.; showing that the improving influence, to whatever it was due, had less and less effect, as the prisoners grew older. Hence the great importance of sending younger offenders, even above the age of children, to a Reformatory instead of committing them time after time to gaol. It was well known in Edinburgh that in the latter of these two periods, the prison there was nearly cleared of juvenile offenders, a result attributed to Dr. Guthrie's Ragged School, and the operation of the Reformatory Acts.

15,183. The last thing I have to say is, if you were to establish a principle of 'habit and repute' in regard to offences, as you have done in regard to crimes, the immediate effect would be very much fewer convictions and much longer imprisonments; and, I believe, it would be cheaper for the community in the long run. The objection, of course, is this:—I have known a police judge who would not give a poor woman a severe sentence for stealing 5s. however often she had been convicted. The answer is:—The severe sentence is for a long course of crimes or offences, not for the last act of the course.

15,184. (*By the Chairman.*) You were good enough to send us a copy of a Bill introduced by Lord Kinnaird, and we purpose to print that in our Appendix. Did you approve of that Bill, or not, as a Committee?—That Bill was not introduced till long after our Committee. Lord Kinnaird got that minute of the Perthshire County Prison Board sent to us in 1864, but his Bill was of a later date.

15,185. But, individually, you do not approve of some of the provisions of the Bill?—Oh, I have not looked at the Bill, because I sent it to you. I don't remember it all. But I remember that the Edinburgh County Prison Board did not approve of the suggestions of the Perth County Board—that prisoners were to be sent to the workhouse. If they were to be longer confined, they should not be sent amongst honest people, or presumably honest people.

Miss AGATHA STACEY, called in and examined by the Chairman.

Miss Agatha Stacey.

15,186. Miss Stacey, I understand you have been a member of the King's Norton Board of Guardians, at Birmingham, for 12 years?—Yes.

15,187. And you are honorary secretary of Homes for Feeble-minded Women, and vice-president of the Association for the Care and Protection of Young Girls?—Yes.

15,188. In connection with Birmingham, can you tell us anything about the Birmingham method of dealing with vagrants?—I am not in Birmingham proper. King's Norton Union only takes in some of the suburbs of Birmingham; so of the Birmingham parish I must not speak. I can only speak about our own Board.

Miss Agatha Stacey.

15,189. Then you don't know about the Birmingham system of the test-house?—I would rather not say anything about it. I don't know enough to speak upon it.

15,190. (*By Miss Stevenson.*) Your work has been in

Miss Agatha Stacey.

30 Jan. 1895.

connection with the care and protection of girls who are weak-minded?—Yes.

15,191. How did you first come to take up this work? How were these cases first brought under your notice?—Do you mean, how was I first interested in the work?

15,192. Was there an association formed for the care of those girls, or was it in connection with your work as a poor law guardian that you saw the necessity of such care?—All my work as a poor law guardian made me feel the necessity for something to be done for these young women; and it was through that that our association was formed. It was because I saw so many cases that I thought might have been saved, if I had any homes for them, and that I could not save, that I thought I must do something for them.

15,193. So you formed a committee, or association, for carrying on this work?—For starting homes for feeble-minded women and girls.

15,194. Were those girls originally paupers, who had been brought up in district schools under the care of the poor law guardians?—Our association is willing to take those, and also private cases. It takes both kinds.

15,195. You receive cases sent by the poor law guardians, and you also receive other cases, reported about by benevolent persons interested in the cases?—Yes.

15,196. Perhaps you would be good enough to explain to the Committee the system under which you work, what your work is, and your method of dealing with these girls?—Our organisation has a central council in Birmingham, and a separate executive committee for each home that we might start. We have now two homes—one nine miles on one side of Birmingham, and the other nine miles on the other side. The council superintends the whole, and manages the business. The executive committees manage each home.

15,197. What official staff have you in each home?—That, you see, depends upon the number of girls; but we are just completing our second home, which has only been open a year and a half. We shall then, probably, have 17 in one home, and 18 in the other; and then we shall have about the same number of matrons in each. We shall consider that for 17 or 18 girls we shall require a lady superintendent, a workroom matron, a kitchen matron, and, probably, a young lady probationer—some one to assist the lady superintendent—as assistant matron. We have one who has not a salary at all. We take young ladies who want to train themselves, and they come for nine months or a year.

15,198. Then, is the necessity for having such a large staff due to the fact that those girls require a great deal of supervision?—It is because our rule and principle is, that we shall never for a moment, if possible, let those girls be alone; neither one alone, or two together alone, without a matron. Incessant companionship and supervision is our principle.

15,199. Are they such cases as might come under the provisions of the Lunacy Laws?—No, they are not. They are just those who can't possibly come under those; nor can they be kept in a workhouse. They are simply belonging to that class—and we find so many belonging to it—that unfortunate class of women who are just weak-minded, just a little deficient, not quite all there, not quite sharp.

15,200. Do you find that morally they are worse than other girls of the same class?—Well, our work began entirely by being preventive work, so that I am not quite able to answer the question; and everybody knew it was quite preventive, so cases of moral deficiency were not much brought before us. We have had applications for them, but not many. One of our homes is for those girls who have had a first fall; but we are very careful not to take any who are vicious or depraved in the least.

15,201. But they belong, do they not, to the girls who would be very likely to fall into the 'unfortunate' class, if there were no one to shield them?—That is just why I wanted to save them; because I know in a few years they would be bringing trouble on themselves and on the community.

15,202. How are you supported?—We want to be supported only by two sources—the payments made for the girls, and the money the girls earn. We don't want to have to get any other money at all. We want that to be sufficient.

15,203. You receive nothing from the poor rates?—No: but the poor law guardians pay for every girl they send us.

15,204. And that is included in the payments made for the girls?—Yes.

15,205. Would you object to having any Government aid, such as the reformatories receive?—Yes, I think we should. We should feel, if there was any Government aid over and above payment made for each particular case, that these homes were a failure. That is my private opinion.

15,206. Will you also tell the Committee how much it costs for each girl?—We have just had nine months of our third year; and, according to the accounts, I gather that our home of 17 girls will cost this year just £400.

15,207. Is everything included in that?—Everything, except new furniture and the general secretary's stamps and printing; but the lady superintendent's stamps and printing, and travelling, &c. are all included in that £400. That is for 17 girls.

15,208. And would you tell us how much the girls contribute to their own support; is it an appreciable sum?—Yes. I hope this year we shall only be about £20 short. I had hoped to be able to say we could make ends meet, but we have had our matrons ill, and have had doctors' bills to pay.

15,209. Can you tell us what industries you have for the employment of the girls?—Well, of course, there's the inevitable laundry-work. We couldn't do without it. But it is not all girls who can go into the wash-house, especially feeble-minded ones, or stand over the ironing-tables. It is only our sharp ones who can iron; so we have tried to invent other things for them to do. We make about 6000 knitted floorcloths in the year, which are sold to institutions, and about 400 church kneelers and hassocks. Then we make about 10 of these in a week, prices, 5s. 6d., 6s., 11s. (producing doormats and bedroom hearthrugs). We make them all sizes and in all colours, and different kinds of wool.

15,210. I understand there are some parts of the work, even of this kind of mats, that you require skilled labour for; that it is only part of the work that can be done by the girls, and part of the expense is that you must have a skilled person to do the finishing off?—That is so; but, of course, that comes out of the expenses. That makes our profits a little less.

15,211. How long will a girl take before she can do this kind of work?—It varies so much. Some of our girls will never be able to do it. I think only half are able to do it: but one of our most feeble-minded ones is being taught to pick out tthe colours, as she has an eye for colour. We try to find out what each girl can do.

15,212. Do you find that the friends of those girls are willing to send them to you, and pay for them?—I must say, that out of the 400 applications I have had, a great many have been refused, because there would be no payment with them. But, seeing we have had applications nearly every day, we can afford to choose what girls we will have, and only take those who will do us the most credit, and do the cause the most good.

15,213. Then, do you think that ultimately those girls will be sufficiently improved to go out in the world and work for themselves, or go back to their friends and live at home?—I think it is just possible that some of the very sharpest may be in the course of two or three years, but not the majority. Our idea is that they will be permanent homes as long as people will pay for the girls.

15,214. Then they are cases that would really, but for your intervention, become chargeable to the poor law guardians?—Not only so; but probably a still heavier charge would come upon the poor law guardians.

15,215. They might drift into the criminal classes, you mean?—Yes, no doubt; and their descendants would be chargeable to the rates on account of imbecility. I think I could not trust our girls, if they were left to themselves. They are not strong-minded enough to keep themselves out of evil.

Miss Agatha Stacey.

30 Jan. 1895.

15,216. Do you find they have any tendency to intemperance?—No; I don't think I do at all. I thought I would try to find out in the case of the 40 girls who have passed through our homes how much the drink had had to do with it. We have had 40 altogether in our homes. 12 have left us. But I find out of the 40, there are only 15 whose parents were unsteady, and 17 had parents who were very respectable.

15,217. Can you tell us what became of the 12 who left?—I have a list here of what became of the 12. We sent 4 away, because we saw signs of depravity; we sent 3 away, because we saw signs of insanity (one of those had been with us a year and a half when it developed); 2 were generally unsuitable; 1 subject to fits; another imbecile; and, in the last, payment was stopped. That was a private case.

15,218. (*By Professor Dove Wilson.*) What payments do the poor law authorities make for the girls?—We charge the same for poor law and for private cases—£13 a year. But if a girl is too feeble-minded to earn her share of the expense—if she can't earn more than a shilling a week—we charge 6s. a week instead of 5s.

15,219. (*By Col. M'Hardy.*) Did you say that very few of these girls you really expect will ever recover?—Very few of them; very few have enough brain power.

15,220. When you started these homes you intended that they would be permanent institutions?—Yes.

15,221. They are all there, of course, with the consent of their people, because they pay?—Yes.

15,222. But have you any idea of how many persons there are afflicted in this way in the country?—I have no idea; but I have been told by medical men that this class is increasing at a higher ratio than the actual lunatics. It is increasing because of our wretched poor law system. I, as a poor law guardian, have known two generations and three generations of illegitimate feeble-minded women and girls.

15,223. Must feeble-mindedness be very marked before you take in a girl?—It must be so marked that no other training home would keep them, and no mistress would keep them in their situation.

15,224. (*By the Chairman.*) What market have you for these mats?—Nothing but our own endeavours. We have not yet put them into any shop, because we have not needed to. We showed them at the Church Congress at Exeter, and through that we have had a good sale.

15,225. Can you sell as many as you can make?—We have since September. We have been quite full of orders since September.

15,226. And this does not come into collision with any one else?—Well I have not seen anything exactly like them.

15,227. You made use of a rather strong expression just now in regard to the poor law system. 'Our 'wretched poor law system,' I think, you said?—Yes. I'm afraid I'm rather hasty in my words sometimes. I ought to be more reticent, being a guardian myself.

15,228. In what respect do you mean the word 'wretched'?—Well, of course, its a social question that we all know must be faced. The poor law allows any one to take their discharge as often as they like; and so these poor feeble-minded women go in and out of the workhouse, and become degraded, and have illegitimate children, who, in their turn, have illegitimate children. If the poor law could say to a woman, who had come in more than once with illegitimate children, 'now you are not fit to have your liberty in the world;' but it can't.

15,229. I suppose the associations of the poorhouse have not at all an elevating effect upon such characters?—No.

15,230. In connection with your poorhouse, have you a casual ward in your parish?—Oh, yes. I suppose all workhouses have casual wards.

15,231. Then, you have female casuals, I suppose?—Oh yes.

15,232. And you, as a leading member of the Board, would naturally look after that? I have occasionally gone in to see them.

15,233. What sort of people are they? Do you think there are many decent women among the casuals?—No; hardly such a thing as a decent woman.

15,234. There must be, I presume, a class of poor women who are unable to pay railway fares, and obliged to walk when they want to migrate in search of work. What becomes of them?—I don't think there are a great many decent women who migrate. There are a few in the summer; hop-pickers and harvesters, who, I would say, were tolerably decent; but, except at those seasons, I don't think there are many in England. I think a decent woman, if she wanted to go to another town, would beg money from friends, or save up, or pawn her best jacket, rather than tramp to another town and go into a casual ward.

15,235. But, if she doesn't happen to have friends or a best jacket? We visited a woman, for instance, who had earned a few pence, and had given the pence in getting her two children food. She had been turned out of her lodgings, and she went along the street crying. Someone suggested that she should go to the police office. We found her locked up in a cell with her children, and provided with a piece of bread, and quite happy—apparently more comfortable than she was wont to be. There was no reason to imagine that there was anything wrong with this woman. She had every appearance of respectability. Her story was, she had been recently deserted by her husband, and, in fact, she was dead beat. There must be women of this sort everywhere, don't you think?—I think there must be a few; but I think its no hardship for those few to find shelter and bread in our casual wards. They would not be hardly treated. I think there must be only a few.

15,236. Are they kept separate from each other?—No; not the women with us. The men have separate cells, not the women.

15,237. The women are all congregated together?—Yes, I think so; but we have so few women in our vagrant wards.

15,238. What task do they have?—The women have no task at all. It is the men who have a task.

15,239. We were told by a witness to-day that the theory was, that every casual must pay for his or her lodging by the performance of some task?—Well, I don't think our women do.

15,240. (*By Dr. Sutherland.*) You might tell us your views regarding the relief of able-bodied men at your workhouse. How do you employ them; and is it necessary for them to enter the workhouse when in temporary distress?—Yes; it is generally necessary for able-bodied men to take an order for the house, and enter the workhouse.

15,241. In that case, he is registered as a pauper?—Yes.

15,242. Have you any other means of employing them without going to the workhouse?—In cases of immediate emergency and distress, the guardians do get special work for them, and pay them so much a day—half in kind and half in money—instead of their going into the workhouse.

15,243. Is that out of consideration for the feelings of the British working man, or is it due to the exigencies of the casual ward that make it necessary?—It is the special distress that makes it necessary. It is only the dissolute, and the casual, and the loafer, who need go into our casual ward at ordinary times.

15,244. But, supposing an honest man in distress came to your Board asking relief, can you say to that man, Well, we will give you work, and you can go to your own home and live, and we will pay so much for your work?—Yes; it is done sometimes. It is done just now, because we have the means of doing it.

15,245. Do you approve of it?—Yes, I do. I wish it could be extended more. I wish Local Boards and Boards of Guardians could be united to give these men public work in this way.

15,246. In other words, in Birmingham, which is abreast of most towns in municipal and parochial

Miss Agatha Stacey.

30 Jan. 1895.

matters, you employ them and relieve them without compelling them to register as paupers, or enter the workhouse?—That is our great desire, if we can do it. We are building a new infirmary, and the field has to be dug up, and we are employing men on that field to take away the turf. We have been telling our relieving officers to send able-bodied men here, and they can go back to their own homes at night. We have made the rate of payment more lenient than ever before, because there is much distress now in Birmingham.

15,247. What accommodation have you got in your workhouse at King's Norton?—For 400 adults and and 160 children.

15,248. Is there enough accommodation?—We mean it to be one of the best in England when we have got our new infirmary.

15,249. How much accommodation have you in your casual ward?—I can't tell you. I should think for about 40. Our vagrants have been increasing in the past year.

15,250. If you dispense with your casual ward as such, would not that afford you accommodation?—How could we dispense with it?

15,251. By the means you have mentioned.—(*Witness.*) Oh, but men are often travelling from one place to another.

15,252. You distinguish between the travelling and the resident?—Our workhouse master can spot at once whether a man is a traveller or a regular vagrant.

15,253. (*By Sir Colin Scott Moncrieff.*) You don't let able-bodied people into the workhouse without putting some test?—No; we have no test.

15,254. But you put some on the treadmill, don't you?—No.

15,255. Oh! that is the case in some poorhouses, is it not?—Yes; some may have it. We have no test. Our only test is destitution.

15,256. But some poorhouses would make a man, as a proof of the sincerity of his poverty, go through a course of the treadmill?—I do not know that they do. Our treadmill, just now, is taking up the stuff in the field; and since we have had a labour-master, and put able-bodied men on it, dozens of the able-bodied men have left, because they would not work.

15,257. (*By the Chairman.*) You are certain about the treadmill?—Yes; but I think that Birmingham has its test house.

15,258. That is true; but any treadmill?—I am not quite sure.

15,259. (*By Sir Colin Scott Moncrieff.*) Do you know how many of the girls in your home are illegitimate?—Yes; much fewer than I expected to find. But then, the reason is, that it is only of these 40 that I can speak. If I could possibly have given you information about all the 400 who have applied to me, it would be much more interesting; but I'm afraid I can't, because, unless they are able to come to us, we don't ask this question. To those who are likely, I send round a paper with questions to be answered, and a medical certificate to be signed. There are only four illegitimate girls. The question, 'are you illegitimate?' is not on the paper; but it is answered by the question whether the parents are respectable. But, out of the forty, there are as many as six whose parentage is perfectly unknown; so that all the six may be illegitimate for what we know. That would be ten out of the forty.

15,260. Do the girls improve intellectually in your hands?—Up to a certain point, very much.

15,261. But you have not had them long?—Only two years and nine months at the longest.

15,262. Don't you expect that, in the course of ten years, there may be intellectual and moral improvement?—I do. There is a very great moral improvement already, and some are intellectually improved already.

15,263. So it is not hopeless to expect that they may get out into life?—No, certainly not; but a girl who can't be taught to use a needle, or to knit, or to do anything but hold a pair of scissors and cut up pieces of stuff in two years, what can you say to that? But she can turn the mangle, and scrub the floor.

15,264. Of these 400, whose names were sent to you, were the greater number the sort of girls you would have received if you had had room for them?—As far as I could judge from the first letter, yes. From most of them I have only received one letter.

15,265. Does your society contemplate building more homes?—Yes, if we have the money; and we would like to encourage other towns to take the matter up.

15,266. Have other towns taken it up?—We were not the first. Painswick was the first; we were second; and the third was Hitchin; fourth, Bristol; and fifth, Liverpool.

15,267. Have they similar institutions?—Very much. I am afraid none of them are so permanent as ours, because I had a letter only the other day from the Liverpool Home, begging us to take a girl from them with whom they had no fault to find, except that she stared vacantly, and showed no signs of improvement. From that, I judge the institution is not for permanent cases.

15,268. (*By Miss Stevenson.*) I suppose you consider that the number of superintendents you have amongst those girls obviates the objection to having so many of them together?—Yes; I do think 17 and 18 is quite the limit. The reason I have stretched it to that is the expense. To have fewer girls would be so much greater expense.

15,269. Because, I have heard it stated by people who have knowledge of the subject, that perhaps the best thing for those weak-minded girls is not to be put only with other girls like themselves, but to be put amongst intelligent, bright girls. What do you think of that?—Several of our girls have already been amongst intelligent, bright girls in other homes, and they could not be kept, because they were so dull.

15,270. Do you know any of this class of girls who have had children? I think you said you had had one or two cases where you had taken in those girls?—In our second home we do take those.

15,271. And what about their children?—We don't have any responsibility for the children.

15,272. Where do the children go?—We have only one case where the child is living, and that is taken charge of by a lady.

15,273. And is the child healthy?—He is the most beautiful boy you could see.

15,274. And mentally?—Yes; quite intelligent.

15,275. (*By Sir Colin Scott Moncrieff.*) Wouldn't it be a good thing for the mother to have that child?—The mother is incapable of taking charge of him.

15,276. Wouldn't it be a civilising thing to have that child in the home?—Oh, it wouldn't do with the other girls.

15,277. (*By Miss Stevenson.*) You mentioned, I think, that you had a number of children in your workhouse?—Yes, 160.

15,278. Do you not board out your children?—No; we have cottage homes.

15,279. Do you count as children in the workhouse those in the cottage homes?—The 160 children are in the cottage homes, and the 400 adults in the workhouse.

15,280. That is the same principle as boarding out, only they are under your supervision?—Yes.

15,281. (*By the Chairman.*) Do the other homes you spoke of in Liverpool, Bristol, and elsewhere, work at the same work as you, or at any variety of work?—They have laundry work. I don't know what else. They don't do this kind of work.

15,282. You spoke of carriage mats. I suppose its the same as those produced?—Yes; but a much larger kind of wool.

15,283. (*By Sir Colin Scott Moncrieff.*) The worth of the work that the girls can't do is not much, is it?—Yes, it is considerable.

15,284. (*By Miss Stevenson.*) You could not trust

Miss Agatha Stacey.

30 Jan. 1895.

Miss Agatha Stacey.

30 Jan. 1895.

them to do the clipping along the top?—No; it could not be done even at the homes by the matrons. It is a particular art.

15,285. How do you get it done?—I hire a lady to do it, and that takes away from the profits.

15,286. How do they wear?—A gentleman in the trade, who saw them at Exeter, said they would wear for four years.

15,287. (*By Professor Dove Wilson.*) Have you ever any trouble with them trying to escape?—No, none at all. Some guardians who were against our work, said they would run away, and it would be no good, it would be no better than having them in the workhouse. But we find they are so perfectly happy that they don't want to run away. We have no difficulty whatever.

15,288. Merely moral suasion and good treatment?—Merely moral suasion and love

Miss Agatha Stacey.

30 Jan. 1895.

FINIS.

LIST OF APPENDICES.

PAGE

A. Memorial of the Convention of Royal Burghs, 505

B. Memorial from Noblemen, Physicians, Lawyers, Clergymen, &c., in Scotland, . . . 507

C. Memorial from Edinburgh to the Marquis of Salisbury and to the Marquis of Lothian, . 509

D. Minute by Colonel M'Hardy, Prison Commissioner, on the Treatment of Criminals, . . 510

E. Letter from Colonel M'Hardy, with Statistics as to percentage of Imprisonments to Population in England, Scotland, and Ireland, . . 512

F. Letter from Colonel M'Hardy, with relative Statements as to Proportion of Prisoners to Population in England and Scotland, . . 513

G. Minute of Lord Advocate Balfour on Appendix F, ... 517

H. Petition *re* Habitual Drunkards presented to Sir George O. Trevelyan, Bart., M.P., in Glasgow, ... 518

I. Memorial of a Representative Conference in Edinburgh to Sir George O. Trevelyan, Bart., M.P., ... 520

J. Memorial by Lord Provost, Magistrates, and Town Council of Aberdeen to Sir George O. Trevelyan, Bart., M.P., ... 520

K. Analysis of Restorative Homes (Scotland) Bill, 521

L. Letter, Notes on Appendix K, and also two articles on proposed Legislation for the Cure and Control of Habitual Drunkards, by Sir Arthur Mitchell, M.D., K.C.B., ... 523

M. Parliamentary History of the question of the Treatment of Inebriates, ... 529

I. Statistical Return by Dr. J. F. Sutherland, showing Apprehensions, &c., and Ratios to Population in the three Countries, . . . 533

II. Diagram illustrative of above, ... 533

III. Statistical Return by Dr. J. F. Sutherland, showing Apprehensions in Scotland, &c., from 1880 to 1893, &c., ... 534

IV. Chart illustrative of above, ... 534

V. Statistical Return by Dr. J. F. Sutherland, showing Apprehensions, &c., from 1880 to 1893, for specific Offences in Cities, Burghs, and Counties, ... 535

VI. Charts illustrative of above, . . . 535

VII. Return of utilised and vacant Poorhouse accommodation, by Dr. J. F. Sutherland, . . 536

VIII. Return by Dr. J. F. Sutherland, showing grouping of 62 Poorhouses, &c. (with map), . 537

IX. Return of Apprehensions and Re-apprehensions, &c., in Counties and Burghs, and percentage of latter to former, ... 538

X. Table prepared by Secretary, from Returns by Chief Constables, as to Apprehensions, &c., Convictions, &c., in 1865, 1875, 1885, and 1893, ... 539

PAGE

XI. Table prepared by Secretary, from Returns by Chief Constables, showing number of Persons apprehended during 1893, five times and upwards, in the Burghs, for specified petty offences, ... 544

XII. Table prepared by Secretary, from Returns by Chief Constables, showing number of Persons apprehended during 1893, five times and upwards in the Counties, for specified petty offences, ... 545

XIII. Statistics as to Commitments to Prison, prepared by Secretary, from information supplied by Governors of Prisons, . . . 546

XIV. Summary of Appendix XIII., prepared by Secretary, ... 548

XV. Table prepared by Secretary, from Returns by Governors of Prisons, showing Prisoners committed four times and upwards during 1893, ... 549

XVI. Table prepared by Secretary, from Returns by Governors of Prisons, showing Prisoners committed six times and upwards during 1893. 550

XVII. Return for 1893 *re* Vagrants and Beggars, prepared by Dr. J. F. Sutherland, . . . 551

XVIII. Return *re* Tinkers and Gipsies, prepared by Secretary (illustrated by three Plates), . 552

XIX. Census of Prisoners found in fourteen Poorhouses, and Paupers found in ten Prisons on 17th Sept. 1894 and 15th Jan. 1895, . . 553

XX. Analysis of Annual Reports of thirteen Homes and Shelters, &c., by Dr. J. F. Sutherland, ... 555

XXI. Notes upon the Present Law affecting the questions remitted by Professor Dove Wilson, 556

XXII. Memorandum by Miss Flora C. Stevenson on the Education of Vagrant and Tinker Children, ... 561

XXIII. Memorandum by Dr. John Sibbald, Commissioner in Lunacy, on the position of Pauper Lunatics in Private Dwellings, &c., . . . 562

XXIV. Letter from Sheriff Guthrie Smith, Commissioner in Lunacy, to Sir Charles Cameron, Bart., M.P., ... 563

XXV. Memorandum on Vagrancy and Drunkenness (*l'ivresse publique*) on the Continent, by Dr. J. F. Sutherland, including a Translation of the Belgian Law of 27th Nov. 1891 on Mendicity, &c., ... 563

XXVI. Extracts from Recommendations of Ontario Prison and Reformatory Commission of 1891, by Dr. J. F. Sutherland, ... 567

XXVII. Notes on Special Asylums for Alcoholic Patients, by Dr. J. F. Sutherland, . . . 568

XXVIII. Extract from Memorandum by Rev. A. J. B. Baxter as to *suspended Sentences*, &c., . 568

XXIX. Memorandum by Dr. J. F. Sutherland on the Irish Intermediate Prison System, . . 568

PAGE

XXX. Memorandum relative to Evidence of Mr. R. P. Lamond, ... 569

XXXI. Memorandum by Dr. J. F. Sutherland as to Methods by which Lunatics are disposed of in Scotland, ... 570

XXXII. Report of Sub-Committee of Association for Improving the Condition of the People, Glasgow, on Petty Offenders and Vagrants, . 571

XXXIII. Habitual Offenders (Scotland) Bill, 1866, by Lord Rossie, ... 572

XXXIV. Letter from Hon. Secretary of Society for Prevention of Cruelty to Children, Edinburgh, to Sir Charles Cameron, Bart., M.P., . . 572

XXXV. Memorandum by Mr. Malcolm M'Neill on the Custody and Boarding-out of Pauper Children, ... 573

XXXVI. Extracts from Poor-Law Reports, by Mr. G. Falconar Stewart, ... 573

XXXVII. Memorandum on the Employment of Women, by Professor R. P. Wright, F.H.A.S., 574

XXXVIII. Letter *re* Vagrants, &c., from Lieut.-Col. Borthwick to Sir Charles Cameron, Bart., M.P., ... 575

XXXIX. Letter, &c., *re* Vagrancy, from Captain Hardy M'Hardy, R.N., to Police Committee of Ayr County, ... 575

XL. Letter, *re* Vagrancy, &c., from Chief Constable M'Hardy of Dumbartonshire to Sir Charles Cameron, Bart., M.P., ... 577

XLA. Letter from Mr J. Maxtone Grahame, Convener of Perthshire Committee on Tinkers, to Sir G. O. Trevelyan, Bart., M.P., . . 577

XLB. Extract from Minutes of Barony Board forwarded to Sir Charles Cameron, Bart., M.P., ... 577

XLI. Letter by Mrs. A. A. Fergusson *re* Shelter for Women, ... 577

XLII. Resolution of Lady Visitors of Glasgow Prison, ... 578

XLIII. Memorandum by Mr. F. P. Walton, Secretary to Lord Advocate, as to responsibility of Publicans, &c., ... 578

XLIV. Memorandum and Returns by the Governor of Dundee Prison *re* Prison History of Males educated in Reformatory and Industrial Schools, ... 578

XLV. Memorandum by Governor of Greenock Prison *re* Prison History of Males and Females educated in Reformatory and Industrial Schools, ... 584

XLVI. Memorandum handed in by Chief Constable Porter, ... 584

a. Tramps admitted to Jedburgh and Kelso Shelters, ... 584

b. Return of Persons in Prisons for Drunkenness, &c., ... 585

c. Non-resident Habitual Offenders in Roxburgh, Selkirk, and Berwick, . 585

d. Tramps and Vagrants checked in Roxburgh and Berwick, ... 585

e. Five Years' Return of Tramps and Vagrants furnished by the Police with Shelter Tickets, ... 585

XLVII. Regulation for the Punishment by Whipping of Male Juvenile Offenders, . . 586

XLVIII. Return by Mr. Wm. Donaldson of Juveniles whipped from 1881 to 1893, . 586

XLVIIIA. Proportion of Prisoners, without Scottish Settlement by Mr. Wm. Donaldson, 586

XLIX. Particulars of Offences of six male Habituals in Glasgow Prison, ... 587

L. Tables handed in by Miss Miller, Matron, Glasgow Prison, ... 587

PAGE

LI. Analysis of the Offences (1893) of 238 Glasgow Female Habitual Offenders, and percentages, ... 589

LII. Analysis of Offences (1893) of 79 Dundee Female Habituals, ... 592

LIII. Analysis of Offences (1893) of Edinburgh Habituals—46 Males and 138 Females, . 593

LIIIA. Amount of Money paid for Liberation of Prisoners in eight Prisons, . . . 594

LIV. Table showing Accommodation for Casual Sick Poor, ... 595

LV. Prison Commitments and Re-commitments from 1864 to 1893, ... 596

LVI. Number of Juveniles under twelve sent to Prison and Police Cells in 1883, 1888, and 1893, ... 596

LVII. Average duration of Confinement in Scottish Prisons, 1864–93 (Donaldson), . . 597

LVIII. Return of Prisoners under sixteen years of age on 18th Dec. 1894, and their state of Education, ... 597

LIX. Cost of Prisoners with four Commitments and upwards during 1893, ... 598

LX. Return showing percentage of Persons in Dundee intoxicated when apprehended, . 599

LXI. Elmira Reformatory, New York State—Charges against the Management—Decision of the State Governor—Majority and Minority Reports of Commission of Inquiry, . . 599

LXII. Report of Wick School Board *re* Tinkers, . 606

LXIII. Mr. David M'Laren's Tables, comparing Prison Statistics of 1860–63 with those of 1891–93, ... 608

LXIV. Number of Persons in Cities and Burghs convicted from 10 to 20 times, ... 610

LXV. Number of persons in Counties convicted from 10 to 20 times, ... 611

LXVA. Number of Prisoners committed from 10 to 20 times, ... 612

LXVI. Return of Recidivists in Scotland as at 31st March 1893, by Dr. J. F. Sutherland, . . 613

LXVII. Return of Persons in the Burghs convicted three, four, and five times and upwards of the five specified Offences during twelve Calendar Months, ... 614

LXVIII. Return of Persons in the Counties convicted three, four, and five times and upwards of the five specified Offences during twelve Calendar Months, ... 615

LXIX. Return by Chief Constable Dewar of Dundee, covering a Period of 50 Years, with Remarks, ... 616

LXX. Summary of Inebriety Laws in Switzerland, by Dr. J. F. Sutherland, ... 617

LXXI. Memorandum on Laws and Institutions for dealing with Crime, Vagrancy, and Inebriety in the United States and the Colonies, by Dr J. F. Sutherland, ... 619

LXXII. Partick Burgh Police Return for 10 years, 623

LXXIII. Prisoners in Confinement on 28th March 1895 in Default of Payment of Fines, . . . 623

LXXIV. Imprisonments and Sentences for Importuning during 1894, ... 623

LXXV. Reformatory and Industrial School Statistics 624

(*a*) Discharges from Reformatory and Industrial Schools (Scotland), 1855–1893 624

(*b*) Estimate of Number who would be alive in 1895 of those dismissed from 1855 to 1893, ... 624

PAGE

(*c*) Number of Reformatory and Industrial School Pupils re-convicted during 1894, ... 624

LXXVI. Number of Industrial and Reformatory School Pupils in Prison during 1894, and the number of times since leaving School, . . 625

LXXVII. History of 25 Habituals in Greenock Prison on 20th December 1894, . . 627

LXXVIII. Enforcement in England of the Licensing Laws against Publicans, . . 627

LXXIX. Population Statistics and Registration of Births of Gipsy Children, by Mr Stair Agnew, Registrar-General, ... 628

LXXX. Novel Proposal of Governor Napier of Greenock as to Fines and Imprisonment, and Experiment, ... 628

LXXXI. Return by Chief Constable of Glasgow *re* Drunkenness, from 1865 to 1876, . . 630

LXXXII. Memorandum by Mr C. S. Loch on Vagrancy, ... 631

LXXXIII. Glasgow Unemployed Relief Fund of 1892, ... 632

LXXXIV. Estimated Profits of Industries carried on in Wakefield Prison, ... 633

LXXXV. Return of Prisoners imprisoned three, four, and five times and upwards during twelve Calendar Months, ... 634

PAGE

LXXXVI. Return showing money in possession of 196 Females and 75 Males admitted to Glasgow Prison during week ended March 30 1895, ... 635

LXXXVII. Return showing money in possession of 209 prisoners in Barlinnie Prison, . . 637

LXXXVIII. On the Criminal Procedure (Scotland) Act, 1887—Opinions of Mr J. B. Balfour, and observations by Chief-Constable Dewar, ... 639

LXXXIX. List of Male and Female Prisoners under 16 imprisoned during January 1895, . 641

XC. Extracts from Report of Glasgow Unemployed Relief Fund for 1895, . . . 642

XCI. Amount of Money from Fines and Pledges paid into the Police Exchequers of 11 Burghs during 1893, ... 643

XCII. Liberation of Prisoners at Barlinnie with monies in their possession, supplemented from Special Fund, ... 643

XCIIA. Estimated Saving on Prison Vote by withdrawal of 560 Prisoners (Donaldson), . . 644

XCIIB. Massachusetts, Laws of, 1891, *re* the Probation System and the Prevention of Drunkenness, ... 644

XCIII. Return of Police Burghs in Scotland, showing year when Police Courts were first held and when Police Acts were adopted, . 644

APPENDIX A.

MEMORIAL OF THE CONVENTION OF ROYAL AND PARLIAMENTARY BURGHS, 1887.

The Senior Commissioner for Edinburgh, Bailie Walcot, in the Convention, on 5th April 1887, moved:—

"That in view of the unsatisfactory results at present realised by the "method of dealing with habitual offenders in our Police Courts, this "Convention would earnestly memorialise Her Majesty's Government, "and petition Parliament to make such alterations in existing laws as "shall substitute for the present system some effectual method of "reformatory treatment."

He said—One of the most familiar and painful facts identified with our Police Courts is the frequent reappearance and recommitment of the same persons. They come and they go, they go and they come, and the lives of some of them are made up of successive changes from their old haunts to the Police Court and the prison. Last year more than half the offenders in the Dundee Court had been previously convicted. By 651 persons 1728 convictions were represented, and 182 of the 651 had been previously convicted from 20 to 190 times. Of the 41,300 apprehended last year in Glasgow, the Chief-Constable is careful to remind us, that in that number the same individuals frequently figure. In Edinburgh the average number during the last six years taken into custody more than once *each year* is about 1500, and represents 5000 arrests. The average number during the same period taken into custody more than seven times each year is about 70, and represents 800 arrests. In Aberdeen, last year, 252 persons represented 602 convictions. In Leeds, last year, 1819 persons represented at least 6000 arrests. In Manchester, last year, of those arrested for drunkenness, 233 had previously been in custody over 20 times. In Belfast we have the same sad story. In 1877, 10 prisoners in the Belfast jail had recorded against them 1636 convictions; and in 1875 there were in the Irish prisons 1065 prisoners who had been convicted more than 20 times, and who represented 50,000 convictions. These facts are but a sample of what may be obtained from the records of other Police Courts, and prove to us that the evil of frequent recommitments exists to an alarming extent; they reveal much police labour which ought not to be necessary, much irritation which ought not to exist, and much fearful mischief which ought to be prevented. These statements demand serious consideration and decisive action. I do not envy the man who can fairly look them in the face without anxiety and grief. Some change in the mode of dealing with frequent offenders has become absolutely necessary for the good of the community and of the offender.

Many *causes* contribute their influence to bring about the sad results we are now considering, but amongst these causes our present mode of treatment must be included. Hereditary tendencies, vicious environments, depraved indulgence, a tensionless will, loss of self-respect, the unlawful use of alcoholic drink, and the abounding facilities for obtaining it, are causes which no one can overlook or neglect; this is especially true of drink and the drink traffic; but after giving to each of these their due proportion of influence, there remains a considerable amount which must, I think, be ascribed to defective treatment in our Police Courts. The sentences passed vary from five to thirty days, according to the discretion of the magistrate, or according as he favours or disfavours the principle of cumulative punishment. The full penalty of sixty days is seldom inflicted, however the offence may be aggravated by repetition. As a necessary result of this action, uncertainty and inequality characterise the expected sentence. It has in it so much of the haphazard that we recently read the words of an old offender without surprise—"There is a "certain gambling kind of excitement in waiting for the throw of the judicial dice, "which may be either six or sixty days." If the dreariness of the police cell is sometimes relieved by excitement of this kind, no one will begrudge the prisoner his excitement, however deeply he may deplore the existence of the cause. Under this see-saw system of short sentences our habitual offenders become familiar with prison life, and lose the wholesome sense of disgrace which they possessed in their first experiences of it. To some it becomes a convenient place of resort, of which, by a little strategy, they can avail themselves for a time, and where they may secure shelter, food, and attendance without cost or labour. Dr. Moore of Belfast tells of one who, when reproached by an official for her groundless complaint, indignantly replied, "What would you and the likes of you do if it were not for me and the "likes of me?" Punishment is inflicted not for its own sake, but for the good of

the community and of the offender. By it we strive to prevent the repetition of evil, and to reform the evildoer, and yet by our system of oft-repeated short sentences punishment practically ceases to be punishment, and altogether fails to exert either a preventive or a reformative influence. This failure is indeed to be deplored, for it destroys respect for the administration of law, and works an amount of mischief which it is difficult to estimate. It would be far better to release from the police cell when sober, than to persist in our present course. The question of remedy is undoubtedly beset with difficulties, but not, we think, of such a character that they may not be overcome. Probably in the initial stages it would be found in the adoption of cumulative sentences, that is, sentences in length proportioned to the number of convictions. Many of our chief-constables, and many of the best friends of the offenders, plead for this in the interest of the offender as well as of the community. There is, I think, reason and justice in this proposal. A heavy sentence for a trivial offence has seemed to many of us an incongruous thing, but if five days be reasonable for a person who has offended 200 times, and persistently disregarded its lessons, how can it be reasonable for one who comes only for the fifth time? If the severer sentence will benefit and the lighter one not do so, wisdom and mercy dictate that it should be given. In our criminal courts it is with more or less consistency acted on. It is practically involved in the limitation of the Police Court jurisdiction to two trials for theft or assault, offenders being after that remitted either to the Sheriff or Burgh Court, where generally the sentence is heavier in consideration of previous convictions. In the New Police Bill, section 415, the principle is so far embodied that it may be charged as an aggravation of the offence of being drunk and incapable, if the accused has been convicted four times previously within twelve months. If because of four times the sentence may be more severe, why not severer still if the number reach twelve, and if in previous years the number has to be counted by hundreds? The late Sheriff Hallard, in criticising a bill on this question submitted to him, suggested that Police Magistrates and Sheriffs should in all cases have power to inflict penalties up to six months' hard labour without a jury.

No change in law, however, would meet present requirements which did not provide for some treatment distinctly of a reformatory character. Habitual offenders should be treated as subjects of a moral malady, and sent to some place of confinement where skill, and kindness, and patience shall be exercised to effect a cure. Our infirmaries and hospitals may suggest much. Broken limbs cannot be made whole, fevers and their effects cannot be conquered "without care and time," and to dismiss before the cure is wrought would be as foolish as it would be dangerous. It is this folly and danger we are chargeable with in our treatment of deeper woes, and which we plead may be speedily abandoned. This subject has been discussed for many years. In 1864 the Prison Board of Perth dealt with it, and appealed to other prison boards for co-operation. The Edinburgh Prison Board of Education gave an earnest response to this appeal in an exhaustive and valuable report. In 1866 Lord Rossie (the Earl of Kinnaird) endeavoured to deal with it in a bill. In 1877 it excited much interest in Belfast, and Dr. Moore, the prison surgeon, dealt with it in a pamphlet full of facts and valuable suggestions. In 1883 Mr. D. M'Laren, formerly of Redfern, drew up a memorandum on this subject, which was brought under the notice of the Lord Advocate Balfour. In 1884, writing in reference to this memorandum, Provost Moncur declared his conviction that the importance of the subject was not yet realised by our legislators, and that it must be pressed upon them till some action is taken. In the police reports published for several years past our chief constables have given this subject a prominent position, and earnestly pressed the necessity of dealing with it. It is because, I believe, this demand is well founded and continually increasing that I have ventured to propose the resolution I have read, and ask your adoption of it.

The resolution was unanimously adopted.

APPENDIX B.

MEMORIAL FROM NOBLEMEN, PHYSICIANS, LAWYERS, CLERGYMEN AND OTHERS RESIDENT IN EDINBURGH, GLASGOW, ABERDEEN, DUNDEE AND ALLOA, TO THE MARQUIS OF LOTHIAN, *Secretary for Scotland*, IN SUPPORT OF PROPOSED RESTORATIVE HOMES (SCOTLAND) BILL.

EDINBURGH, *January* 1888.

MY LORD,

It will be in your recollection that, in June 1887, you did a Deputation the honour of receiving them in your office in Edinburgh, that they might bring under your notice a Draft Bill bearing the title of The Restorative Homes (Scotland) Bill, the object of which was to make provision for the due restraint of Habitual Drunkards, with a view to their reclamation.

The Deputation at the above time, considering the state of business in Parliament, did not expect that anything could then be done in the way of legislation on this subject. Now, however, we again approach your Lordship regarding it, when a new Session of Parliament is about to commence, and when there is a general hope and expectation that some social questions—of which assuredly the management of Habitual Drunkards is not the smallest in importance—may receive attention from the Legislature.

We beg therefore respectfully to request that your Lordship will again bestow your attention on the proposed measure, and that you will take such steps as to your wisdom may appear proper for bringing the subject under the attention of the Cabinet, with a view to obtaining that amount of Government support which is necessary for securing the object contemplated by the Restorative Homes Bill.

We have the honour to be,

Your Lordship's obedient Servants,

R. PEEL RITCHIE, M.D., President Royal Coll. Physicians.
DOUGLAS MACLAGAN, Knt., M.D., Vice-Pres. Royal Coll. Physicians.
GEORGE W. BALFOUR, M.D., F.R.C.P.E., LL.D.
A. PEDDIE, M.D., F.R.C.P.E., &c.
P. A. YOUNG, M.D., Treasurer, R.C.P.E.
JOHN BATTY TUKE, M.D., F.R.C.P.E.
J. O. AFFLECK, M.D., F.R.C.P.E.
A. R. SIMPSON, M.D., F.R.C.P.E.
T. S. CLOUSTON, M.D., F.R.C.P.E., Phys. Supt. Royal Edin. Asylum.
G. A. GIBSON, M.D., Sec. R.C.P. Edin.
G. PATERSON, M.D., F.R.C.P. Ed.
JOHN WYLLIE, M.D., F.R.C.P. Ed.
BYROM BRAMWELL, M.D., F.R.C.P. Ed.
JAMES RITCHIE, F.R.C.P. Ed.
CHRIS. DOUGLAS, W.S., J.P.
ALEX. HOWE, W.S., J.P.
D. ARGYLL ROBERTSON, M.D., Vice-Pres. R.C.S.E.
JOHN MOIR, M.D., F.R.C.P. Ed.
T. GRAINGER STEWART, M.D., F.R.C.P.E.
W. MACKINTOSH, Dean of Faculty.
CHAS. B. LOGAN, D.K.S.
J. B. BALFOUR, Q.C., M.P.
A. ASHER, Q.C., M.P.
JAS. B. SUTHERLAND, President S.S.C. Society.
JAS. AULDJO JAMIESON, W.S.
CHARLES J. GUTHRIE, Advocate.
H. J. MONCRIEFF, Sheriff of Renfrew and Bute.
W. E. GLOAG, Sheriff of Perth.
H. W. CORNILLON, Vice-President S.S.C. Society.
T. D. BRODIE, W.S.
JOHN COMRIE THOMSON, Sheriff of Forfarshire.
C. J. PEARSON, Knt., Sheriff of Chancery.
JOHN DUNCAN, M.A., M.D.
CHARLES MORTON, W.S., J.P.
S. MOORE, M.D., F.F.P.S.G.
P. A. SIMPSON, M.A., M.D., Regius Professor of Forensic Medicine, Glasgow University.
JOHN GLAISTER, M.D., L.R.C.S. Ed., Lecturer on Medical Jurisprudence, Glasgow Royal Infirmary School of Medicine.
ALEX. ROBERTSON, M.D., F.F.P.S.G., Physician City Parochial Asylum.
EBEN. DUNCAN, M.D., F.F.P.S.G., Professor of Medical Jurisprudence Anderson's College Medical School.

J. D. MACLAREN, M.D., F.F.P.S.G.
W. T. GAIRDNER, M.D., LL.D., Professor of Medicine in the University of Glasgow.
GEO. H. B. MACLEOD, Knt., M.D., Regius Professor of Surgery, University of Glasgow.
JAMES MORTON, M.D., President of the Faculty of Physicians and Surgeons of Glasgow.
JOHN BURNS, F.F.P.S. Glasgow.
HECTOR C. CAMERON, M.D.
JAMES DUNLOP, M.D., Professor of Surgery, Anderson's College.
SAMSON GEMMELL, M.D., Professor of Medicine, Anderson's College, Glasgow.
JOHN MOYES, M.D., Largs.
J. WALLACE ANDERSON, M.D.
A. PATTERSON, M.D., F.R.C.S. Edin.
WILLIAM LEISHMAN, M.D., Regius Professor of Midwifery in the University of Glasgow.
ALEX. B. M'GRIGOR, LL.D., Member of the Faculty of Procurators, Glasgow.
JAMES ROBERTON, LL.D., Professor of Conveyancing in the University of Glasgow.
D. YELLOWLEES, M.D., Phys. Supt., Glasgow Royal Asylum.
MARK BANNATYNE, Solicitor, Glasgow.
T. M'CALL ANDERSON, M.D., Professor of Clinical Medicine, University of Glasgow.
WALTER C. SPENS, Advocate, Sheriff-Substitute of Lanarkshire.
THOMAS R. RONALDSON, M.B., F.R.C.P. Ed.

ABERDEEN, *February* 1888.

We cordially concur in the foregoing letter, to be submitted to the Secretary of State for Scotland:—

L. M'KINNON, Advocate, Aberdeen.
ALEX. PROFEIT, Commissioner to the Queen, Balmoral.
J. W. F. SMITH-SHAND, M.D.
ANGUS FRASER, M.D.
P. BLAIKIE SMITH, M.D.
ROBERT JOHN GARDEN, M.D., C.M.
JOHN GORDON, M.D., C.M.
WM. STEPHENSON, M.D.
JOHN MACK, M.D.
A. MACGREGOR, M.D.
J. DOVE WILSON, LL.D., Sheriff-Substitute of Aberdeen, &c.
ALEX. EDMONDS, President of Society of Advocates in Aberdeen.
ALEX. SIMPSON, Advocate in Aberdeen, Treasurer of the Society.
J. MURRAY GARDEN, Advocate, Aberdeen.
PAT. H. CHALMERS, Advocate, Aberdeen.
JOHN D. MILNE, LL.D., Advocate, Aberdeen.
AND. MURRAY, Advocate in Aberdeen.
GEORGE GRUB, LL.D., Professor of Law, University, Aberdeen.
JOHN WEBSTER, LL.D.
GEO. CADENHEAD, Advocate, Aberdeen.
JAMES MATTHEWS, late Lord Provost of Aberdeen.
A. SMART, J.P., and D.L., Laithar, Turriff.

DUNDEE, 12*th March* 1888.

We cordially concur in the prefixed letter and in the recommendations contained in it:—

A. H. MONCUR, Ex-Provost of Dundee, and Chairman of the School Board of Dundee, and J.P.
D. B. CAMERON, M.A., Minister of Rosebank Parish, Dundee.
P. STEVEN, F.R.C.S.E., Dundee.
DAVID GREIG, M.D.
J. W. MILLER, M.D.
A. M. ANDERSON, M.D.
T. S. GRAY, M.D.
T. F. M'FARLANE, M.B.
WILLIAM DOIG, Magistrate of Dundee.
WILLIAM HAMILTON, Minister of Trinity Church, Dundee.
PETER GRANT, D.D., Minister of St John's, Dundee.
D. M. ROSS, Minister of St John's Free Church, Dundee.
JOHN W. SHEPHERD, Member of School Board of Dundee.

ALLOA, 1888.

We cordially concur in the foregoing:—

MAR AND KELLIE, J.P.
A. MITCHELL, J.P.
J. F. THOMSON, J.P.
JAMES KIRK, J.P.
ALEXANDER MITCHELL, J.P.
BALFOUR OF BURLEIGH, J.P.
A. MOIR, J.P.

APPENDIX C.

MEMORIAL FORWARDED TO THE MARQUIS OF SALISBURY, K.G., AND A COPY OF SAME TO THE MARQUIS OF LOTHIAN.

HABITUAL CRIMINALS, VAGRANTS, BEGGARS, AND INEBRIATES

Unto the Most Honourable The Marquis of SALISBURY, K.G., Prime Minister of the United Kingdom of Great Britain and Ireland. The Memorial of the Committee appointed at a Public Meeting of Citizens in Edinburgh held on the 5th day of June 1891.

Humbly showeth—

That at said meeting the following resolutions were unanimously adopted, viz. :—

1. That this Meeting deplores the existence of so large a number of habitual criminals, vagrants, beggars, and inebriates in Scotland, the nature and extent of the evils which they cause, and desires emphatically to express its sense of the need for more effective legislative means in dealing with them, for their own good and in the interests of Society.
2. That this Meeting approves of the following resolution unanimously adopted at a private conference on the subject, and resolves to take such steps as may be necessary to give effect to it. "Inasmuch as the habitually criminal, vagrant, begging, and inebriate classes have become a source of danger and expense to the community, and the present powers possessed by the Magistrates, and the means hitherto employed have proved inadequate to their reclamation, this meeting is of opinion that additional Parliamentary powers are necessary for dealing effectively with them and their children, that they may be prevented from corrupting and oppressing the community.

   These powers should embrace (*a*) Power to place and detain the classes referred to in rural reformatories, at some distance from their present haunts and surroundings, where labour would be provided, and means used for their reclamation. (*b*) Power to take charge of the children of these classes with a view to save them from vicious and criminal habits, and to fit them for the industries of life, the parents to be obliged to contribute as far as possible towards their support. These ends may be reached either by the amending of the present Acts of Parliament or the passing of new ones."
3. That the following be a Committee to wait on the Lord Advocate and the Secretary for Scotland, and lay the resolutions of the meeting before them and thereafter watch over the whole matter, with a view of securing the necessary legislation, viz. :—

(Here follow the names of Committee.)

That your Memorialists as empowered by the third resolution communicated with the Secretary for Scotland and the Lord Advocate and transmitted to them copies of the resolutions.

That at an interview between the Lord Advocate and the Convener and Honorary Secretary of the Committee of Citizens the objects your Memorialists have in view were discussed and explained, and his Lordship signified his sympathy therewith.

That in the opinion of your Memorialists the time has now come when in the public interest immediate action must be taken on the lines indicated in the second resolution, and with this in view your Memorialists would respectfully submit that the importance of the subject demands the intervention of Her Majesty's Government. At present under existing statutory powers no proceedings can be instituted, nor can any remedy of a permanent character be applied to deal effectively with the question. To ensure that the Government and the country shall be put in possession of the whole facts your Memorialists would respectfully but strongly urge that a Royal Commission should be appointed to inquire into the whole subject and report.

Signed in name and by appointment of the Committee at Edinburgh this 31st day of May 1892.

(Signed) J. A. RUSSELL,
Lord Provost.

A Copy of foregoing Memorial was forwarded to the Most Hon. the Marquis of Lothian, Secretary for Scotland, by the Rev. Robert Henderson, M.A., the Honorary Secretary, requesting for it his Lordship's careful consideration.

1 Ventnor Terrace,
Edinburgh, *3rd June* 1892.

My Lord Marquis,

At a Public Meeting of Citizens in Edinburgh, held in the City Chambers, Lord Provost Boyd in the chair, on the 5th of June 1891, to consider "How best to deal with Habitual Criminals, Vagrants, Beggars and Inebriates" in the interests of Society and with a view to their reclamation, the accompanying resolutions were unanimously adopted.

In accordance with resolution 3, the Committee appointed communicated with the Secretary for Scotland and Lord Advocate Robertson, enclosing copies of the resolutions and requesting an interview. Their communications were acknowledged.

In January last, the Honorary Secretary had an interview on behalf of the Committee with the Lord Advocate, Sir Charles Pearson, who expressed his sympathy with the objects in view, and advised that a question of such importance should be well considered by the country before legislation was attempted.

The Committee since that time has had the matter before them and come to the conclusion that the only satisfactory way of getting at the facts of the case, so as to secure intelligent public discussion and wise legislation, is the appointment of a Royal Commission to inquire into the whole subject and report.

The accompanying Memorial on the subject having been adopted, I now forward a copy of it to your Lordship, assured that you are in sympathy with its objects and will give it your careful consideration.

The Committee are hopeful of a favourable issue to their Memorial. They have reason to believe that all parties in the State are increasingly looking for relief from the present unhappy state of things among this class of the community in the direction indicated.

I am,
My Lord Marquis,
Your Obedient Servant,

ROBERT HENDERSON,
Honorary Secretary.

The Most Honourable
The Marquis of Lothian, K.T.
Secretary for Scotland.

APPENDIX D.

MINUTE by COLONEL M'HARDY, R.E., *Prison Commissioner*, on THE TREATMENT of CRIMINALS.

I think this is the most important question of the day in connection with treatment of criminals in Scotland.

The facts are very clearly set out by the papers in——

There exists in the country a considerable number of people who frequently reappear at the Police Courts charged with minor crimes, especially those of drunkenness, breaches of the peace, &c., and who, under the existing law, are dealt with by frequently repeated short sentences of imprisonment, which evidently fail in producing any deterrent effect.

These persons cause—

1st. Immense trouble to Magistrates, Police and Prison Officials.

2nd. Considerable disturbance in the poorer districts of Cities and Towns; and

3rd. Largely prevent the improvement in the social state which is the great endeavour of modern government.

The need for dealing in some way with the matter is the more pressing because it is found that while crimes of more serious character are either stationary or on the decline, offences of the kind above described are increasing. One fact may suffice as to this point: the increase in apprehensions and citations in Scotland within the last twenty years has been 18,000. So entirely is this due to minor offences, that had it not been for the increase in petty assaults, &c., there would have been a decrease in the apprehensions and citations of 2000.

It is no doubt satisfactory that the increase is not in the serious crimes, but that does not remove the necessity for, in some way, trying to check the number of petty offences, which are on the increase.

(A paper cutting from *The Scotsman* is annexed, and shows in some detail the actual facts of the case.)

The trouble caused in the neighbourhood of the abode of the habitual offender, and the increased duty thrown on the Police, are well set out in the minutes of the Chief-Constables of Edinburgh and Dundee in—, both of these officials being as good authorities as could be obtained on the subject.

The work imposed on the Governors of Prisons and their officers by the coming and going of Habitual Offenders, can be readily testified to by every officer of position in the Prison Department.

Assuming, then, that the facts are admitted, the question arises as to how a new departure in dealing with the class referred to should be carried out.

The various methods suggested are as follows:—

(*a*) Adult Reformatories.
(*b*) Utilisation of special wards in Poorhouses.
(*c*) Boarding-out or dispersion.
(*d*) Increase in the length of sentence on re-conviction.
(*e*) Amendment in the law for committing to Reformatories.

When such variety of view exists, it appears desirable that all the facts should be examined by some Committee or Commission to determine which is best.

My own opinion is that, with the exception of Adult Reformatories, all the other methods might with advantage be used, and full discretion left in the hands of the Magistrate.

(*a*) As regards Adult Reformatories, the country would certainly hesitate at this time of day, when it is quite common to see benevolent residential institutions broken up, to incur a large outlay in new buildings, managed by expensive staffs.

Besides, I think we are justified in doubting if the result would be satisfactory. Perth Penitentiary was created in 1842, to a great extent on the lines of an Adult Reformatory, but the experience derived was certainly not encouraging. It may be said that there would be more association and freedom in these proposed Adult Reformatories than there was at Perth; but, if this were so, it would not be expected that these offenders would learn from each other much good by intercourse with each other, and probably a good deal of harm might thereby be done.

The failure of the "intermediate" system as worked out at Lusk, in Ireland, is also fresh in the minds of those acquainted with treatment of criminals.

(*b*) Captain Monro proposes to consign habitual offenders to special wards of poorhouses, while the late Lord Advocate quite disapproves of such a suggestion. Nevertheless, there are a great many individuals who spend, more or less, all their lives either in the prison or poorhouse, going to the latter when not "able-bodied," and leaving it when they think they are able-bodied. Of these persons there are certainly some who might, with great advantage to the community, be detained by the Poorhouse Authorities as not able-bodied, if the necessary power existed, and I believe these authorities would readily use such power. I would therefore let a recommendation be laid before a Magistrate, who would be able to issue an order for detention in a poorhouse.

(*c*) For many habitual offenders a treatment similar to that of paupers and lunatics who are boarded out would be wise and economical. The individual would, under this plan, be placed under the care of selected common-sense people, with a conditional liberty similar to that granted to convicts at present. In this way an opportunity would be given for reformation to go on under the ordinary conditions of life, a condition which appears very necessary, if permanent good is to be done. Such dispersed offenders might be protected in their district, where they were known, by making it penal to supply them with drink, in the same way as the police are protected at present.

(*d*) For those who were not found amenable to the treatment just described, or totally unfit for it, the prison with a prolonged sentence would remain, and would, in some of the worst cases, provide adequate deterrent effect within the range of two years' imprisonment.

With regard to any new method of reformation proposed, it would be a necessity for its success, to take care that no additional burden was laid on the local rates, as the charges might not be fairly cast on the particular town selected by the habitual offender as a residence.

Also, behind any reformatory treatment, a well-organised system of migration or emigration should be developed for the settlement of such offenders as gave satistactory proof that they had really entered on a better life.

(Signed) A. B. M'HARDY.

3rd December 1889.

APPENDIX E.

LETTER FROM COLONEL M'HARDY, R.E., WITH STATISTICS AS TO PERCENTAGE OF IMPRISONMENTS TO POPULATION IN ENGLAND, SCOTLAND, AND IRELAND RESPECTIVELY.

143 PRINCES STREET,
EDINBURGH, 1*st December* 1893.

SIR,

With reference to your letter (S. 8570/1), dated 9th September 1893, on the subject of the number of imprisonments in Scotland, I have the honour herewith to forward figures taken from the Returns published this year, showing the number of cases dealt with by the Police, and the percentage of imprisonments to population in Scotland, England, and Ireland; also the numbers of cases of disorderly conduct, and drunkenness, both actual and relative, to population in the three countries.

The figures speak for themselves, and show the excessive number of imprisonments which are inflicted in Scotland in comparision with England, and even Ireland. There can be little doubt that the governing factor in the Scottish Returns is the enormous number of imprisonments due to disorderly conduct and drunkenness. It will be seen that for these offences, 33,147 were last year imprisoned in Scotland. In Ireland the total number of commitments for every sort of crime and offence was just about the same figure, viz., 36,253.

These facts may be of use to the Secretary for Scotland in dealing with the movement now on foot for treating habitual offenders in some way other than by imprisonment.

I have the honour to be,

Sir,

Your Most Obedient Servant,

A. B. M'HARDY.

The Under Secretary for Scotland.

	SCOTLAND.	ENGLAND.	IRELAND.
POPULATION IN 1891, .	3,966,483	29,002,525	4,704,750
Persons apprehended or dealt with:—			
Summarily, . . .	148,782	711,243	226,063
On indictment, . . .	2,405	18,269	2,742
Total, .	151,187*	729,512†	228,805*
Number charged with— Drunkenness, Breach of the Peace, and Petty Assault,	103,130*	253,764†	118,756*
Receptions into Prisons:—			
Total during Year, . .	48,683*	162,224‡	36,253‡
For Drunkenness, Breach of the Peace, and Petty Assault,	33,147*	Not reported.	Not reported.
	per 1000	per 1000	per 1000
The Proportion to Population stands thus:—			
Apprehensions, &c., . .	38·1	25·2	48·6
Number charged with— Drunkenness, Breach of the Peace, and Petty Assault,	26·0	8·7	25·2
Imprisonments, . .	12·3	5·6	7·7

A. B. M'HARDY.

* Year ended 31st December 1892.
† Year ended 19th September 1892.
‡ Year ended 31st March 1893.

APPENDIX F.

LETTER FROM COLONEL M'HARDY, R.E., WITH RELATIVE STATEMENTS AS TO PROPORTION OF PRISONERS TO POPULATION IN ENGLAND AND SCOTLAND RESPECTIVELY.

EDINBURGH, *7th January* 1892.

SIR,

I have the honour to submit, for the information of the Secretary for Scotland, the following facts in connection with Punishment by Imprisonment in Scotland and England.

The substance of this letter has been brought under the notice of the Prison Commissioners, but they are of opinion that the subject is not one which properly belongs to their Department. I am therefore led personally to place the matter before His Lordship, because I have found that the facts of the case, though they have been hitherto overlooked, are somewhat startling, and they seem of sufficient importance to deserve the consideration of the officer charged with the administration of Scottish affairs.

The last Report of the Prison Commissioners for Scotland showed that there was a rise in the numbers of ordinary prisoners, while the English Report indicated that the numbers were still falling in England; also the same returns show that the total decrease in the daily average of prisoners in England since 1879, stands to that in Scotland in the proportion of 67 to 49.

In trying to discover why the prison population was falling more quickly in England than Scotland, I came upon the remarkable fact that in Scotland (in proportion to population) nearly twice and a half times as many people are sent to prison every year as in England, *i.e.*, for every two persons sent to prison in England five are so committed in Scotland.

This state of affairs can be seen at once by inspecting the Returns given in the Scottish and English Prison Reports for 1890–91, pages 5 and 1 respectively.

	Approximate Population, 1890.	Commitments to Prison.	Rate per 1,000 of Population.
Scotland, . .	4,003,350	47,571*	11·8
England, . .	28,698,360	142,158†	4·9

If any one tries to examine into the causes which lead to this result, he will be met by considerable difficulties; for it is not easy to see why the law in the two countries acts so differently. It is, however, possible to discover something about the classes of prisoners which go to swell the numbers in the Scottish Criminal Returns.

For instance, if we turn from the commitments to the recorded daily averages of prisoners in custody, we find that Scotland and England are in that respect proportionately almost equal. The figures for 1890–91 are:—

	Daily Average.	Per 1,000 of Population.
Scotland, . .	‡1,952	·48
England, . .	‡12,812	·44

While then the commitments to prison are proportionately twice and a half times more numerous in Scotland than in England, the average daily numbers in custody are in proportion equal. It clearly follows that the average sentence of persons committed to prison in England is twice and a half times as long as in Scotland. Therefore the large number of committals in Scotland is not caused by long sentences, but by many short sentences.

* Criminal Lunatics are excepted,
† Debtors are excepted,
‡ Debtors and Convicts are excepted,
} to make the comparison more accurate.

This is confirmed if we examine the sentences of those in custody in the respective countries. For example, in 1890–91, the percentage of those in prison who had sentences of one month or under was :—

	Males.	Females.
Scotland, . .	33·6 per cent.	59·7 per cent.
England, . .	19·4 „	37·0 „

It will be therefore safe to say that a great part of the huge preponderance of commitments in Scotland is due to a large number of short sentences.

As regards the more serious crimes, the Judicial Statistics show that the number of persons convicted on indictment is proportionately greater in Scotland than in England; but the difference, though large, is not so enormous as is the case with the numbers of the total committals to prison, referred to above. The figures are as follows for 1890 :—

Number of Prisoners convicted on Indictment per 10,000 of the population.

Scotland, ...	4·6
England, ...	3·2

These indicted prisoners have all more or less long sentences of imprisonment or penal servitude, and so would naturally raise the daily average numbers in custody in Scotland to some extent; but this tendency is counteracted, for it has been shown that the daily average number is the same in Scotland as in England. In fact, it seems clear that the short sentences in Scotland are so numerous, that they entirely swamp any effect which the larger number of sentences for indictable crimes would naturally produce on the daily average.

(It may be noted in passing that the committals to Penal Servitude in Scotland and England were from July 1889 to July 1890 :—

Scotland 2·4 per 100,000 of population,

England 2·3 per 100,000 of population.)

I do not propose to burden this letter with more figures, for those already given show that in Scotland we have immensely greater numbers put into prison than in England, and a great many for very short periods. As I do not believe that good results follow from short imprisonments (sometimes frequently repeated), nor that Scottish require prison discipline more than Englishmen, I should be glad to see the commitments to prison in Scotland reduced to at least the same proportion as in England.

If the Secretary for Scotland concurs, it might be suggested to His Lordship that the foregoing facts should be brought to the knowledge of the Magistrates in Scotland, especially to those of the large cities, and inquiry might be made to discover (1) if persons convicted are allowed reasonable opportunity of finding means to pay fines when inflicted, (2), if, in every case where it seems warranted, time is allowed for fines to be paid, and (3) if the police forces are paid more in Scotland than in England for escorting into custody prisoners after sentence.

I have attached some Tables which have been prepared with the help of Mr Donaldson and the staff of the Prison Commission Secretariat.

I have the honour to be,

Your obedient Servant,

A. B. M'HARDY.

The Under Secretary for Scotland.

I. *Police Apprehensions and Number sent to Prison*, 1890.

From Reports on Judicial Statistics (England and Wales) to 29th September 1890, and Reports by Commissioners of Prisons (England) for year ended 31st March 1891, and Reports on Judicial Statistics (Scotland) to 31st December 1890.

ENGLAND.			SCOTLAND.		
Approximate Population, 1890.	No. of Police Apprehensions.	No. sent to Prison.	Approximate Population, 1890.	No. of Police Apprehensions.	No. sent to Prison.
28,698,360	755,739 *	164,579 †	4,003,350	151,486 ‡	48,589 §
Rate per 10,000 of population,	263·3	57·3	...	378·4	121·4

* *Judicial Statistics*, pp. 12 and 24.
† *Prison Commissioners' Report*, 1890–91, p. 10.
‡ *Judicial Statistics* (*Scotland*), p. 12.
§ *Judicial Statistics* (*Scotland*), p. 37.

II. *Disposal of Summary Apprehensions—England and Scotland*, 1890.

From as in Table I.

ENGLAND—Population, 28,698,360.

	Summary Apprehensions.	Discharged, &c.	Convicted.	Of those convicted :—	
				Sent to Prison.	Otherwise disposed of.
Number, . . .	738,061 *	132,140 *	605,921 *	132,789 †	473,132
Rate per 10,000 of population, . .	257·2	46·0	211·1	46·3	164·8

SCOTLAND—Population, 4,003,350.

Number, . . .	149,169 ‡	43,828	105,341 ‡	46,889 §	58,452
Rate per 10,000 of population, . .	372·6	109·5	263·1	117·1	146·0

* *Judicial Statistics* (*England*), p. 24.
† *Prison Report for* 1890–91, p. 10.
‡ *Judicial Statistics* (*Scotland*), p. 14.
§ Total received into Prison—*Judicial Statistics*, p. 37, viz., ... 48,589
Less. Sent to Prison for Indictable Offences, *Judicial Statistics Report*, pp. 20 & 28, . . 1,700
46 889

Average Monthly Number of Sentences of Prisoners in Confinement at Midnight on the First Tuesday of each Month during the Year ended 31st March 1891.

From Report of Prison Commissioners (England), pp. 14 to 17, and Report of Prison Commissioners (Scotland), p. 15.

	Under Sentences of Imprisonment.																					Grand Total of all Prisoners in Confinement.		
	Male Prisoners.														Female Prisoners.									
	By Ordinary Courts.								By Courts Martial.							By Ordinary Courts.										
	Above 1 Year.	1 Year and above 6 Months.	6 Months and above 3 Months.	3 Months and above 60 Days.	60 Days and above 1 Month.	1 Month and above 1 Week.	1 Week and Under.	Until Payment of Fine or Penalty.	Above 2 Years.	2 Years and above 1 Year.	1 Year and above 6 Months.	6 Months and above 3 Months.	3 Months and above 1 Month.	1 Month and above 1 Week.	1 Week and Under.	2 Years and above 1 Year.	1 Year and above 6 Months.	6 Months and above 3 Months.	3 Months and above 60 Days.	60 Days and above 1 Month.	1 Month and above 1 Week.	1 Week and Under.	Until Payment of Fine or Penalty.	M.	F.	T.
England, .	1133	1621	1346	1185	1696	1556	508	117	1	67	124	81	46	5	–	123	223	237	216	452	599	248	40	11,198	2,399	13,597
Rate per cent. of Grand Total,	10·1	14·5	12·0	10·6	15·1	13·9	4·5	1·0	·01	·6	1·1	·7	·4	·04	–	5·1	9·3	9·9	9·0	18·8	25·0	10·3	1·7	–	–	–
Scotland, .	101	183	158	64	190	435	187	* –	–	4	8	4	2	1	–	20	34	31	16	52	245	132	* –	1,854	632	2,486
Rate per cent. of Grand Total,	5·5	9·9	8·5	3·5	10·2	23·5	10·1	–	–	·21	·43	·21	·11	·05	–	3·2	5·4	4·9	2·5	8·2	38·8	20·9	–	–	–	–

* The exact term served is given under the appropriate column.

APPENDIX G.

MINUTE OF LORD ADVOCATE BALFOUR ON PROPORTION OF PRISONERS TO POPULATION IN ENGLAND AND SCOTLAND RESPECTIVELY.

Colonel M'Hardy's very interesting letter of 7th January 1892, appears to bring out four points, viz.:—

(1) That the commitments to prison are proportionately two and a half times more numerous in Scotland than in England.
(2) That the average daily numbers in custody in the two countries are almost proportionately equal.
(3) That the number of persons convicted on indictment is proportionately greater in Scotland than in England, in the ratio of 4·6 to 3·2; and
(4) That the committals to penal servitude in the two countries are proportionately almost equal.

I do not think that the facts stated afford ground for inferring that there is proportionately more crime, even of the smaller kinds, in Scotland than in England. It is well known, and is generally, if not universally, admitted in England, that the system of public prosecution which prevails in Scotland, and the official machinery, which is to be found in every part of that country, lead to a much more effective detection and punishment of crime than exist in England, where private prosecution is the rule. Persons who have studied the subject have usually agreed that it would be an advantage to introduce the system of public prosecution into England, as at once tending to secure the conviction and punishment of the guilty, and the protection of the innocent, and the reason for not introducing that system has, I understand, been the great expense which it would entail, and the difficulty of establishing and controlling by a central authority, the very numerous official staff which would be required for so large and populous a country as England.

It is to be noticed that the commitments to penal servitude are almost proportionately equal in the two countries, pointing to the conclusion that the gravest crime, not punished by death, is not more common in Scotland than in England. But the gravest crime is that which would most certainly be prosecuted under any system, and I understand that the prosecution of such crime is very frequently undertaken by the public authorities in England, as it always is in Scotland.

The trials upon indictment would include not only crimes proper to be punished by penal servitude [*i.e.*, the most serious crimes not punished by death], but also crimes of less gravity, which would be appropriately punished by imprisonment. This last category would probably include many crimes not of sufficient gravity to be prosecuted by the public authorities in England, and consequently not a few crimes of this class would, I should suppose, not be prosecuted at all there, while they would be in Scotland. It appears to me that this is probably the explanation of the fact that the number of prisoners convicted on indictment is proportionately greater [by more than a fourth] in Scotland than in England; while the committals to penal servitude in the two countries are proportionately equal.

The like considerations may explain the very large proportionate excess of committals for short terms in Scotland over that in England. Petty offences would not be much taken up by the public authorities in England; and private parties, who had suffered from such offences [*e.g.*, thefts of articles of no great value, and slight assaults], would not undertake the trouble and cost of instituting prosecutions in respect of them. This is well illustrated by the fact that one often sees from reports in English newspapers, that persons making charges of the less grave offences, are bound over by the Magistrate to prosecute, the assumption being that if they were not so bound over they would not prosecute, and the offenders would go free.

The fact that the proportion of commitments in respect of crimes not tried by indictment,—*i.e.*, of the minor crimes,—is so much larger in Scotland than in England would naturally make the average duration of sentences shorter in the former than in the latter country. I do not suggest that this explains more than partially what Colonel M'Hardy points out as to the relative length of sentences in Scotland and England respectively. For the rest, I am not aware how the general run of sentences for the same class of crimes compare in Scotland and in England, or whether the average sentences in Scotland may be by some persons considered too short. Sentences have certainly, within my recollection, become shorter for the more serious crimes, and there are few questions as to which there is a sharper difference of opinion, than in regard to the efficacy of long and short sentences. While short sentences may not be so punitive or deterrent, they do not bring about the listlessness, helplessness, deprivation of energy and capacity for earning an honest livelihood, which too often result from long sentences.

APPENDIX H.

PETITION, *re* HABITUAL DRUNKARDS, PRESENTED TO SIR GEORGE O. TREVELYAN, IN GLASGOW, NOVEMBER 1892, BY BAILIE CHISHOLM.

To the Right Honourable SIR GEORGE OTTO TREVELYAN, BART., M.P., Secretary of State for Scotland. The humble petition of the Glasgow Committee met to consider the question of Habitual Drunkards

Showeth as follows:—

That in Scotland 151,480 apprehensions, or 1 to 26 of the population (England 1 to 39), have been made during the year, and that of this total, 110,700 apprehensions, or 73 per cent. (England 38 per cent.), were made for "drunkenness" (drunk and incapable), "disorderly conduct," "breach of the peace."

That of the 151,480 apprehensions, 47,190, or 1 to 85 of the population, were committed to prison (England 1 to 180).

That the ratio of commitment per 1000 of the population in Scotland is—males 6·8, females 4·2 (England—males 4·1, females, 1·5).

That the 47,190 (males 29,800, females 17,370) commitments represent about 23,000 individuals (males 17,000, females 6000), and that of the males 18 per cent.; had been committed 6 times and up to 100 times; of the females 51 per cent.

That for every male there are four female *habituals*.

That in Glasgow 57,120 apprehensions were made in the course of the year, or 10 per cent. of population; Greenock, 5,495, or 8·7 per cent.; Govan, 2,720, or 4·5 per cent.; Edinburgh, 11,030, or 4·3 per cent.; Dundee, 5,874, or 3·8 per cent. (Liverpool, 10 per cent.; Manchester, 4·5 per cent.; Birmingham, 3·2 per cent.; Newcastle, 5·8 per cent.).

That in Glasgow 80 per cent. of the apprehensions, or 1 to 12 of population, were for being "drunk and incapable," "disorderly," "breaches of the peace," "simple assaults" and "prostitution"; Edinburgh, 79 per cent., or 1 to 30 of population; Govan, 77 per cent., or 1 to 29; Dundee, 67 per cent., or 1 to 38; Greenock, 66 per cent., or 1 to 17 (Liverpool, 36 per cent., or 1 to 28; Manchester 41 per cent., or 1 to 54, Birmingham, 35 per cent., or 1 to 87; Newcastle, 42 per cent., or 1 to 41).

That under General and Special Police Acts, brief sentences of hours up to a few days for individuals repeatedly convicted of the offences enumerated are neither *preventive*, *deterrent*, nor *reformative*, and that an average sentence of 5 days in Scotland and Ireland, or 8 days in England for the same kind of offence does not admit of *reformation* from long-standing depravity.

That in the cities and towns of Edinburgh, Glasgow, Dundee, Greenock, Govan, and other provincial towns, there are a large number of *habituals* convicted times without number of "drunkenness," "importuning," "disorderly conduct," and "breach of the peace," and that frequency of conviction is 50 per cent. greater among women than men.

That in the towns and cities enumerated above, men and women have been convicted and sentenced from *tens* up to *hundreds* of times for the same offence.

That the names of *habituals* can be given who have been convicted *one, two, three, four, five and six hundred times*, and that in the cities those with such a deplorable record range from 2 up to 7 per cent.

That in *one* year, and this is even more startling, there are a number of individuals convicted of drunkenness, 30 up to 40 times, and a larger number 6 up to 30 times each.

That during the past year in Glasgow, where the commitments to prison of women exceed that of any other prison in the Kingdom—the number being 10,500; 400 women were sent to prison 6, 7, 8, 9, 10, 11, 12, and up to 34 times (45 of these on an average were committed 20 times), and that these 400, or 10 per cent. of the 4000 women represented by these 10,500 commitments, were responsible for 4000 commitments, or 40 per cent. of the whole.

That from the figures above quoted, and the strongly expressed opinions of those who are familiar with, and have investigated the matter, it is abundantly clear that the system of dealing with these *habituals* has utterly broken down after extended trial, and that a change in the police regulations for dealing with these wretched beings is imperatively demanded.

That it is plain that a system which enables a magistrate to send a man or woman to jail for 6 up to 40 times in one year, and hundreds of times in a few years, not only carries condemnation on its face, but is unfair to the *habituals* themselves.

That these *habituals* come into prison after a debauch, the effects of which have hardly passed off before they are at liberty to repeat with impunity the offence for which they have so frequently been convicted.

That it can be shown, beyond dispute, that these *habituals* look upon the jails as national Sanatoria, in which they can sojourn for a brief period without performing any but the most perfunctory work—their condition, in many cases, not admitting of labour.

That in the case of women, more especially, the system encourages the propagation of a progeny with inherited mental and physical defects, accentuated in all cases by the most unfavourable surroundings.

That on all these grounds it is abundantly evident that the system of dealing with *habitual* inebriates and others convicted of allied offences, has utterly broken down, and that in the interests of society, of economy, of those miserable creatures themselves, their children and dependants, it is a matter of *urgent national importance* that all needful evidence should be collected and sifted, and the facts ascertained *publicly* by an impartial body, such as a Royal Commission, from witnesses who can throw light on the question, or who may be called upon by the Commission to give evidence with the view of discovering better and more rational methods of dealing with these *habituals*.

Your Petitioners, therefore, humbly pray the Right Honourable the Secretary for Scotland that he will appoint a Royal Commission with special reference to the above statements and others.

And your petitioners will ever pray.

Signed on behalf of the Committee and Meeting,

SAMUEL CHISHOLM,
Chairman.

24th November 1892.

J. F. SUTHERLAND,
Honorary Secretary.

LIST OF COMMITTEE.

CHARLES CAMERON, Bart., LL.D., M.P.
JAMES CARMICHAEL, Bart., M.P.
A. D. PROVAND, M.P.
JOHN WILSON, M.P.
ALEXANDER CROSS, M.P.
JAMES CALDWELL, Ex-M.P.
WILLIAM T. GAIRDNER, M.D., Professor of Medicine, University of Glasgow.
WALTER PATON, Magistrate of the City of Glasgow.
ROBERT GRAHAM, "
JOHN MACFARLANE, "
DAVID MORRIN, "
WILLIAM PETTIGREW, "
WILLIAM BISLAND, "
HUGH BRECHIN, "
JOHN URE PRIMROSE, "
T. C. GUTHRIE, "
SAMUEL CHISHOLM, "
JAMES ALEXANDER, "
THOMAS CUMMING, Councillor and Ex-Magistrate of the City of Glasgow.
THOMAS MASON, Councillor of the City of Glasgow and Deacon-Convener.
J. H. DICKSON, Preceptor of Hutcheson's Hospital and Ex-Magistrate of the City.
WILLIAM URE, Councillor and Ex-Magistrate of the City of Glasgow.
JOHN SHEARER, "
JOHN NEIL, "
WILLIAM FIFE, Councillor of the City of Glasgow.
ANGUS CAMPBELL, "
DAVID YELLOWLEES, M.D., Medical Superintendent, Gartnavel Asylum.
MICHAEL SIMONS, Ex-Magistrate of the City of Glasgow.
ARCHIBALD DUNLOP, "
W. R. W. SMITH, "
HUGH ROSS, M.A., Free St. Stephen's, Glasgow.
POLYCARP CLIFFORD, R.C. Clergyman, Glasgow Prison.
JOHN CARSWELL, L.R.C.S. & P. (Edin.), Examiner in Lunacy Barony Parish.
A. A. FERGUSSON, Ex-Chairman Juvenile Delinquency Board.
DAVID FORTUNE, Secretary Scottish Legal Life Insurance Co.
THOMAS WILSON, J.P.
WILLIAM COCHRAN, Writer.
WILLIAM BLACK, Publisher.
GEORGE OGILVIE, Chairman of City Parish Lunacy Board.
JOHN HARRISON, Chairman of Barony Board, Glasgow.
JAMES MOTION, Inspector of Poor, Barony Parish, Glasgow.
A. WALLACE, Inspector of Poor, Govan Parish.
J. F. SUTHERLAND, M.D., Medical Officer, Glasgow Prison; Consulting Medical Officer, Barlinnie Prison.

APPENDIX I.

MEMORIAL FORWARDED TO SIR GEORGE O. TREVELYAN, BART., M.P., MAY 1893.

ASSOCIATION FOR THE RECLAMATION OF HABITUAL OFFENDERS, VAGRANTS, BEGGARS, AND INEBRIATES.

Unto the Right Honourable Sir GEORGE OTTO TREVELYAN, Baronet, Her Majesty's Secretary of State for Scotland.

The Memorial of the Conference of Representatives from the Scottish Town Councils of Edinburgh, Dundee, Aberdeen, Greenock, and Perth, the Convention of Royal Burghs, the Glasgow Committee on Habitual Drunkards, the Glasgow Association for Improving the Social Condition of the People, the Parochial Boards of Edinburgh and Glasgow, the British Women's Temperance Association, and the Edinburgh Association for the Reclamation of Habitual Offenders, Vagrants, Beggars, and Inebriates.

Humbly showeth—

That this Conference, in common with all thoughtful citizens, views with alarm the enormous and increasing number of Habitual Offenders, Vagrants, Beggars, and Inebriates, in Scotland, which it regards as a source of great danger and expense to the community; it feels that the powers possessed by the Magistrates are inadequate to cope with the evil, and considers that additional Parliamentary powers are necessary.

Your Memorialists would respectfully yet urgently submit that the importance of the subject demands the intervention of Her Majesty's Government. At present under existing statutory powers no proceedings can be instituted, nor can any remedy of a permanent character be applied to deal effectively with these classes.

To ensure that the Government and the country shall be put in possession of the whole facts necessary to the framing of remedial measures, previous to attempting legislation, your Memorialists would respectfully but strongly urge that a Royal Commission should be appointed to collect information, and inquire into the subject, and report.

Signed in the name of the Conference, at Edinburgh, this 17th day of May 1893.

(Signed) JOHN GULLAND,
Chairman.

J. F. SUTHERLAND,
ROBERT HENDERSON, } *Honorary Secretaries.*

APPENDIX J.

MEMORIAL FROM ABERDEEN FORWARDED TO SIR GEORGE O. TREVELYAN, BART., M.P.

RECLAMATION OF HABITUAL OFFENDERS.

To the Right Honourable SIR GEORGE OTTO TREVELYAN, Bart., M.P., Her Majesty's Secretary of State for Scotland: The Memorial of the Lord Provost, Magistrates, and Town Council of the City and Royal Burgh of Aberdeen,

Humbly showeth—

1. That the Memorialists desire to draw attention to the existence and continued increase of the number of Habitual Offenders, Vagrants, Beggars, and Inebriates.

2. In the opinion of the Memorialists, the existence of such a class cannot but be regarded as a source of danger, as well as of expense, to the community; and the Memorialists humbly submit that the powers at present possessed by the Magistracy are inadequate to cope with the evil, and that additional powers are required for dealing effectively with the classes in question, and rescuing them and their children from vicious, immoral, and criminal habits.

3. The Memorialists venture to urge that the importance of the subject demands the intervention of Her Majesty's Government, and to point out that, under the existing state of the law, no remedy of a permanent character can be applied for dealing effectively with the classes referred to.

4. At a meeting of the Memorialists held on 20th February 1893, the following resolution was adopted, viz.:—

"That a Memorial be addressed by the Town Council to Her Majesty's "Government drawing their attention to the necessity which exists for "the reclamation of habitual offenders, vagrants, beggars, and inebriates, "and urging the appointment of a Royal Commission for the purpose "of instituting an inquiry, and reporting as to the remedial measures to "be adopted for dealing with the question."

5. The Memorialists, therefore, respectfully request that Her Majesty's Government will be pleased to appoint a Royal Commission for the purpose indicated in the rosolution in question.

Signed in name and on behalf of the Town Council of Aberdeen this 6th day of March 1893.

DAVID STEWART,
Lord Provost of Aberdeen.

APPENDIX K.

ANALYSIS OF RESTORATIVE HOMES (SCOTLAND), BILL DRAFTED BY THE LATE MR CHARLES MORTON, W.S.

NOTE.—*This analysis is extracted from a pamphlet published by Messrs Oliver and Boyd under the title "Habitual Drunkards."*

CLAUSE 1. provides for repeal of existing Inebriates Acts, so far as relates to Scotland.

2. The Restorative Homes (Scotland) Act.

3. "District homes," premises, other than a lunatic asylum, licensed under this Act, under the management of District Boards of Lunacy.

"Private homes," licensed as above, but in the occupancy of private persons.

"Superintendent," manager or principal officer of a district home, and the licensed owner or owners of a licensed private home, and any manager or other principal officer appointed by him for the management thereof.

"Sheriff," the sheriff and sheriff-substitute of county of patient's residence, and also sheriff of county where home is situated.

4 and 5. The Board of Commissioners in Lunacy to inquire of each district board whether separate district homes, or one general district home, or one or more private homes, should be established, and to report to the Secretary for Scotland, who can order the Board to carry out their decision. The report and the Scottish Secretary's order to be laid before both Houses of Parliament. If no objection in Parliament during 40 days, the Scottish Secretary's order to take effect. Estimates for sites, equipment, &c., of homes to be subject to approval by general board, the work being executed under the management of the district board.

6. The necessary charges for the establishment and carrying on of approved homes to be borne on the landward part of counties and upon the burghs (if for one general district home) of all Scotland (if for a separate district home) of the district, according to the real rent of the lands and heritages. The proposed assessments to be raised under the same Acts as the assessment for lunacy establishments.

7. Board empowered to grant a licence for general or separate district home.

8. When patient is from another district, district board to have power to charge proportion of cost to district of patient's prior residence.

9 and 10. District homes to be vested in the district board, which board can acquire lands and borrow on security of the assessment.

11. Private homes may be licensed by district board on payment of a fee of £2 to the Board.

12. Board to frame rules and regulations for district and private homes, for medical attendance, &c., also for scales of payment for patients not entering voluntarily, subject to approval by the Scottish Secretary.

13 and 14. Secretary to appoint an Inspector with salary. Each home to be inspected at least twice a year.

15. Register of patients, along with such other books as Board may direct, to be kept. A copy of register to be transmitted in each December to the Board.

16. Provides for admission (and detention for a limited time) to a home on voluntary application. The superintendent, within two days of admission, to report to the Board. The superintendent of a private home may make special arrangements for board and fees. If no such agreement, the schedule charges to be eligible.

17. If patient refuses to apply voluntarily, any member of his family, or any other near relative, or a friend taking interest in him, or a magistrate in the public interest, may present an application to the sheriff to grant an order for reception and detention in a district or private home. The application to be accompanied by a Statutory Declaration by the applicant, and, if the patient have such friends, by a Statutory Declaration by two private friends, who shall have personally seen him within seven days, and also a certificate on soul and conscience by a registered medical practitioner, who shall have seen patient within seven days. If the patient have no private friends, there must be two medical certificates. The application may be for reception into a home and for detention for a period not exceeding twelve months. On receiving the order from the sheriff, the applicant, with the assistance (if necessary), of any of the attendants of the home, or of officers of the law, can remove the patient to the home. The Board to fix the scale of payment when there is no private arrangement.

18. Any patient can at any time apply to the Board by letter, or to the sheriff by petition. The Board and the sheriff have both power to grant or refuse a discharge, subject to review by the Superior Courts. The patient can also apply to the Secretary for Scotland.

19. Patient, unless discharged by the Board, the sheriff, a superior court, or the Secretary, shall be detained for twelve months. The Board may postpone discharge for an additional three months on application, either from original applicant or from any relative, with the consent of the persons who made the relative declarations. The Board may also dismiss any patient for insubordination, misconduct, disobedience to regulations, disturbance or annoyance to the officers or inmates of the house.

20. Patient and his estate liable for patient's board and treatment in district and private homes, and for all contingent expenses, as decerned for by the sheriff on a summary petition by applicant, superintendent, or guarantor.

21. The Board can transfer a patient from one home to another.

22. The Board may grant occasional leave of absence, subject to withdrawal. In the event of escape, any justice or magistrate with jurisdiction in place where patient is found, or in the district from which he escaped, can, on summary application by the superintendent, issue a warrant for the apprehension of the patient; and after apprehension, the patient shall be taken back to the home.

23. Any person aiding a patient to escape, or supplying anyone known to such person as being an inmate of a licensed "home" with wine, beer, spirits, or other alcoholic stimulant (unless by order of the medical attendant), shall be liable to a penalty of £10, on application of the superintendent to the sheriff or a justice of the peace.

24. A penalty not exceeding £20 for any officer or attendant failing to comply with the provisions of the Act, or supplying stimulants or narcotics (except by order of the medical attendant) to any patient.

The Board may revoke a licence to a private home if the licensee prove to be unqualified or negligent.

25. The Summary Procedure (Scotland) Act to be incorporated with this Act.

26. Power to members of the Board and inspectors to visit all district and private homes, and to employ medical advice and assistance. Such expenses to be charged to the Board.

27. The sheriff and any of the visiting justices can visit and inspect homes.

28. Any minister of the parish, and the patient's own minister, also any relative, can visit under such conditions as superintendent and medical attendant, with sanction of the Board, lay down.

29 to 31. No action to lie against any medical or other persons for applications, certificates, or declarations, unless on specific averment of falsehood and malice, or of reckless and careless granting without inquiry, and of being untrue and unwarrantable. No action can be laid after the expiry of six months after the patient's discharge. No action to lie against the Commissioners, or against a superintendent of a district or private home, or occupant or owner of a private home, or against any attendant, acting under orders of the sheriff or the Board. No document to be invalid for defect in form.

APPENDIX L.

LETTER AND NOTES BY SIR ARTHUR MITCHELL, K.C.B.

IN REFERENCE TO

RESTORATIVE HOMES BILL.

34 DRUMMOND PLACE,
EDINBURGH, *20th February* 1887

DEAR MR MORTON,

I have carefully considered your Restorative Homes (Scotland) Draft Bill, and I append some Notes which show the direction of my views, and which I hope may be of use to you.

Such a measure as the Notes indicate to be in my mind would be one of eight or ten clauses, and much narrower than yours.

What I have written is the expression of my private opinion, which you no doubt invited in consequence of the evidence I gave to the Select Committee of the House of Commons—1872—on Habitual Drunkards. I shall be glad if you show the Notes to Dr Peddie, Sir Douglas Maclagan, and Professor Grainger-Stewart. What I have said in them is merely an application to the proposals in your Draft Bill of what I have already said and published. It seems to me absolutely necessary to keep clearly and constantly in view the opinions expressed in the two articles on "The Relations of Drink to Insanity," which I sent to you for perusal.

I am glad you have acted on my suggestion and have sent your Draft Bill to the Board of Lunacy for their opinion regarding it. It was necessary, I think, to do this, because you give the Board so prominent a position in the Bill, and give it also quite new duties.

You have undertaken a very difficult task, and you are sure to have many discouragements and disappointments. But if a man of your knowledge and ability rises above these, and holds on to the question "with both your hands and all your teeth," we shall by-and-bye understand it better, and see all the ins and outs of it more clearly. If there ought to be legislation on the subject, you are the man to get it; and if there ought not to be legislation, we shall all know why, and shall give our assent, when *you* retire from the fight.

With sincere respect, I am, faithfully yours,

ARTHUR MITCHELL.

Charles Morton, Esq., W.S.

NOTES.

Description of the Persons in regard to whom Legislation is sought.

There is a form of insanity which is held by—what may be correctly described as—the whole body of the medical profession to be recognisable with as much ease and as much certainty as other forms of insanity; but the Lunacy Laws are not applicable to it, and from its nature it requires to be, and ought to be dealt with by a special law, for the reason that persons labouring under it cannot be said to have recovered from it, or to be free from it, though there may be no detectable evidence of intellectual disorder in them. This form of insanity has excessive indulgence in intoxicants as an essential feature; but it is not the well-defined form of insanity known as *delirium tremens*, nor is it the equally well-defined form of insanity known as *mania á potu*, nor is it the form of insanity which temporarily exists in the case of every person who is drunk or intoxicated. All these forms of insanity depend on the excessive indulgence in intoxicants, but they either do not require to be dealt with as insanity, in consequence of their transitoriness, or if, from exceptional severity or any other cause, they do require to be dealt with as insanity, then the ordinary Lunacy Laws reach them. But in the case of the form of insanity now in question, and for which you desire special legislation, the excessive use of intoxicants has distinctive features. It is a private or secret indulgence in intoxicants, in the sense of not being a convivial indulgence in them, and the indulgence occurs in fits or with remissions, these fits being nearly, if not completely, as over-mastering, or dominating, as are fits of maniacal excitement or fits of melancholia in persons subject to fits of mania or melancholia. Persons labouring under this form of insanity exhibit also a change of character. It is difficult to describe this change, but it is marked by a tendency to regard themselves as objects of interest on whose behalf sacrifices are properly and naturally made, and by a habit of talking from a high standpoint, and with none of the humility which their own conduct ought to beget in them, about the behaviour of others—about people, for instance, who are not industrious or who are extravagant. This or some similar change of character I believe to be always present in the persons who labour under the special form of insanity for which special legislation is desired. It is almost essential, I think, that there shall be a *change* of character....

The persons for whom legislation is desired are thus persons in a fairly definite condition. Their number is not so great as it is generally supposed to be, and, in my opinion, they belong largely to the well-to-do class of society.

The point of importance is that they can be defined and recognised; and I leave it to you as a lawyer to give them a suitable name, and to make it clear in the Interpretation Clause what that name means. I have endeavoured to furnish you with material for doing this, but I do not expect that you will find the task an easy one.

Purposes to be served by the Legislation which is sought.

Legislation is desired in the interest of those persons who labour under the form of insanity referred to, in order that they may be submitted to the only kind of treatment which, so far as is known, can effect a cure in their cases; but, like legislation which concerns ordinary lunatics, it is also desired in the interest of those who are injured by such persons—in other words, in order to give the healthy the power of protecting themselves against the unhealthy. This double purpose should be fully and freely acknowledged.

It should be frankly avowed, that we are not yet in possession of any facts satisfactorily showing that prolonged compulsory abstinence from intoxicants will cure persons who labour under this special form of insanity. *A priori* reasoning makes it probable that it would have that effect; and we shall not be able to say more than this till the making of the necessary experiments is legalised. We cannot tell what good may be done by prolonged abstinence till we have the power of enforcing it.

As regards the comforts and advantages which the seclusion of persons in this special state of insanity would often bring to their friends, there cannot be any doubt.

A Power to take away Liberty the Essence of the Measure.

The power of taking away liberty in the case of persons labouring under this form of insanity is the essence of the proposed measure. It is by far its largest feature, and will not be easily obtained. The arguments against giving it are strong. It seems to me that it can only be reasonably asked on the ground that the condition of the persons in question is a special form of insanity. The law has already settled that the liberty of ordinary insane persons may be taken away, and this measure should proceed on the idea that there is a special insanity not reached by the present law; that it ought to be possible to take away the liberty of persons labouring under that form of insanity; and that this ought to be done, as in the case of ordinary insanity, without implying punishment or criminality. If in taking away their liberty there is any thought of punishing bad conduct, that is, if they are not dealt with as diseased persons, then a completely different measure should be proposed.

Who should order the taking away of Liberty?

If the power of taking away the liberty of the persons in question is granted, by whom ought that power to be exercised? Who ought to grant the Order authorising the loss of liberty? In the case of ordinary lunatics, the Order is granted by Sheriffs-Principal and Sheriffs-Substitute; that is, by persons empowered to take away liberty for other reasons than that of lunacy. I cannot see why the granting of the Order in the case of persons labouring under this special form of insanity should be entrusted to persons in a different position. Indeed, it seems to me, that in their case it is even more desirable to make it plain that the Order has been granted by some one who holds a high position as a Judge, and who is accustomed to weigh evidence. I should see a propriety, indeed, in making the Sheriffs-Principal the only persons who can give such Orders in regard to them.

The persons empowered to grant Orders should do so on a petition, statement, and certificates in writing, and they should have the fullest power possible to make the evidence thus furnished satisfactory, by such things as calling for further statements —calling for additional certificates from medical men whom they may name, or from persons who are not medical men—requiring persons to appear before them—communicating with the person whose liberty they are asked to take away—by doing, in short, whatever seems necessary to justify the granting of the Order craved. If the petitioner does not choose to do all the Sheriff asks, he can withdraw the petition.

It ought to be clearly kept in view that the persons who are to lose their liberty under a measure of this kind do not exhibit the disorder of the intellect which

friends and neighbours readily see and readily acknowledge in ordinary lunatics; that their state of insanity is not so plain; and that the evidence establishing its existence cannot be so briefly and easily given. That evidence, however, need not differ in kind, though probably it should always differ in amount. It may be given in writing, like the evidence on which a Sheriff grants his order *to transmit and detain* in the case of an ordinary lunatic, and I believe it to be quite possible to make it complete and satisfactory in that form.

How are Establishments to be provided?

If the power to take away liberty is granted, and the persons to give Orders for taking it away are decided on, then where are those who so lose their liberty to be detained?

In view of what I have said about our want of knowledge regarding the curative effects of prolonged compulsory abstinence from intoxicants in case of persons labouring under this special form of insanity, it scarcely seems to me to be justifiable to ask Parliament to authorise assessments for the purpose of providing the Establishments in which such persons may be detained under care and treatment. It seems to me that nothing more should be asked than a power to license Establishments provided by charitable organisations, bequests, or private enterprise. It would perhaps be a good and reasonable proposal that the Board of Lunacy should be utilised as the licensing and supervising authority over such Establishments.

In regard to Establishments, I think it doubtful whether any legislation should be asked beyond what is tentative and permissive. If good is unmistakably done by the Establishments which spring up under such legislation, there will in after years be little difficulty in obtaining its amendment and extension.

Provisions of Bill do not tend to Reduce Drunkenness.

Legislation such as the Bill contemplates has no tendency, so far as I can see, to reduce drunkenness, except by making its possible consequences disagreeable.

Good in this direction, it seems to me, can only be found by punishing persons who drink to intoxication, and by punishing them severely if they do so often. I refer to ordinary convivial drinking to excess, from which it is as easy to abstain as from thieving, and which is not the outcome of a state of disease. I shall not go further, and disclose my views about our present licensing arrangements, which foster "Whisky Palaces," "Buffets," and establishments of that kind, having a garish air of respectability that makes persons of the lower professional and upper artizan class—the backbone of society—not ashamed to enter them. We repress the "*solicitations*" of gaudily-dressed loose women, but we practically encourage the "*solicitations*" of flaring whisky palaces. Nor shall I say anything about Local Option proposals, which would intensify the evils that exist, by adding still more to the showiness of the surroundings in which intoxicants are sold. I know I am in a minority in the views I hold on this subject, but I do not think any one can show that my views are not in harmony with true liberalism.

A. M.

PROPOSED LEGISLATION FOR THE CURE AND CONTROL OF HABITUAL DRUNKARDS. By Sir Arthur Mitchell, K.C.B., M.D., &c.

Reprinted from *The Scotsman*, *19th and 23rd January* 1877.

First Article.

A Society has recently been formed in London, the object of which is "the promotion of legislation for the cure and control of habitual drunkards." Lord Shaftsbury is its president. Among its vice-presidents there are two Archbishops and eight Bishops. The roll of associates is long and strong, and the effort to obtain what the Society is formed to promote will not be weak. It is, therefore, of importance that the objects of the Society should be discussed, while there is yet time to bring the weight of public opinion to bear on them.

The Society has been called into existence in order to follow up the action initiated by the British Medical Association, at their meeting in Edinburgh in 1875. We learn this from the prospectus of the Society, a document which gives, as the foundation of this fresh movement on behalf of "habitual drunkards," the resolution which was passed at the meeting in question, and which may be regarded as endorsed by upwards of 7000 medical men. The resolution is carefully and cautiously framed; and there are clear indications about it of a wish to restrict, by defining, the class of drunkards for whom special legislation is desired. It sets out with a declaration that in many cases excessive intemperance is a symptom of a special form of insanity, and it has no concern with any intemperate persons except those whose intemperance is believed to be a symptom of this special form of insanity. Only to those

drunkards of whom this can be truly said has the resolution any applicability. If no such persons exist, then the rest of the resolution, having nothing to support it, falls and vanishes. Assuming the actual existence of such persons, the resolution goes on to declare (1) that the special form of insanity under which they labour, requires a special treatment, which, in the present state of the law, is not attainable ; and (2) that its attainment is desirable in the interests both of society and of the subjects of this special insanity. Lest there should be doubts as to the correctness of my interpretation, I give the resolution at length. It runs as follows :—

> "That excessive intemperance is, in many cases, a symptom of a special form of insanity, which requires special treatment, with a view first to the recovery of those affected, and second to the protection and advantage of them and society ; that in the present state of the law such treatment is not attainable ; and that it is desirable that legal provision should be made to render it attainable."

This expression of opinion led to co-operation between the British Medical and the Social Science Associations, and ended in the framing of a petition to Parliament, which the new society adopts. In that petition, however, little trace of the resolution can be detected. It wants precision. It proceeds on no well defined line. It is sensational in its philantrophy. It exhibits a stupendous credulity, and in various other respects has objectionable features which are calculated to defeat its object.

It would be inconvenient to make a document like the petition referred to the basis of a discussion of the important questions raised by a proposal to legislate for the control and cure of habitual drunkards. But an excellent text is afforded by the resolution adopted by the British Medical Association, which suggests such questions as the following :—What are the relations of drunkenness to insanity ? Are they simple and single, or complicated and many ? How far are they met by the existing lunacy laws ? Is it a fact that there is a special form of insanity, of which excessive intemperance is a symptom ? If so, what is that form, and why does it require special treatment ? Do the lunacy laws not reach all forms of insanity, and is special legislation for this special form really needed ? If so, what should be its nature ? Can it be asked on the ground that by special treatment this special form of mental disease can be cured ? Is there any good reason for believing that this result is ever attained ; Or, is it really for the comfort, convenience, and advantage of society that fresh and special legislation is desired ? If this is so, why is it not frankly stated ? Why do people affect to be anxious about the reformation of this kind of drunkard, if their deeper and truer wish is simply to obtain the means of shutting him up and of freeing themselves, in that way, of the annoyance, injury, and distress which he causes ? These and many other similar questions are naturally suggested by the resolution, and it is my intention in what follows to attempt to furnish the answer. Perhaps I shall most easily and most fully do so if I show in what various ways drunkenness stands related to insanity, and in what manner the existing lunacy laws affect drunkenness under its different phases and circumstances.

First, then, it should at once be understood that alcoholic intoxication—that is, ordinary drunkenness—is really a state of insanity. The person labouring under it can legally and scientifically be certified to be a lunatic. He cannot, however, be sent to an asylum, because the certificates, on which the Sheriff grants his order, must not only bear that he is a lunatic, but must also declare that he is a fit and proper subject for care and treatment in an asylum. This last cannot be certified, because it is known that he labours under a kind of insanity which will speedily pass off. It is nothing but the known transitoriness of his condition which prevents his being sent to an asylum. If it were believed that his condition would endure, he might and would be sent. It is known, however, that he has been drinking, and experience tells that the disordered action of his brain will soon disappear—he will probably fall asleep, and after a few hours awaken in a state of sobriety and sanity, and therefore he cannot be declared to be a fit and proper subject for care and treatment in an asylum. He is, nevertheless, while his intoxication lasts, a lunatic. It is true that the law does not confer on him all the immunities and disabilities which are generally understood to be conferred broadly and equally on all insane persons ; but with reference to this it has to be pointed out, first, that some of them are conferred on him, and secondly, that the general understanding is a mistaken one, for immunities and disabilities are not broadly and equally conferred on all persons who can be declared to be insane there being, in point of fact, and not unwisely, a considerable uncertainty in the whole matter. Laws are not made to fit into scientific definitions—their framers have in view the convenience and the wishes of society ; and, in administering them, these considerations rightly come to the front, and practically lead to results which are for the general advantage, though scientists may speak of them as discordant, or even as unjust.

So much for one of the relations which exist between an ordinary fit of intoxication and insanity. But there are others which are less direct. Thus, a man who is often drunk, passes through frequent short attacks of insanity, and runs the risk of permanently injuring his brain. Many persons do, as a matter of fact, travel to asylums by this road, and thus we have another, and less immediate, but very important relation of drunkenness to insanity. It is not an uncommon thing, however, that such persons show an hereditary predisposition to insanity, and occasionally this, and not the drinking, is made to account for their insanity. There is little truth and much error in such a view. No doubt the mental instability which is involved in the hereditary predisposition is not a silent factor, but in the vast majority of cases it is the drunkenness which makes it speak. In a well-ordered life it might have remained silent, as indeed in such lives it frequently does ; for, after all, only a small precentage of those disposed to insanity by heredity do actually become insane. It would be a sad thing for society if it were otherwise, so numerous is the army of those who are thus predisposed. It is a fortunate feature of man's constitution that his brain is thrown into disorder with much difficulty ; and so it happens that a drunkard's life is quite as likely to lead to disease of some other organ, as it is to disease of the brain—to disease, for instance, of the liver, or lungs, or kidneys, according to the constitutional proclivity of the individual. It is quite certain, indeed, that drinking makes wrecks of a far larger number of people by inducing diseases of these organs than it does by causing cerebral disorders.

Those whose attention is much given to probing questions of this kind are constantly falling on illustrations of what we all understand when we speak of the working of wheels within wheels. For instance, it is said, and truly said, that the children of drunkards are in a larger proportion idiotic, imbecile, epileptic, &c., than are the children of the sober, and also that a larger proportion of them become drunkards or lunatics when they reach adult life. And here we have still another indirect relation of drunkenness to insanity, but in considering it we must not forget that the drunkard very frequently is a man who transmits to his children, not simply drinking habits, but also a tendency to insanity which he has inherited, and which has found its expression in his case in a weak character and habitual drunkenness. In all that relates to health and disease there is a wonderful interlacing of causes—perhaps even of causes and effects. Where there are so many contributors, it is scarcely correct to speak of any one as the author. But it is not to be doubted that excessive drinking stands as a most important contributor to the whole chapter of human misfortunes, and that it leads to a large amount of insanity, and of insanity's kinsfolk—crime, indolence and poverty.

In all that has been said I have been speaking of ordinary drunkards—working-men who seek the tavern and get drunk there on pay-nights, and on other nights also when they have money at command, or when their friends treat them ; gentlemen who get drunk at balls, dinners, pic-nics, and race meetings ; persons who drink to excess in company and in convivial surroundings, not alone and secretly ; persons who get occasionally, or often, or even very often drunk, but who do so, more or less truly, in public ; persons who yield the drunk and disorderly, and the drunk and incapable of the Police Courts, and many of the assaulters, stabbers, wife-beaters, and man-slaughterers of the higher Courts. These I call ordinary drunkards. They are regarded as vicious. It is held that they could avoid doing what they do—that they could abstain if they chose. It is not proposed to treat them as labouring under any form of mental disease. No one has recommended that we should build institutions for the cure and control of this multitude. They are held to be proper subjects for punishment. It may be held that the punishment should be weightier than it usually is, and that it should be of a nature which would tend more to make the thing punished disgraceful, but even those who recommend this generally stipulate that it shall not involve additional taxation.

These ordinary drunkards are related to lunatics, but in no such way as to need new or special legislation. All of them may be regarded as often, though temporarily, on the roll of lunatics. In addition to this they contribute heavily to the number of the insane in asylums ; but they do this last only as the unhealthy and the vicious of all sorts do, and scarcely in any more special sense or greater degree. When they become fit subjects for asylums, then they are received into those institutions without regard to the vicious origin of their malady, just as are all other lunatics—and they are

many—who owe their insanity to courses as vicious and as much under control as those which are followed by drunkards.

To the persons of whom I have been writing, the resolution which forms the text of this discussion has no reference, since they cannot be said to be persons who labour under a special form of insanity, which has excessive intemperance as one of its symptoms.

We turn now to another relation which exists between drunkenness and insanity. Habitual drunkards not unfrequently fall into a condition known as *delirium tremens*. It is not necessary that the drinking which precedes this state should go often to the extent of deep intoxication. It appears rather to crown the everlasting muddlement of the dram-drinker and the tippler. But nearly all the victims of it may be correctly enough described as habitual drunkards.

All those who labour under *delirium tremens* are beyond question in a state of lunacy. It is indeed a well-defined form of insanity, having both mental and bodily characters which are very distinctive. The subjects of it can be legally certified to be insane, and they could be further certified to be fit and proper objects for care and treatment in asylums, were it not that in their case, as in the case of the drunkards of whom I have already spoken, it is known that their condition will not probably endure long, and that when it passes away it will leave them in their normal or usual mental state. An attack of *delirium tremens* lasts longer than a fit of intoxication—days taking the place of hours—but still it is practically felt that both are short-lived and transitory. So it happens that few persons labouring under *delirium tremens* are actually sent to asylums; but some are—those, for instance, who prove difficult to manage, who are thought dangerous to themselves or others, or who are long of showing signs of improvement. In other words, whenever, in any particular case of *delirium tremens*, the condition has features which indicate that the appliances of an asylum would be useful and desirable in its treatment, then there is no difficulty in granting the necessary certificates and obtaining the necessary order. The present laws, therefore, reach this form of insanity, and do for it all that is necessary, either for those who labour under it, or for society. It is true that they make no provision for the control of the patient after he recovers. They do not prevent him from going back to his old habits, and having as the result a second attack. They treat him, however, in this respect just as they treat other lunatics, whose disease is as distinctly due to a vicious disregard of the laws of health, and who are as likely to resume evil courses, and have second and third attacks of insanity.

In *delirium tremens* we have thus another and somewhat closer and more special relation between drunkenness and insanity; but those labouring under it are clearly not the persons pointed at in the resolution of the British Medical Association, since it cannot be said of them that excessive drinking is a symptom of their insanity, nor that their insanity requires a special and unattainable mode of treatment.

There is still another state of insanity which stands in a direct and immediate relationship with drunkenness. We refer to what is known as *mania à pôtu*. This state, as a rule, immediately follows a fit of intoxication. In some senses, perhaps, it is a continuation of it. When, in ordinary cases, sobriety should appear, in these cases it is found that it does not appear, a state of excitement and of disordered mental action remaining. The patients are often violent aad difficult to manage, but the great majority of them soon recover. It is almost unnecessary to say that they can be certified to be lunatics. Indeed, such certificates regarding them are being constantly granted — more, too, than mere certificates of lunacy, for they are also often certified to be proper subjects for asylum treatment. Nevertheless, there is practically an unwillingness to send them to asylums, because their condition is regarded as more or less transitory, and for no other reason. If their condition were thought to be one likely to endure long, no persons would be regarded as more clearly needing the appliances of an asylum for their proper treatment and safe custody. When their condition, however, is clearly recognised as due to a fit of excessive drinking, then they are generally kept at home for a time, in the hope that the excitement will pass away. The amount of waiting will, of course, vary. Its length will depend somewhat on the patient's condition and circumstances; but it may depend also on the nearness of an asylum, and, in the case of a poor person, on the degree of control over the patient's discharge which the Parochial Board may possess.

Every person who has an attack of this form of mental disorder cannot be said to be an habitual drunkard, since it may present itself as the outcome of a single fit of intoxication. But generally those who labour under it have been frequently drunk, and in their cases it will often be found that intoxication has been characterised by an unusual degree of excitement.

The provisions of the existing laws reach them. There is nothing special about their mental disorder except its cause and progress. In its manifestations it does not differ from insanity caused by many other things. Indeed, if the history of the attack is not known, it may be impossible to name it—to assert, for instance, that it is not due to such a thing as a blow on the head, and that it is due to alcoholic intoxication. Its relation to drunkenness is as immediate and intimate as it can be, but it is still not the condition referred to in the resolution of the British Medical Association, since excessive intemperance is clearly not a symptom of it, and since it requires no special and unattainable treatment.

We have still, therefore, to look for some other condition which has relations both to drunkenness and insanity, which is special in its form, and which requires a special treatment not attainable under existing laws.

Second Article.

In the first article it was shown that the resolution of the British Medical Association did not refer either to ordinary drunkards, or to persons labouring under *delirium tremens* or *mania á pôtu*. There can be little doubt that the condition which is known as *dipsomania* is the one which the Association had in view, as meeting the requirements of their definition. The name is not a good one, and efforts have been made to invent a better, but without success. The name, however, will matter little if we succeed in disclosing what the condition is believed to be.

It is said that persons who are in the condition known as dipsomania exhibit an uncontrollable craving for intoxicants, which is not constant, but recurs at irregular intervals, and which is preferentially gratified in secret, the gratification having no reference to anything external, either of the nature of conviviality or of any other nature. The craving is thought to be beyond control, and this is held as placing the condition in a near relation to insanity. That relation, however, is said to be strengthened by the alleged fact that those who become the victims of this craving undergo a marked change of character, and also a certain deterioration of mental power. The change of character is said to be uniform, and to be seen in a peculiar inability to be quite truthful, in a blunting of the affections, and in a loss of the sense of duty and self-respect. It is asserted by those familiar with the condition that the kind of moral degradation which attends it is characteristic and easily recognised. The deterioration of intellectual power is said to be chiefly manifested in weakness of will or purpose, in loss of memory, in childish repetitions of the same story, in an enfeebled ability to reason soundly, and in an unwillingness to engage in any serious mental work. It is not held that this impairment of intellectual power is necessarily great. On the contrary, it is admitted that in some cases it may be so slight as to be difficult of detection. The moral deterioration, however, is held to be constant, and to be always tolerably well marked; but it is admitted that a moral deterioration of exactly the same character may occur in persons who are not the victims of this craving. Nor is the moral change thought to be of such a nature as to lead in any special degree to crimes against the person or against property. It is not said to injure general society so much as it does that branch of general society formed by *the family* — parents, brothers, sisters, husbands, wives, and children.

It is clear that certificates of lunacy cannot easily be obtained in the case of a person who is in the condition now described. If he is found actually drunk, then, of course, certificates may be granted, but whenever he becomes sober, they would cease to be true, and action on them could not continue to be taken It is held, however, that his lunacy is really not confined to the periods of intoxication. On the contrary, he is held to be insane at his soberest moments, and the recurring fits of drunkenness are looked on merely as a symptom of that insanity. If such a person exists, then, in his case, we have clearly reached a special form of insanity, having excessive intemperance as one of its symptoms, and lying beyond the scope of existing lunacy laws.

The first difficulty with most people will be to bring themselves to believe that excessive intemperance should not be described rather as a cause than as a symptom of this condition. This feeling derives support from the fact that it is nowhere asserted that the change in the moral and intellectual nature necessarily precedes the intemperance. The stories about dipsomania immediately following such things as blows on the head, sunstroke, and loss of blood, may be true, but they are received as doubtful by many, and are entirely disbelieved by some. Indeed, it is admitted that such cases can at best be only regarded as exceptional, and

that in nearly every instance a course of intemperance does actually precede the change of character, and precedes also that condition which is ultimately regarded as a drink-craving beyond control. At this early stage it is felt that drunkenness is acting as a cause, and not appearing as an effect. This, however, may be true, and yet it may eventually appear as an effect. In other words, a controllable intemperance may induce a state which leads to an uncontrollable intemperance. This at least is possible. We are able to say so from the analogies which are furnished by other states of disease. It is at least possible, therefore, that the condition I am writing about may have this history, and it must be remembered that I am dealing now with a feature of the condition which scarcely admits of absolute proof. Perhaps the best evidence of its truth that we possess is the fact that 7000 medical men have resolved that it is true. The value of this evidence, however, depends on the confidence we place in the observing and reasoning powers of these gentlemen, and in the security we have that the expression of opinion by the association as a body was not in reality an expression of opinion by an enthusiastic handful—the great bulk of the members being ignorant of and indifferent about the whole matter. Let this stand as it may, we know it to be often and confidently asserted that medical men of experience have little difficulty in agreeing, with regard to any patient actually before them, that he does or does not labour under this insane craving for drink—in other words, that he is or is not something more than, and different from, an ordinary drunkard. They profess to be able to say of certain persons with confidence that they labour under a disease, which they may possibly have acquired through intemperance, but of which the existing intemperance has become an effect or symptom; and it is even asserted that the chances of disagreement among experienced medical men would be less in regard to a case of dipsomania than in regard to many other diseases. If it be true, then, that the condition can be so surely and readily recognised, it may fairly be held that we have in that fact a strong argument for its existence. It cannot, however, be otherwise regarded than as a very awkward circumstance, that the promoters of legislation for a special class of persons, may, on the threshold, be asked to prove that any such class exists. From an examination of all that has been said on the subject, I think that they would be able to show that they have sufficient grounds for the faith that is in them, and in all that follows I shall assume that they have done this—admitting at the same time the reasonableness of doubts, and conceding that the alleged destruction of control is not total, but only such as presents itself in the so-called uncontrollable conduct of many who labour under the ordinary forms of lunacy.

Taking for granted, then, that there are persons with this uncontrollable craving for intoxicants—persons who, in the words of the resolution, labour under a special form of insanity, which has excessive intemperance for a symptom—do they require any special treatment? What is that treatment? And is it not attainable under the laws as they stand?

In answering these questions, it is necessary on the threshold to point out that such persons cannot be received into ordinary asylums as lunatics, for the very good reason that they cannot be certified to be lunatics. Their insanity is not held to be of the ordinary, but to be of a special form, and to be beyond the scope of the existing lunacy laws. It is true they may enter asylums as voluntary patients, but this would not confer any power of detaining them, and the craving, when it arose, being beyond control, would drive them out. It is stated, indeed, that not many of those who enter asylums voluntarily remain in them longer than a few weeks. In no way, therefore, is their treatment in asylums possible, even if it were thought that the organisation of asylums, and the kind of life which is led in them, supplied a treatment suitable to such cases. The reverse of this, however, is the opinion held. It is said that the dipsomaniac requires a treatment of a special character. In what this special character would consist I scarcely know, and opinions might differ on the subject; but there can be no doubt of this, that its essential feature would be prolonged and compulsory detention, with enforced abstinence from intoxicants. Whatever he might gain, the insane drink-craver would certainly lose his personal liberty, and be forced to submit to a discipline which would in all probability be irksome. In other words, a person labouring under a disease, which is not lunacy, though said to be in alliance with lunacy, which is described as a special form of lunacy, would be liable to a prolonged incarceration. It, is alleged, of course, that this would be done for his good, that his recovery would be the chief object; but, though still legally a sane man, he would not be consulted as to whether he wished or did not wish to be cured, nor could he [illegible] which alternative, in most greatly desire. But more than this is alleged—it is also alleged, though less prominently, that the seclusion of such persons is desirable in the interests of society—that the convenience and comfort of society are consulted in the matter—and that it is intended to save families from ruin and misery. These are excellent objects, and it would certainly not be dishonest to bring them in a clearer way to the front. Perhaps it would even be more honest. They are not motives to be ashamed of. They are, indeed, exactly those which lead to the seclusion in asylums of a large number of ordinary lunatics, and it is certain that their attainment may be much more confidently reckoned on than the recovery of the secluded. Indeed, there is little evidence that prolonged detention and abstinence would result in many cures of dipsomaniacs. This is a damaging fact, but it must be remembered that as yet we have possessed no means of acquiring evidence, and that we cannot acquire it without the assistance of legislation. We have, indeed, little to go on, but the reports which come to us from America. These are generally regarded as too good to be true, and it does not appear that practical men in this country place much confidence in them. In short, we cannot, as yet, tell whether the insane drink-craver can be cured by any sort of treatment, and there are certainly more things to make us despair than there are to make us hope. On the other hand, it is beyond doubt that the comfort and well-being of many families would be greatly promoted by an enforced withdrawal of some member who is unfortunately in the condition of those persons in regard to whom this resolution desires legislation. Whatever prolonged incarceration might do for the drink-craver himself, it would often confer a blessing on the family to which he belongs, and it does not seem unfair that the law should be made to protect the healthy and well-doing against the diseased and ill-doing. We use the double words here to meet any theory which may be adopted regarding the condition of the so-called dipsomaniac. With no theory, however, except that which involves the idea of disease, do we see how Parliament can ever be successfully approached; and in making a demand for fresh and special legislation, it must be shown that we have only recently recognised the special form of disease under which some drunkards labour, and the necessity for a mode of treating it which cannot be pursued without legal authority. We must define and specify the class of habitual drunkards for whose cure and control we desire to legislate. We can scarcely ask that the law should set in motion a scheme for curing and controlling every one who could be called an habitual drunkard, because the term is loose, and includes a multitude of persons who could not all be treated in one way. The dealing of the law with drunkards generally can only be in the way of punishment, or of regulating the sale of drink. The resolution of the 7000 doctors does not touch that aspect of the great drink question. It confines itself to asking legislation for a certain specified class of drunkards, and it starts wisely by declaring that an alliance exists between the condition of that class and the condition of the insane, in regard to whom the law already and largely concerns itself. It thus appears to be only asking an extension of existing legislation. Even this will not be easily obtained. The difficulties and obstacles are great and numerous. It is not easy, indeed, to see by what machinery the views embodied in the resolution could be safely worked out. Among the hindrances will certainly be the vague, ill-defined, and unpractical views which direct the action and inspire the sensational missives of the Friendly Society to which I have alluded. There is a fact, too, relating to insane drink-cravers themselves, which may prove both a help and a hindrance. It is this:—The majority of them in my opinion belong to the better class of society—to the educated class, that is; from the superior artisan upwards—who live in comfort, and sometimes in affluence, and their whole number, great as it is, is not so great as is often supposed. I am referring, of course, exclusively to those persons of whom it could be certified that they labour under a special form of insanity, which has excessive intemperance as one of its symptoms. If I am right in this opinion, it follows that not a few of these persons could defray the cost of a legalised detention out of their own pockets, and no aid from the Consolidated Fund, or from Rates of any kind, would be needed either to establish or to maintain the institutions in which their detention would take place. Such institutions would be the outcome of philanthropy or private adventure under State supervision and control, and Parliament might be asked to do nothing more than sanction the compulsory detention in institutions licensed and supervised by the State, of persons found under legal inquest of some prescribed kind to be in the condition which the resolution [illegible]. Such legislation would, in a real sense, be permissive. It would permit those to leave the institutions [illegible] who could themselves meet the cost, or who could do so through help from charitable and public organisations. If cures were found to follow prolonged enforced abstinence, then an effort might be made to extend and widen the law.

APPENDIX M.

* PARLIAMENTARY HISTORY OF THE QUESTION OF THE TREATMENT OF INEBRIATES.

In 1870 Dr Dalrymple moved a resolution on the subject of Habitual Drunkards (Hansard, Vol. cxcix., 1,241), and subsequently introduced a Bill (No. 197 of Session 1870). This Bill provided for both criminal and non-criminal habitual drunkards. For the latter, reformatories under the control of the Lunacy Commissioners (clauses 4 and 8) were to be established by individuals, by corporations, or by magistrates assembled in quarter sessions (clause 3), to which habitual drunkards might be admitted at the request of a near relation, friend or guardian, upon the production of two medical certificates, and upon the affidavit of some credible witness other than the applicant (clause 6). The limits of detention were to be 3 and 12 months, though there was given a power to discharge the persons confined (clause 9), and to shorten or extend the period of detention (clause 11). For criminal drunkards it was provided that magistrates or boards of guardians might establish reformatories, either as separate institutions or as wings of a prison or workhouse (clauses 12 and 13), to which habitual drunkards might be committed on a third conviction for drunkenness within a period of six months (clause 15). To this class of reformatories might also be committed habitual drunkards who were unable to pay for their maintenance in any other (clause 14). The limits of detention were to be 3 and 12 months (clause 15), though there was power to extend the period of committal by six months (clause 16).

The Bill did not reach second reading. In 1871 Dr Dalrymple re-introduced the Bill (No. 38 of Session 1871), but withdrew the motion for second reading on the suggestion of the then Home Secretary (Mr Bruce), that a Select Committee should be appointed the following Session to consider the subject (Hansard, Vol. ccvii., 1,501).

The Select Committee, consisting of Sir H. Johnstone, Mr Birley, Mr H. Samuelson, Mr Wharton, Dr Playfair, Mr Akroyd, Mr Mitchell Henry, Lord Claud Hamilton, Mr Miller, Mr Downing, Major Walker, Mr Winterbotham, Mr Read, Colonel Brise, and Dr Dalrymple (chairman) was appointed early in 1872, and reported in June of that year (Parliamentary Paper 242 of Session 1872). In the following July Dr Dalrymple introduced an elaborate Bill to carry out the Committee's recommendations (No. 279 of Session 1872).

The Bill proposed to provide two classes of retreats: (1) Houses licensed by the justices into which an habitual drunkard might be received (clause 8) on his own request, or on that of the guardian of his person, appointed by the Court of Chancery (clause 71). (2) Certified industrial hospitals (clause 39), to the support of which boards of guardians and prison authorities might contribute (clauses 42 and 43), and to which an habitual drunkard (*see* clause 7 for definition) might be committed by a court of summary jurisdiction on conviction of drunkenness (clause 56). There was a power given for the temporary removal of a person from a licensed house (clause 28), and for release on license from a hospital (clause 67). Mention may also be made of the extensive powers of retaking escaped patients which clause 69 proposed to give. The clause ran as follows:—

"If a patient escape from a hospital he may, at any time before the expiration of his prescribed period of detention, be retaken without warrant, and be detained, as if he had not escaped."

The central authority under the Bill was to be the Home Secretary.

The Bill did not proceed beyond first reading in 1872, and when re-introduced in 1873 (Bill No. 11 of Session 1873), the House was counted out on the second reading.

Dr Dalrymple died in the autumn of 1873, and no further proposals for legislation on the subject of inebriates came before Parliament until 1877. In that year the Archbishop of Canterbury moved in the House of Lords for the appointment of a Select Committee on Intemperance. The Committee finally reported in July (H. L. paper (28) of Session 1878–9), and though habitual drunkenness was not directly dealt with, the evidence taken by the Committee has an important bearing on the subject; while the report itself contains a valuable criticism of the statistics then available of apprehensions and convictions for drunkenness.

During the same Session, in the House of Commons, Sir Charles Cameron introduced an Habitual Drunkards Bill (No. 105 of Session 1877), an important development of the Bills of 1872 and 1873. Provision was made for the establishment of two classes of institutions, (*a*) retreats to be licensed by the local authority, the justices in quarter sessions (clause 6), and (*b*) inebriate reformatories to be provided directly by the local authority (clause 17). To *retreats* persons might be admitted on their own application (clause 10) or on committal by the justices in

* With some additions and alterations, this *resumé* is practically that prepared by Mr J. C. Legge of the Home Office for the English Departmental Committee of 1891.

petty sessions, sitting either with or without a jury to hear a summons granted on the application of the parent, husband, wife, relative, or guardian of an habitual drunkard (clauses 11, 12, 13). To *reformatories* were to be sent (1) habitual drunkards convicted by a court of summary jurisdiction (clause 29), or (2) persons who, having been convicted of drunkenness three times within three months, were unable to find sureties for their good behaviour for twelve months (clause 30). A power of discharge was given (clause 15), and also of leave of absence on license (clause 53). On escape an habitual drunkard might be retaken at any time before the expiration of his prescribed period of detention "by any officer, attendant, servant, "or other person employed in or about such retreat or inebriate reformatory, or by any "peace officer, without warrant, and be detained as if he had not escaped" (clause 75).

A *habitual drunkard* is defined as a person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or herself or to others, or incapable of managing himself or herself, and his or her affairs.

A *retreat* is defined as a house licensed by the licensing authority named by this Act, for the reception, control, care, and curative treatment of habitual drunkards.

Retreats were to be in the main private speculations, power being given to enforce payment by the habitual drunkard himself (clause 63), or by his relatives (clause 64), or, in the case of a pauper, by the union or parish from which he was sent. No license was to be given to any person who was licensed to keep a house for the reception of lunatics. *Reformatories* were to be provided out of local rates (clause 23), with contributions from the Treasury (clause 57), and payments by habitual drunkards, their relatives, or unions, as in the case of retreats.

In the application of this Act to Scotland the following provisions shall have effect:—

(1) The term "sheriff" includes sheriff-substitute.

(2) All penalties for offences under this Act shall be recovered, with expenses, in a summary manner before the sheriff at the instance of the procurator-fiscal of court.

(3) An appeal against a conviction or order of a court of summary jurisdiction under this Act shall be to the Court of Justiciary at the next circuit court, or, where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise; and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, "for taking away and abolishing "heritable jurisdictions in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay the fine and expenses awarded against him by the conviction or order appealed from, together with any additional expenses awarded by the court dismissing the appeal.

(4) The jurisdiction and authority conferred on a county court judge under this Act in England, may in Scotland be exercised by a sheriff.

The Bill did not reach a second reading in 1877, and was re-introduced in 1878 (Bill No. 27 of Session 1878). In moving the second reading on the 3rd July (Hansard, Vol. ccxli., 688), Sir Charles Cameron announced his readiness to abandon the compulsory clauses in committee, and after a long debate the Bill was read a second time without a division. The Bill was then considered in committee, and reported as amended (Bill No. 250 of Session 1878). The effect of the Bill as amended was that it made provision for the establishment of *retreats* (as described above) alone, to which persons should only be admitted on their own application (clause 9).

In 1879 Sir Charles Cameron re-introduced the Bill as amended in 1878 (Bill No. 47 of Session 1879). The Bill, with important modifications, especially in limiting the power of retaking escaped patients, passed through the Commons (Hansard, Vol. ccxliii., 1384).

In the House of Lords the Bill was taken charge of by Lord Shaftesbury, and there was an important debate on the second reading, in the course of which Lord Selborne expressed the opinion that perhaps over-caution was the fault of the measure (Hansard, Vol. ccxlv., 1945).

The Bill, the duration of which was limited to 10 years, received the Royal assent in July as the Habitual Drunkards Act, 1879.

In 1887 Sir Charles Cameron introduced a Bill (No. 229 of Session 1887), to give permanency to the Act of 1879 (clause 2), to enable a licensee to appoint a deputy (clause 3), and also to provide that the attestation of an application for admission to a retreat might be by any justice of the peace instead of two justices. The Bill made no progress that Session.

In 1888 it was re-introduced by Sir Charles Cameron in two forms, one (Bill No. 141 of Session 1888) identical with the Bill of 1887, and the other (Bill No. 203 of Session 1888), changing the name to the Inebriates Act (clause 1), making permanent the Act of 1879 (clause 2), enabling a licensee to appoint a deputy to act for six weeks only in the year (clause 3), and providing that the attestation of an application for admission might be by any two justices instead of by two justices

having summary jurisdiction in the place where the matter requiring the cognizance of a justice arises (clause 4 taken in connection with sections 3 and 10 of the Act of 1879). The latter Bill passed the House of Commons, and on its introduction in the House of Lords by the Earl of Aberdeen, was after a short debate agreed to (Hansard, Vol. cccxxvii., 1,513). It received the Royal assent in July 1888.

From 1890 to 1891 several meetings of a representative Committee, composed of 19 delegates, 10 from England, 8 from Scotland, and 1 from Ireland, were held in London, under the auspices of the Reformatory and Refuge Union, London, and of the Central Committee of the Discharged Prisoners' Aid Societies of Great Britain and Ireland. It was ultimately resolved in May 1891, that the Memorial and Statistics prepared by Dr J. F. Sutherland, should be presented to the House of Lords, and that Sir James M. Carmichael, Bart., M.P., Mr A. J. Maddison, and Dr Sutherland, wait upon Lord Herschell with the object of enlisting his sympathy, and if satisfied after the interview and consideration of the Memorial, getting his Lordship to present the petition, and move for an inquiry. Lord Herschell did so, and as the result of his action a Departmental Committee for England was appointed by the Home Secretary, Mr Matthews.

When it was ascertained that Scotland was not to be embraced in the inquiry, the Glasgow Committee on Habitual Drunkards and Offenders appointed a deputation, consisting of Mr Provand, M.P., Bailies Chisholm and Macfarlane, the Rev. Hugh Ross, M.A., and Dr J. F. Sutherland, to wait upon Sir George O. Trevelyan, Bart., M.P., Secretary for Scotland, and to present a Memorial (*vide* Appendix H). This was done in Glasgow, in November 1892, and strong reasons given by the different speakers, setting forth the necessity for something being done without delay. Subsequently (1893) the Edinburgh Association for the Reclamation of Habitual Offenders, the joint Committees of Edinburgh, Glasgow, Dundee, Aberdeen, and Greenock took action, and forwarded Memorials to the Secretary for Scotland, pressing for an inquiry (*vide* Appendix F). Accordingly, in May 1894, Sir George O. Trevelyan appointed a Departmental Committee, which has now reported.

J. F. S.

APPENDIX I.

STATISTICAL RETURN (Illustrated by Chart, *vide* Appendix II.) prepared by Dr J. F. Sutherland, showing Apprehensions, &c. for all Offences and Crimes, and for Four Specified Petty Offences in England, Scotland, and Ireland, and in the large Cities and Burghs of the Three Countries during 1893, and the Ratio of these Offences to Population, &c.

	Population.	Apprehended or cited for all Offences and Crimes during 1893.			Ratio per 1000 of pop.	1. Apprehended or cited for (*a*) Simple or Petty Assault, (*b*) Breaches of the Peace.			2. Apprehended or cited for (*a*) Drunk, (*b*) Drunk and Incapable, (*c*) Drunk and Disorderly.			Ratio of Cols. 1 and 2 per 1000 of pop.	3. Apprehended, &c., for Prostitution.	Ratio of Col. 3 per 1000 of pop.	4. Apprehended, &c., for (*a*) Begging, (*b*) Vagrancy.			TOTAL of cols. 1, 2, 3, and 4.			Percentage of those in cols. 1, 2, 3, and 4, to total Apprehensions for all Offences and Crimes.	Population to each Police Officer.
		Male.	Female.	Total.		Male.	Fem.	Total.	Male.	Fem.	Total.				Male.	Fem.	Total.	Male.	Female.	Total.		
*SCOTLAND, Co.	2,073,600	34,447	6,930	41,377	*19*	...	...	21,848	...	...	3,435	*12*	?	...	...	...	351	...	...	25,634	*61%*	1 to 1217
*SCOTLAND, B.	1,952,210	76,408	32,803	109,211	*55*	...	...	47,042	...	...	30,805	*39*	3350?	*1·7*	...	...	773	...	...	81,820	*74%*	1 to 650
	4,025,810	110,855	39,733	150,588	*37*	...	...	68,890	...	...	34,240	*25*	3350?	...	...	...	1,124	...	...	107,454	*71%*	1 to 857
ENGLAND,	29,000,000	603,930	125,582	729,512	*25*	...	...	79,835	..	...	173,929	*8·9*	6678	*·23*	...	...	14,772	...	...	275,214	*37%*	...
IRELAND, .	4,638,000	190,733	38,072	228,805	*49*	...	...	25,559	...	...	93,197	*25*	947	*·20*	...	...	1,541	...	...	121,244	*52%*	...
†Glasgow, .	672,190	37,430	19,110	56,540	*84*	15,332	8182	23,514	11,687	5558	17,245	*60*	2421	*3·6*	541	95	636	27,560	16,256	43,816	*77%*	1 to 514
Edinburgh,	267,640	6,470	3,420	9,890	*37*	2,475	1562	4,037	1,541	936	2,477	*24*	351	*1·3*	133	41	174	4,149	2,890	7,039	*71%*	1 to 559
Dundee, .	156,580	4,159	2,506	6,956	*44*	1,843	968	2,811	926	672	1,598	*28*	335	*2·*	47	10	57	2,816	1,985	4,801	*69%*	1 to 869
Aberdeen, .	126,440	3,316	1,246	4,562	*36*	913	425	1,338	752	364	1,116	*19*	120	*·9*	20	5	25	1,685	914	2,599	*56%*	1 to 910
Leith, .	71,700	1,703	541	2,244	*31*	698	278	976	372	148	520	*20*	44	* *·6*	12	1	13	1,082	471	1,553	*69%*	1 to 969
Greenock, .	63,420	2,353	1,225	3,578	*56*	683	623	1,306	536	257	793	*33*	22	*·3*	20	27	47	1,239	929	2,168	*60%*	1 to 566
Govan, . .	65,630	2,004	656	2,660	*40*	1,116	442	1,558	193	90	283	*28*	31	*·4*	12	1	13	1,321	564	1,885	*70%*	1 to 792
Paisley, . .	68,620	1,445	382	1,827	*26*	406	135	541	717	210	927	*21*	...	...	2	...	2	1,125	345	1,470	*80%*	1 to 1031
Partick, . .	41,250	1,084	283	1,367	*33*	498	170	668	169	55	224	*21*	‡3	...	1	...	1	668	225	893	*65%*	1 to 825
Perth, . .	29,910	900	478	1,378	*46*	427	230	657	174	112	286	*31*	‡21	...	16	11	27	617	353	970	*70%*	1 to 758
Hamilton, .	25,600	1,271	216	1,487	*58*	592	131	723	262	50	312	*40*	‡2	...	18	1	19	872	182	1,054	*70%*	1 to 985
Ayr, . . .	25,450	1,362	430	1,792	*73*	520	232	752	304	83	387	*44*	2	...	16	12	28	840	329	1,169	*65%*	1 to 912
Kilmarnock,	28,700	899	348	1,247	*43*	...	...	485	...	...	336	*28*	‡6	...	...	...	5	...	...	826	*66%*	1 to 1197
Kirkcaldy, .	27,700	924	228	1,152	*41*	380	134	514	143	56	199	*25*	...	...	15	1	16	538	191	729	*63%*	1 to 1367
Airdrie, . .	24,300	...	...	1,006	*41*	...	...	464	...	...	280	*30*	...	...	...	...	2	...	...	746	*74%*	1 to 1007
Inverness, .	21,250	890	156	1,046	*49*	363	72	435	256	44	300	*34*	...	...	4	3	7	623	119	742	*70%*	1 to 1032
*Met. P. Dist.,	5,596,000	117,601	29,940	147,541	*26*	...	...	19,502	...	...	30,127	*8*	1893	*·3*	...	...	2,296	...	...	53,818	*36%*	...
Liverpool, .	517,980	29,108	133,81	42,489	*82*	...	...	1,157	...	...	9,005	*19*	1888	*3·6*	...	...	526	...	...	12,576	*29%*	...
Manchester,	505,360	19,361	6,593	25,954	*51*	...	...	2,586	...	...	6,225	*17*	1014	*2·*	...	...	765	...	...	10,590	*40%*	...
Birmingham,	478,110	12,680	2,531	15,211	*31*	...	..	1,564	...	...	3,073	*9*	52	...	...	...	128	...	...	4,817	*31%*	...
Leeds, . .	367,500	6,984	2,457	9,441	*25*	...	...	1,162	...	...	1,617	*7*	5	...	...	...	223	...	...	3,007	*31%*	...
*Dublin, . .	352,000	35,763	13,595	49,358	*140*	...	...	2,428	...	...	9,064	*32*	684	*1·9*	...	...	789	...	...	12,965	*26%*	...
Belfast, . .	256,000	10,644	4,450	15,094	*59*	...	...	1,505	...	...	6,905	*33*	94	*·37*	...	...	62	...	...	8,566	*56%*	...

Co. = Counties; B. = Burghs.

* Judicial Statistics, 1892.

† Police Reports for 1893.

‡ Returns ordered by Departmental Committee.

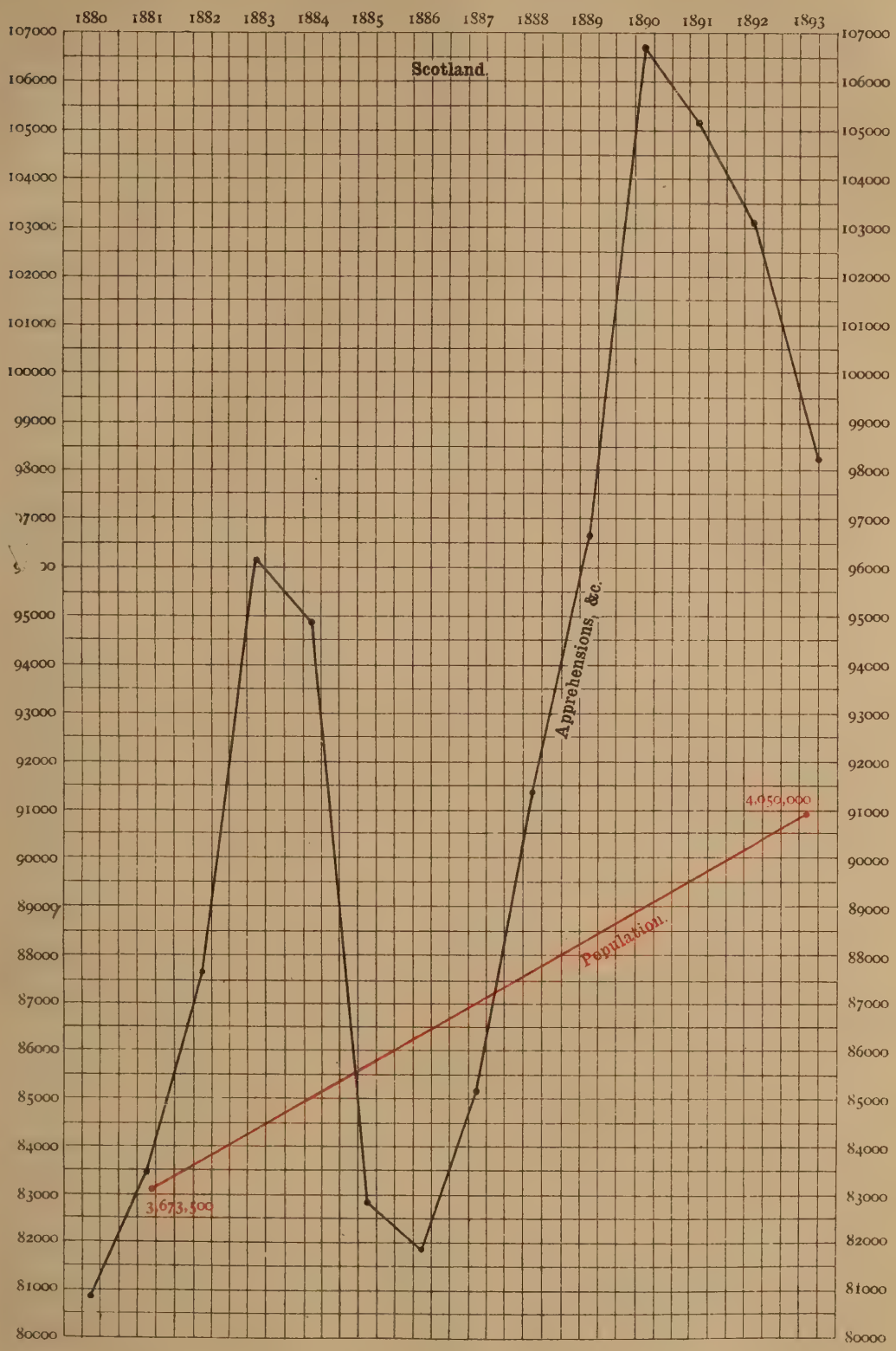
APPENDIX III.

STATISTICAL RETURN prepared by Dr J. F. Sutherland, showing Apprehensions, &c., in Scotland, from 1880 to 1893, for (1) Breach of Peace, Disorderly Conduct, Petty Assault, and (2) Drunk and Incapable, in Scotland (with Chart, *vide* Appendix IV.).

Years.	Population.	Apprehensions.		
		1	2.	Total.
1880	...	53,988	26,867	80,855
1881	3,673,820	54,676	28,800	83,476
1882	...	58,486	29,112	87,598
1883	...	64,584	31,543	96,127
1884	...	66,760	28,178	94,938
1885	...	59,151	23,802	82,953
1886	...	58,589	23,401	81,990
1887	...	59,860	25,326	85,186
1888	..	63,422	28,045	91,467
1889	...	64,659	31,983	96,642
1890	3,945,000	70,329	36,293	106,622
1891	3,966,400	70,019	35,141	105,160
1892	4,025,500	68,890	34,240	103,130
1893	4,050,000	66,586	31,841	98,427
%	+ 10	+ 23	+ 18	+ 21

Plus sign indicates percentage increase, *minus*, decrease, between 1880 and 1893.

Diagram shewing in Black the Apprehensions, &c., for Breach of Peace, Drunk and Incapable, and Disorderly Conduct, and in Red the Population, from 1880 to 1893.



APPENDIX V.

STATISTICAL RETURN prepared by Dr J. F. Sutherland, showing Apprehensions, &c., from 1880 to 1893, for (1) Breach of Peace, Disorderly Conduct, Petty Assault, and (2) Drunk and Incapable, in the Counties and Burghs as a whole, and in 13 Cities and Burghs (with Charts, *vide* Appendix VI.).

Years.	Counties.				Burghs.				Glasgow.				Edinburgh.			
	Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.		
		1	2	Total.		1	2	Total.		1	2	Total.		1	2	Total.
1880	..	11,279	1784	13,063	...	42,709	25,083	67,792	...	22,735	13,458	36,193	...	4505	2697	7202
1881	2,056,290	11,446	1941	13,387	1,617,530	43,230	26,859	70,089	511,530	22,813	14,688	37,501	231,480	4608	2610	7218
1882	...	12,021	2050	14,071	...	46,465	27,062	73,527	...	24,357	14,497	38,854	...	5042	2822	7864
1883	...	15,945	3105	20,050	...	47,639	28,438	76,077	...	22,364	14,356	36,730	...	5201	2775	7976
1884	...	18,350	3197	21,547	...	49,415	24,981	73,396	...	22,877	12,751	35,628	...	5763	2487	8250
1885	...	17,211	2887	20,098	...	41,940	20,915	62,855	...	20,777	10,821	31,598	...	5443	2201	7644
1886	...	16,538	2670	19,208	...	42,051	20,731	62,782	...	21,044	11,002	32,046	...	5335	2340	7675
1887	...	17,160	2678	19,838	...	42,700	22,648	65,348	...	21,769	12,829	34,598	...	4632	2140	6772
1888	...	18,437	2757	21,194	...	44,985	25,288	70,273	...	22,948	14,944	37,892	...	4679	2208	6887
1889	...	18,940	3243	22,183	...	45,719	28,740	74,459	...	23,264	17,106	40,370	...	4730	2190	6920
1890	2,119,000	20,994	3806	24,800	1,826,000	49,333	32,487	81,820	555,000	25,218	20,904	46,122	...	4633	2255	6888
1891	2,056,400	21,553	3757	25,310	1,910,000	48,466	31,384	79,850	658,190	24,668	19,362	44,030	263,646	5558	2431	7989
1892	2,073,500	21,848	3435	25,283	1,952,000	47,042	30,805	77,847	672,000	23,241	19,014	42,255	267,600	5579	2525	8104
1893	2,085,000	21,724	3326	24,450	1,965,000	45,462	28,515	73,977	678,000	23,512	17,245	40,757	270,000	4641	2232	6873
%	1 %	+87	+86	+87	+21	+6	+13	+9	+32	+3·5	+28	+12	+16	+3	−17	−4·5

Years.	Dundee.				Aberdeen.				Leith.				Greenock.				Govan.			
	Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.		
		1	2	Total.		1	2	Total.		1	2	Total.		1	2	Total.		1	2	Total.
1880	...	3041	1878	4919	...	832	183	1015	...	1170	712	1882	...	1799	1224	3023	...	1345	640	1985
1881	142,454	2858	1813	4671	87,220	1086	172	1258	58,190	1190	581	1771	72,000	1584	1367	2951	49,420	1656	787	2443
1882	...	3047	1587	4634	...	1249	236	1485	...	979	491	1470	...	1860	1623	3483	...	1726	819	2545
1883	...	3381	2027	5408	...	778	999	1777	...	1381	643	2024	...	1571	1556	3127	...	2029	796	2825
1884	...	3044	1573	4617	...	819	975	1794	...	1831	399	2230	...	1677	1294	2971	...	1465	552	2017
1885	...	2164	1182	3346	...	799	911	1710	...	1208	390	1598	...	1304	828	2132	...	1007	326	1333
1886	...	2649	1176	3825	...	945	859	1804	...	1254	393	1647	...	1452	707	2159	...	975	263	1238
1887	...	2663	1202	3865	...	947	928	1875	...	1349	446	1795	...	1543	774	2317	...	885	236	1121
1888	...	2548	1061	3609	...	1053	822	1875	...	1331	514	1845	...	1677	1089	2766	...	1128	317	1445
1889	...	2657	1241	3898	...	1030	811	1841	...	1225	515	1740	...	1987	1485	3472	...	1470	432	1902
1890	..	3218	1133	4351	...	1012	888	1900	...	1519	465	1984	...	1593	1195	2788	...	2071	444	2515
1891	153,587	2741	1131	3872	124,943	948	966	1914	68,707	1240	482	1722	63,423	1936	1582	3518	63,625	1704	363	2067
1892	156,600	2342	1110	3452	126,400	1441	1386	2827	71,700	1040	418	1458	63,423	1872	1300	3172	65,600	1745	352	2097
1893	157,400	2825	1615	4440	133,500	1338	1116	2454	72,700	977	520	1497	63,423	1312	804	2116	65,400	1558	283	1841
%	+10	−7	−14	−9	+53	+60	+509	+141	+24	−16	−26	−20	−11	−27	−34	−30	+32	+15	−55	−7

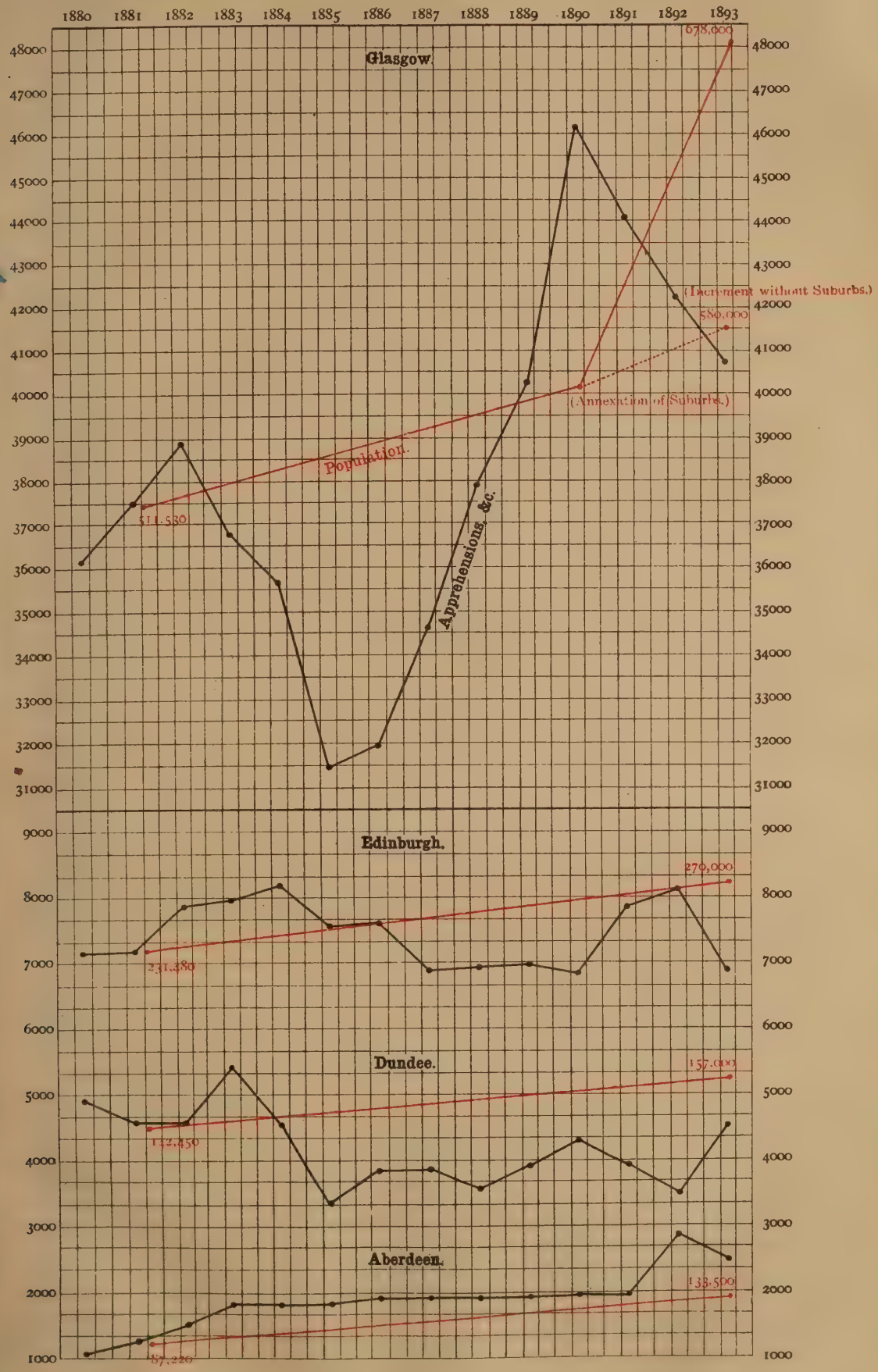
Years.	Paisley.				Partick.				Perth.				Ayr.				Hamilton.				Kirkcaldy.			
	Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehensions.			Pop.	Apprehens.		
		1	2	Total.		1	2	Total.		1	2	Total.		1	2	Total.		1	2	Total.		1	2	Tot.
1880	...	450	666	1116	...	747	306	1053	...	285	220	505	...	490	185	675	...	446	192	638	...	202	117	319
1881	55,640	456	936	1392	27,390	806	378	1184	27,850	251	229	480	20,820	388	261	649	18,520	418	194	612	23,280	143	97	240
1882	...	489	1152	1641	...	1019	426	1445	...	334	286	670	...	566	236	802	...	556	182	738	...	232	155	387

MAXIMUM NUMBER OF INMATES IN THE 60 TOWNHOUSES, 10,067. Average daily number, 9252. Total Accommodation, 13,150.

In Poorhouses at Glasgow, Greenock, Govan (when Lunatics removed to new Asylum, Vacancies may reach 20%), Hamilton, Dundee, Cambusnethan, Dumbarton, Maybole, Dunfermline, Vacancies vary from 0 % to 19 %.

Cost for Management *alone* of A, 1-12, is £2280; of B, 13-16, £1000; of C 17-27, £3870—Total, £7100.

Diagram shewing in Black the Apprehensions, &c., for Breach of Peace, Drunk and Incapable, and Disorderly Conduct, and in Red the Population, from 1880 to 1893.



GEOGRAPHICAL POSITION OF 66 POORHOUSES.

Zetland C. $\frac{50}{18}$

Orkney C. $\frac{50}{44}$

N.B.—Figures above dark line refer to accommodation, those below to vacancies.
Figures in first column of 1 to 4 and 1 to 6 refer to accommodation, and those in second to vacancies.

Thurso C. $\frac{149}{141}$

Wick and Latheron C. $\frac{50}{37}$

Sutherland C. $\frac{50}{27}$

Easter Ross C. $\frac{100}{56}$

Long Island C. $\frac{20}{9}$

Black Isle C. $\frac{100}{70}$

Nairn C. $\frac{75}{39}$

Inverness $\frac{173}{75}$

Morayshire C. $\frac{150}{112}$

Buchan C. $\frac{138}{73}$

Skye C. $\frac{75}{64}$

Old Machar $\frac{270}{113}$

Aberdeen $\frac{356}{83}$

Kincardine C. $\frac{119}{44}$

Forfar $\frac{85}{45}$

Athole C. $\frac{70}{30}$

Mull C. $\frac{125}{104}$

Arbroath C. $\frac{128}{36}$

Dundee $\frac{168}{Nil.}$

Dundee $\frac{650}{633}$

Perth $\frac{210}{62}$

Lorn C. $\frac{234}{141}$

Upper Strathearn C. $\frac{80}{26}$

1	St Cuthberts	884	391
2	Edinburgh	811	333
3	South Leith	288	74
4	North Leith*	120	61

Dysart C. $\frac{155}{43}$

Dunfermline $\frac{103}{20}$

Stirling C. $\frac{176}{73}$

Kirkcaldy C. $\frac{130}{42}$

Lochgilphead C. $\frac{72}{44}$

Linlithgow $\frac{239}{105}$

Dumbarton $\frac{182}{169}$

Falkirk $\frac{164}{87}$

Prestonkirk* $\frac{88}{49}$

Musselburgh $\frac{104}{43}$

$\frac{410}{351}$ Greenock

Airdrie $\frac{204}{44}$

Dalkeith* $\frac{121}{67}$

Islay C. $\frac{48}{22}$

Hamilton* $\frac{170}{20}$

Cambusnethan $\frac{120}{18}$

Lanark* $\frac{60}{23}$

Peebles C $\frac{90}{69}$

Cunninghame C. $\frac{479}{233}$

Galashiels C. $\frac{65}{25}$

Kelso C. $\frac{70}{44}$

Jedburgh C. $\frac{72}{53}$

Hawick C. $\frac{133}{96}$

Campbeltown $\frac{124}{68}$

Kyle C. $\frac{168}{33}$

Maybole $\frac{48}{7}$

Upper Nithsdale $\frac{126}{100}$

1	Barony	1427	322
2	Glasgow	1543	62
3	Govan	808	35
4	Abbey	655	387
5	Paisley*	283	67
6	Coatbridge	276	156

Dumfries $\frac{132}{50}$

Kirkpatrick-Fleming, C. $\frac{96}{86}$

Wigtown C. $\frac{134}{60}$

Kirkcudbright C. $\frac{136}{91}$

APPENDIX VIII.

RETURN prepared by Dr J. F. Sutherland, Showing Grouping of 62 Poorhouses according to Geographical Position (with Map), to indicate how 27 might be closed.

Poorhouses.	Accommodation.	Inmates on 1st January.	Vacancies.	Remarks.
Group I.				
Caithness.				
1. Thurso,* . .	149	8	141	* Both might be closed = 199.
2. Wick,* . .	50	13	37	
	199	21	178	Vacancies 90 %.
Group II.				
Inverness.				
1. Inverness, .	173	98	75	
2. Elgin,* . .	150	38	112	* Three of this group might be closed = 300.
3. Fortrose,* .	100	30	70	
4. Tain,* . .	100	44	56	
5. Nairn, . .	75	36	39	
6. Sutherland,* .	50	23	27	
	648	269	379	Vacancies 58 %.
Group III.				
Aberdeen.				
1. Aberdeen, .	356	273	83	
2. Old Machar, .	270	157	113	* One might be closed = 119.
3. Stonehaven,* .	119	75	44	
	745	505	240	Vacancies 32 %.
Group IV.				
Forfar.				
1. Arbroath, .	128	92	36	*Nil.*
2. Forfar, . .	85	40	45	
	213	132	81	Vacancies 38 %.
Group V.				
Perth.				
1. Perth, . .	210	148	62	* One of this group might be closed = 70.
2. Auchterarder, .	80	54	26	
3. Ballinluig,* .	70	40	30	
	360	242	118	Vacancies 32 %.
Group VI.				
Fife.				
1. Kirkcaldy, .	130	88	42	
2. Dysart, . .	155	112	43	*Nil.*
3. Dunfermline, .	103	83	20	
	388	283	105	Vacancies 27 %.
Group VII.				
Falkirk.				
1. Linlithgow, .	230	123	107	
2. Stirling, . .	176	103	73	* One might be closed = 164.
3. Falkirk,* .	164	97	67	
	570	323	247	Vacancies 43 %.
Group VIII.				
Edinburgh.				
1. St Cuthberts, .	884	493	391	
2. Edinburgh, .	811	478	333	
3. South Leith, .	288	214	74	
4. North Leith,* .	120	59	61	* Three might be closed = 329.
5. Dalkeith,* .	121	54	67	
6. Musselburgh, .	104	61	48	
7. Prestonkirk,* .	88	39	49	
	2416	1398	1018	Vacancies 42 %.

Poorhouses.	Accommodation.	Inmates on 1st January.	Vacancies.	Remarks.
Group IX.				
Glasgow.				
1. Barony, . .	1427	1105	322	
2. Glasgow, .	1543	1481	62	
3. Govan, . .	808	773	35	
4. Abbey, . .	655	268	387	
5. Paisley,* . .	283	216	67	* Three might be closed = 513.
6. Coatbridge, .	276	120	156	
7. Hamilton,* .	170	150	20	
8. Airdrie, . .	204	160	44	
9. Lanark,* . .	60	37	23	
10. Cambusnethan	120	102	18	
	5546	4412	1134	Vacancies 20 %.
Group X.				
Ayr.				
1. Ayr,* . .	168	135	33	* Two might be closed = 216.
2. Irvine, . .	479	246	233	
3. Maybole,* .	48	41	7	
	695	422	273	Vacancies 40 %.
Group XI.				
Galashiels.				
1. Hawick, . .	133	37	96	
2. Peebles,* .	90	21	69	* Four might be closed = 297.
3. Jedburgh,* .	72	19	53	
4. Kelso,* . .	70	26	44	
5. Galashiels,* .	65	40	25	
	430	143	287	Vacancies 66 %.
Group XII.				
Dumfries.				
1. Dumfries, .	132	82	50	
2. Ecclefechan,* .	96	10	86	* Two might be closed = 222.
3. Thornhill,* .	126	26	100	
	354	118	236	Vacancies 66 %.
Groups XIII.				
Insular and Remote.				
1. Portree,* .	75	11	64	Vacancies 85 %.
2. Tobermory,* .	125	21	104	" 83 %.
3. Lochmaddy,* .	20	11	9	" 45 %.
4. Oban, . .	234	93	141	" 60 %.
5. Lochgilphead, .	72	28	44	" 61 %.
6. Campbeltown, .	124	56	68	" 54 %.
7. Bowmore, .	48	26	22	" 45 %.
8. Stranraer, .	134	74	60	" 44 %.
9. Kirkcudbright,	136	45	91	" 67 %.
10. Kirkwall,* .	50	6	44	" 88 %.
11. Lerwick, . .	50	32	18	" 36 %.
12. New Maud, .	138	65	73	" 52 %.
	1206	468	738	* Four might be closed = 270.

N.B.—First. By the grouping of poorhouses within short and convenient distance of one another, *23 having accommodation for 2400, might be closed.

Second. In Group XIII (Insular and Remote), *4, having accommodation for 270, might be closed.

Third. Averaging the cost of management alone at 9d. per head per week, for whom accommodation is sanctioned in these *26 poorhouses, the sum amounts to £5200.

Fourth. Greenock and Dumbarton, and Dundee East and West, would, according to geographical position, form two Groups, but the four poorhouses are generally full.

APPENDIX IX.

TABLE prepared by Secretary from Returns furnished by Chief Constables, showing Apprehensions and Re-apprehensions, &c., in the Counties and Burghs for the Year 1893, and the percentage of the latter to the former.

(1) Number of Persons Apprehended or Cited in the Year 1893 for the Offences specified in App. X., not including re-apprehensions or re-citations of the same person within the Year 1893, *i.e., not counting any person more than once.*				(2) Number of Persons given in Col. 1 Re-apprehended or Re-cited within the Year 1893 for Offences of all kinds.			(3) Percentage of Re-apprehensions to Apprehensions.
COUNTIES.	M.	F.	Total.	M.	F.	Total.	%
Lanark,	4025	1207	5232	397	163	560	10
Ayr,	2175	657	2832	161	100	261	9
Stirling,	1542	354	1896	160	58	218	11
Edinburgh,	1300	294	1594	106	43	149	9
Fife,	1168	288	1456	...	...	...	...
Dumbarton,	1181	299	1480	50	14	64	4
Linlithgow,	1079	348	1427	116	32	148	10
Renfrew,	739	244	983	40	21	61	6
Perth,	689	221	910	90	59	149	16
Aberdeen,	732	116	848	80	12	92	10
Elgin,	615	117	732	71	18	89	12
Haddington,	480	149	629	5	1	6	1
Argyll,	485	117	602	48	22	70	11
Ross & Cromarty,	472	66	538	31	2	33	6
Banff,	410	62	472	58	5	63	13
Roxburgh,	326	74	400	57	13	70	17
Dumfries,	297	47	344	36	16	52	15
Wigtown,	245	85	330	17	6	23	6
Kincardine,	272	41	313	44	3	47	15
Berwick,	229	64	293	9	4	13	4
Kirkcudbright,	217	61	278	12	3	15	5
Caithness,	239	30	269	45	6	51	19
Inverness,	202	16	218	27	2	29	13
Forfar,	174	43	217	12	6	18	8
Peebles,	135	38	173	11	2	13	7
Clackmannan,	125	27	152	12	1	13	8
Selkirk,	124	24	148	23	5	28	20
Kinross,	70	15	85	6	1	7	8
Sutherland,	63	10	73	1	...	1	
Nairn,	61	9	70	...	...	...	...
Bute,	36	9	45	...	...	...	...
Total,	19857	5132	24989	1725	618	2343	9%

(1) Number of Persons Apprehended or Cited in the year 1893 for the Offences specified in App. X., not including re-apprehensions or re-citations of the same person within the Year 1893, *i.e., not counting any person more than once.*				(2) Number of Persons given in Col. 1 Re-apprehended or Re-cited within the Year 1893 for Offences of all kinds.			(3) Percentage of Re-apprehensions to Apprehensions.
BURGHS.	M.	F.	Total.	M.	F.	Total.	%
Glasgow,	23,427	10,712	34,139	2,295	2,033	4,328	12
Edinburgh,			No Return.				
Dundee,	2243	1126	3369	219	374	593	17
Aberdeen,	1770	528	2298	178	125	303	13
Govan,	1326	544	1870	151	46	197	10
Greenock,	1164	670	1834	134	153	287	15
Leith,	1093	428	1521	133	74	207	13
Paisley,	1026	271	1297	151	64	215	17
Partick,	944	228	1172	101	32	133	11
Perth,	642	384	1026	78	77	155	15
Ayr,	747	248	995	110	59	169	17
Hamilton,	781	164	945	67	13	80	8
Dumbarton,	723	148	871	149	38	187	21
Kilmarnock,	619	194	813	183	46	229	28
Kirkcaldy,	585	165	750	134	50	184	24
Stirling,	495	284	779	2	44	46	5
Dumfries,	474	143	617	73	22	95	15
Inverness,	564	86	650	98	24	122	18
Hawick,	381	118	499	83	29	112	22
Dunfermline,	336	85	421	102	16	118	28
Airdrie,	289	76	365	60	47	107	29
Port-Glasgow,	278	84	362	34	6	40	11
Arbroath,	214	59	273	14	5	19	7
Johnstone,	210	59	269	51	6	57	21
Alloa,	179	79	258	8	3	11	4
Galashiels,	199	42	241	1	...	1	1
Renfrew,	146	43	189	22	6	28	15
Rothesay,	139	35	174	10	5	15	8
Montrose,	124	40	164	12	4	16	10
Forfar,	105	47	152	4	3	7	4
Brechin,	98	29	127	7	4	11	8
Broughty-Ferry,	61	36	97	2	2	4	4
Total,	41382	17150	58532	4666	3410	8076	13

APPENDIX X.

TABLE prepared by Secretary, from Returns furnished by Chief Constables, of 8 CITIES and BURGHS, showing APPREHENSIONS, &c., for the following years, for (*a*) Breach of the Peace and Petty Assault; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Begging and Vagrancy; (*d*) Prostitution; (*e*) Petty Thefts, with Sentences of 14 Days and under.

Total number of Convictions, Admonitions, or Pledges forfeited in the years following, for the Offences stated, for (*a*), (*b*), (*c*), (*d*), (*e*).

GLASGOW.

	(1) 1865.			(2) 1875.			(3) 1885.			(4) 1893.			Increase.		Decrease.		(5) 1865.			(6) 1875.			(7) 1885.			(8) 1893.		
	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Females.	Males.	Females.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.
(*a*)	3,426	1,224	4,650	6,115	1,715	7,830	4,985	1,518	6,503	5,093	1,668	6,761	Increase.	...	...	...	2,798	905	3,703	5,089	1,323	6,412	3,711	1,056	4,767	3,985	1,210	5,195
(*b*)	23,039	14,265	37,304	22,051	10,736	32,787	15,749	9,345	25,094	21,926	12,072	33,998	Increase.	Increase.	...	...	8,994	2,877	11,871	21,468	10,253	31,721	14,914	8,750	23,664	20,581	10,929	31,510
(*c*)	161	261	422	142	58	200	338	147	485	541	95	636	Increase steady.	...	...	Decrease	132	245	377	100	39	145	301	130	431	511	81	592
(*d*)	...	336	336	...	1,839	1,839	...	2,264	2,264	...	2,421	2,421	...	Increase steady.	...	...	...	319	319	...	1,787	1,787	...	2,170	2,170	...	2,214	2,214
(*e*)	...	...	...	...	No returns		...	...	...	...	...	...	...	...	...	...	449	343	792	795	452	1,247	780	305	1,085	837	328	1,165
Total,	26,626	16,086	42,712	28,308	14,348	42,656	21,072	13,274	34,316	27,560	16,256	43,816	Increase.	Increase.	...	...	12,373	4,689	17,062	27,458	13,854	41,312	19,706	12,411	32,117	25,914	14,762	40,676

EDINBURGH.

(*a*)	3,649	2,874	6,523	3,769	2,159	5,928	3,430	1,742	5,172	2,708	1,568	4,276	...	...	Decrease steady.	Decrease steady.	...	...	...	...	...	...	3,374	1,721	5,095	2,647	1,521	4,168
(*b*)	1,394	880	2,274	1,363	789	2,152	1,316	843	2,159	1,344	862	2,206	Stationary.		Stationary.		...	...	...	...	...	...	1,311	838	2,149	1,338	853	2,191
(*c*)	110	117	227	83	32	115	185	51	236	134	41	175	...	...	Decrease	Decrease	...	...	...	No	Return		179	48	227	116	37	153
(*d*)	...	619	619	...	1,050	1,050	...	446	446	...	351	351	...	...	...	Decrease steady.	...	...	...	...	...	...	...	438	438	...	337	337
(*e*)	406	270	676	308	151	459	199	64	263	418	164	582	Increase.	Increase.	...	...	...	...	...	...	...	...	153	55	208	350	146	496
Total,	5,559	4,760	10,319	5,523	4,181	9,704	5,130	3,146	8,276	4,604	2,986	7,590	...	...	Decrease steady.	Decrease steady.	...	...	...	...	...	*8,000	5,017	3,100	8,117	4,451	2,894	7,345

* Estimated.

DUNDEE.

(*a*)	835	447	1,282	1,855	1,113	2,968	1,361	799	2,160	1,854	971	2,825	Increase.	Increase.	...	...	755	386	1,141	1,840	1,102	2,942	1,325	766	2,091	1,818	954	2,772
(*b*)	819	412	1,231	1,117	539	1,656	743	426	1,169	939	676	1,615	Increase.	Increase.	...	...	819	412	1,231	1,117	539	1,656	743	426	1,169	939	676	1,615
(*c*)	36	24	60	1	2	3	57	11	68	46	10	56	...	...	...	...	36	24	60	...	...	...	57	11	68	45	10	55
(*d*)	...	...	...	...	83	83	...	20	20	...	335	335	...	Increase.	...	...	...	...	...	...	83	83	...	20	20	...	335	335
(*e*)	152	96	248	241	183	424	293	99	392	216	105	351	...	...	...	...	132	78	210	230	178	408	287	97	384	244	104	348
Total,	1,842	979	2,821	3,214	1,920	5,134	2,454	1,355	3,809	3,085	2,097	5,182	Increase.	Increase steady.	...	...	1,742	900	2,642	3,187	1,902	5,089	2,412	1,320	3,732	3,046	2,079	5,125

APPENDIX X.—*continued.*

TABLE prepared by Secretary, from Returns furnished by Chief Constables, of 8 CITIES and BURGHS, showing APPREHENSIONS, &c., for the following years, for (*a*) Breach of the Peace and Petty Assault; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Begging and Vagrancy; (*d*) Prostitution; (*e*) Petty Thefts, with Sentences of 14 Days and under.

Total number of Convictions, Admonitions, or Pledges forfeited in the years following, for the Offences stated, for (*a*), (*b*), (*c*), (*d*), (*e*).

ABERDEEN.

	(1) 1865.			(2) 1875.			(3) 1885.			(4) 1893.			Increase.		Decrease.		(5) 1865.			(6) 1875.			(7) 1885.			(8) 1893.		
	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Females.	Males.	Females.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.
(*a*)	710	375	1,085	531	235	766	552	247	799	913	425	1,338	Increase Steady.	Increase steady.	...	...	621	321	945	494	216	710	520	218	738	846	368	1,214
(*b*)	240	101	341	408	152	560	685	226	911	752	364	1,116	Increase steady.	Increase steady.	...	..	240	101	341	407	149	556	678	222	900	746	358	1,104
(*c*)	23	10	33	9	4	13	64	8	72	20	5	25	...	...	...	...	23	10	33	9	3	12	53	6	59	13	3	16
(*d*)	...	29	29	...	116	116	...	65	65	...	120	120	...	Increase.	...	...	...	27	27	...	110	110	...	62	62	...	115	115
(*e*)	28	4	32	132	105	237	142	52	194	261	92	353	In. st'dy.	Increase.	...	...	28	4	32	91	46	137	88	37	125	138	50	188
Total,	1,001	519	1,520	1,080	612	1,692	1,443	598	2,041	1,946	1,006	2,952	Increase steady.	Increase steady.	...	...	912	466	1,378	1,001	524	1,525	1,339	545	1,884	1,743	894	2,637

LEITH.

(*a*)	660	385	1,045	1,190	530	1,720	778	430	1,208	698	278	976	...	..	Slight.	Decrease steady.	625	370	995	1,125	490	1,615	743	409	1,152	679	268	947
(*b*)	335	95	430	389	98	487	305	85	390	372	148	520	..	...	...	...	132	35	167	344	82	426	293	72	365	371	148	519
(*c*)	12	5	17	16	10	26	57	3	60	12	1	13	...	...	...	...	12	5	17	15	8	23	55	3	58	12	1	13
(*d*)	...	4	4	...	63	63	...	135	135	...	44	44	...	...	...	Decrease	..	4	4	...	61	61	...	128	128	...	44	44
(*e*)	82	30	112	81	13	94	107	28	135	125	20	145	In. st'dy.	...	...	Decrease	75	28	103	72	13	85	100	25	125	122	19	141
Total,	1,089	519	1,608	1,676	711	2,390	1,247	681	1,928	1,207	491	1,698	...	...	Decrease	Decrease steady.	844	442	1,286	1,556	654	2,210	1,191	637	1,828	1,184	480	1,664

GREENOCK.

(*a*)	..	..	...	1,310	632	1,942	733	571	1,304	683	623	1,306	...	Increase.	Decrease steady.	...	...	...	...	1,239	590	1,829	664	540	1,204	591	562	1,153
(*b*)	...	..	..	1,047	360	1,407	566	262	828	543	261	804	...	...	Decrease steady.	Decrease	...	...	...	991	340	1,331	562	261	823	541	258	799
(*c*)	...	..	..	16	14	30	44	45	89	16	21	37	...	...	...	...	...	...	...	15	14	29	24	12	36	15	14	29
(*d*)	...	...	..	...	35	35	...	63	63	..	22	22	...	..	...	Decrease	...	...	...	...	35	35	...	63	63	...	22	22
(*e*)	...	...	...	143	42	185	99	33	132	134	39	173	Increase.	...	...	...	...	...	...	143	42	185	99	33	132	134	39	173
Total,	..	..	..	2,516	1,083	3,599	1,442	974	2,416	1,376	966	2,342	...	...	Decrease steady.	Decrease	...	...	...	2,388	1,021	3,409	1,349	909	2,258	1,281	895	2,176

APPENDIX X.—*continued.*

GOVAN.

(*a*)	402	40	442	1,087	295	1,382	779	228	1,007	1,116	442	1,558	Increase.	Increase steady.	...	...	377	37	414	1,033	266	1,299	721	207	928	1,056	407	1,463
(*b*)	48	8	56	423	180	603	237	89	326	193	90	283	...	...	Decrease steady.	Decrease steady.	47	8	55	423	180	603	237	89	326	189	89	278
(*c*)	...	...	...	...	...	...	15	5	20	12	1	13	...	...	...	...	...	...	...	...	...	...	12	4	16	8	1	9
(*d*)	...	...	...	...	2	2	...	29	29	...	31	31	...	...	...	...	...	...	...	...	2	2	...	27	27	...	31	31
(*e*)	52	21	73	75	39	114	146	27	173	156	26	182	Increase.	...	...	...	36	15	51	42	26	68	26	114	140	138	23	161
Total,	502	69	571	1,585	516	2,101	1,177	378	1,555	1,477	590	2,067	Increase.	Increase.	...	...	460	60	520	1,498	474	1,972	996	441	1,437	1,391	551	1,942

PAISLEY.

(*a*)	358	335	1,193	513	126	639	453	117	570	406	135	541	...	...	Decrease steady.	...	763	256	1,019	483	113	596	433	113	546	389	128	517
(*b*)	310	99	409	1,063	262	1,325	528	268	796	712	210	922	...	...	...	...	142	11	153	626	47	673	185	5	190	293	15	308
(*c*)	14	7	21	2	5	7	...	...	...	2	...	2	...	...	...	...	12	6	18	2	...	2	4	...	4	2	...	2
(*d*)	...	2	2	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	93
(*e*)	59	18	77	62	21	83	32	20	52	75	18	93	...	...	...	...	55	17	72	62	21	83	32	20	52	75	18	...
Total,	1,241	461	1,702	1,640	414	2,054	1,013	405	1,418	1,195	363	1,558	...	...	...	Decrease	972	290	1,262	1,173	181	1,354	654	138	792	759	161	920
Total for 8 Cities and Burghs,				...	...	69,330	...	...	55,789	...	...	67,205	...	...	...	...	...	...	...	...	...	64,871	...	...	52,165	...	...	62,485

APPENDIX X.—*continued.*

TABLE prepared by Secretary, from Returns furnished by Chief Constables, of 24 Cities and Towns, *infra*, showing Apprehensions, &c., for the following years, for (*a*) Breach of Peace and Petty Assault; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Vagrancy and Begging; (*d*) Prostitution; (*e*) Petty Thefts, with sentences of 14 Days and under.

Total number of Convictions, Admonitions, or Pledges forfeited in the years following, for the Offences stated, for, (*a*), (*b*), (*c*), (*d*), (*e*).

	(1) 1865.			(2) 1875.			(3) 1885.			(4) 1893.			Increase.		Decrease.		(5) 1865.			(6) 1875.			(7) 1885.			(8) 1893.		
	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Males.	Fem.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.
Cities & Burghs, *contd.*,	...	...	...	...	...	69,330	...	...	55,789	...	...	67,205	...	...	...	...	...	...	...	...	...	64,871	...	...	52,165	...	...	62,185
BURGHS (*a*) to (*e*).																												
Ayr,	248	133	381	714	352	1066	751	353	1104	877	356	1233	Steady Increase.	Increase.	..	..	168	89	257	585	271	856	645	282	927	819	304	1123
Partick,	402	36	438	952	189	1141	800	233	1033	751	247	998	...	Increase.	Decrease.	...	358	31	389	866	150	1016	751	214	965	714	222	936
Perth,	330	154	484	345	176	521	344	165	509	642	384	1026	Steady.	Steady.	..	...	291	140	431	287	127	414	289	121	410	603	353	956
Hamilton,	391	70	461	789	132	921	1016	186	1202	884	188	1072	...	...	Decrease, 1893.	...	352	42	394	649	93	742	928	160	1088	846	162	1008
Kilmarnock,	135	162	597	785	315	1100	425	157	582	689	326	1015	...	Steady Increase.	Decrease.	...	348	130	478	744	271	1015	400	153	553	668	315	983
Kirkcaldy,			No Returns.				362	113	475	677	213	890	Steady Increase.	Steady Increase.	...	...			No Returns.				346	102	448	643	197	840
Inverness,	216	39	255	258	59	317	309	102	411	683	130	813	Steady Increase.	Steady Increase.			159	28	187	241	55	296	258	79	337	631	115	746
Dumbarton,			No Returns.				861	197	1058	819	167	986	...	...	Decrease.	Decrease.			No Returns.				781	167	948	771	155	926
Stirling,	301	71	372	491	370	861	483	234	717	495	284	779	...	Increase.	Steady Decrease.	...	298	70	368	246	165	411	459	212	671	454	249	703
Dumfries,	892	188	990	423	157	580	571	176	747	581	187	768	Steady Increase.		..	...	744	161	905	329	102	431	537	160	697	564	170	734
Dunfermline,			No Returns.				428	118	546	594	129	723	Increase.	Increase.	...	...			No Returns.				426	118	544	598	129	722
Hawick,	117	21	138	395	138	533	425	117	542	455	149	604	Steady Increase.	Increase.		...	112	20	132	387	132	519	411	114	525	401	142	543
Airdrie,	369	94	463	316	61	377	333	69	402	349	123	472	...	Steady Increase.	...	...	350	90	440	294	56	350	316	67	383	342	120	462
Port Glasgow,	683	155	838	1114	112	1226	485	104	589	312	90	402	..	...	Steady Decrease.	Steady Decrease.	615	135	750	1078	100	1178	442	87	529	257	65	322
Johnstone,	169	30	199	345	79	424	306	90	396	263	68	331	..	..	Steady Decrease.	Steady Decrease.	157	36	193	305	64	369	256	65	321	226	48	274
Arbroath,	356	171	527	299	125	424	308	115	423	234	65	299	...	..	Steady Decrease.	Steady Decrease.	272	103	375	261	118	379	298	112	410	227	65	292
Renfrew,	157	6	163	289	29	318	243	47	290	183	54	237	...	Steady Increase.	Steady Decrease.	...	154	5	159	251	14	265	207	20	227	174	47	221
Ayr,	162	88	250	306	70	376	306	102	408	187	82	269	...	...	Steady Decrease.	Decrease.	140	76	216	292	71	363	288	91	379	176	76	252
Galashiels,	118	4	122	174	49	223	208	65	273	217	44	261	Increase.	...	...	Decrease.	111	3	114	165	47	212	198	63	261	209	37	246
Rothesay,	154	31	185	116	60	176	178	65	238	158	43	201	...	...	Decrease.	Decrease.	139	28	167	103	57	160	159	56	215	142	39	181
Forfar,	155	32	187	228	109	337	153	54	207	116	53	169	...	...	Steady Decrease.	Steady Decrease.	142	28	170	205	94	299	148	50	198	103	45	148
Montrose,	202	49	251	195	104	299	140	35	175	124	40	164	....	...	Steady Decrease.	Steady Decrease.	216	48	264	197	105	302	138	33	171	122	40	162
Brechin,	97	26	123	134	26	160	123	30	153	106	35	141	...	Increase.	Steady Decrease.	...	91	22	113	124	23	147	106	26	132	102	34	136
Broughty-Ferry,			No Returns.				...	...	...	63	39	102	...	...	..	...			No Returns.				..	...	...	60	39	99
Total for Cities and Burghs				...		80,710	...	...	68,269	..	..	81,160	...	...	...	...						74,595	..		63,504			75,568.

APPENDIX X.—*continued.*

TABLE prepared by Secretary, from Returns furnished by Chief Constables, of 31 Counties, showing Apprehensions, &c., for the following years for (*a*) Breach of Peace and Petty Assault; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Vagrancy and Begging; (*d*) Prostitution; (*e*) Petty Thefts with sentences of 14 Days and under.

Total number of Convictions, Admonitions or Pledges forfeited in the years following, for the Offences stated, for (*a*), (*b*), (*c*), (*d*), (*e*).

COUNTIES. (*a*) to (*e*)	(1) 1865.			(2) 1875.			(3) 1885.			(4) 1893.			Increase.		Decrease.		(5) 1865.			(6) 1875.			(7) 1885.			(8) 1893.		
	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Males.	Fem.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.	Males.	Fem.	Total.
1. Lanarkshire,	2417	361	2778	5406	790	6196	3511	1064	4575	4270	1350	5620	Steady.	Steady.	...	...	2058	278	2336	5009	696	5705	3090	889	3979	3757	1098	4855
2. Ayr,	746	211	957	1611	329	1940	1581	444	2025	2359	781	3140	Steady Increase.	Steady Increase.	...	...	631	169	800	1467	292	1759	1299	367	1666	2079	679	2758
3. Stirling,	989	319	1308	1013	270	1283	1267	341	1608	1696	415	2111	Steady Increase.	Steady Increase.	...	...	962	303	1265	982	258	1240	1232	331	1563	1659	393	2052
4. Edinburgh,	625	107	732	770	119	889	1147	343	1490	1847	315	1662	Steady Increase.	Steady Increase.	...	...	601	99	700	744	112	856	1111	326	1437	1294	298	1592
5. Linlithgow,	294	33	327	542	152	694	1295	308	1603	1209	374	1583	Increase.	Steady Increase.	...	...	267	22	289	448	87	535	1004	169	1173	1107	273	1380
6. Dumbarton,	337	123	460	517	127	644	636	124	760	1181	313	1494	Steady Increase.	Steady Increase.	...	...	284	90	374	492	117	609	567	106	673	1143	299	1442
7. Fife,	No	Returns.		753	203	956	749	136	885	1168	288	1456	Steady Increase.	Steady Increase.	...	...	No	Returns.		696	178	874	710	125	835	1111	278	1389
8. Renfrew,	1123	230	1353	921	257	1178	1165	311	1476	787	267	1054	...	...	Steady Decrease.	Decrease.	1081	219	1300	836	222	1058	1114	285	1399	705	242	947
9. Perth,	205	51	256	461	167	628	585	240	825	794	292	1086	Steady Increase.	Steady Increase.	...	...	194	49	243	429	159	588	558	231	789	766	284	1050
10. Aberdeen,	558	84	642	827	86	913	848	111	959	836	138	974	...	Steady Increase.	...	...	547	84	631	694	71	765	775	86	861	797	128	925
11. Elgin,	165	36	201	322	53	375	497	99	596	686	135	821	Steady Increase.	Steady Increase.	...	...	148	34	182	277	42	319	403	81	484	639	111	750
12. Argyle,	431	71	502	495	90	585	636	125	761	607	175	782	...	Steady Increase.	Decrease.	...	370	60	430	415	62	477	570	111	681	548	160	708
13. Haddington,	299	108	407	623	163	786	676	175	851	510	168	678	...	...	Decrease.	...	274	81	355	537	136	673	608	147	755	485	151	636
14. Ross & Cromarty,	200	39	239	193	19	212	341	42	383	494	68	562	Steady Increase.	Steady Increase.	...	...	148	31	179	150	16	166	258	25	283	426	45	471
15. Banff,	64	20	84	190	35	225	294	42	336	482	61	543	Steady Increase.	Steady Increase.	...	...	39	10	49	98	20	118	244	23	267	402	54	456
16. Roxburgh,	149	45	194	337	54	391	391	65	456	395	99	494	Increase.	Steady Increase.	...	...	100	28	128	296	49	345	350	58	408	362	95	457
17. Dumfries,	527	64	591	456	78	534	450	74	524	349	73	422	...	...	Steady Decrease.	...	522	62	584	388	59	447	361	51	412	291	56	347
18. Kincardine,	170	48	218	74	22	96	166	20	186	326	45	371	Steady Increase.	Steady Increase.	...	...	125	33	158	53	11	64	140	10	150	298	44	342
19. Wigtown,	129	50	179	152	40	192	144	44	188	265	97	362	Steady Increase.	Steady Increase.	...	...	122	48	170	138	32	170	123	39	162	222	81	303
20. Caithness,	50	4	54	110	14	124	177	20	197	284	36	320	Steady Increase.	Steady Increase.	...	...	31	1	32	84	8	92	164	16	180	260	29	289
21. Berwick,	191	55	246	223	56	279	322	71	393	238	68	306	...	...	Decrease.	Decrease.	155	56	211	157	26	183	244	44	288	187	42	229
22. Kirkcudbright	111	21	132	136	31	167	205	47	252	229	64	293	Steady Increase.	Steady Increase.	...	...	82	8	90	130	27	157	187	45	232	222	62	284
23. Inverness,	35	7	42	87	8	95	259	35	294	236	20	256	...	...	Decrease.	Decrease.	45	17	62	84	12	96	203	21	224	194	17	211
24. Forfar,	86	14	100	207	44	251	121	25	146	186	49	235	Increase.	Increase.	...	...	69	9	78	185	39	224	90	19	109	161	40	201
25. Peebles,	51	5	56	193	27	220	184	46	230	146	40	186	...	...	Decrease.	Decrease.	51	5	56	157	23	180	165	42	207	133	37	170
26. Clackmannan,	62	14	76	113	29	142	130	42	172	135	32	167	Steady Increase.	...	...	Decrease.	54	12	66	104	27	131	108	36	144	119	20	139
27. Selkirk,	52	10	62	160	54	214	106	42	148	137	28	165	Increase.	...	...	Decrease.	52	10	62	156	45	201	98	37	135	132	25	157
28. Kinross,	17	4	21	41	6	47	37	7	44	77	16	93	Increase.	Increase.	...	...	17	4	21	35	5	40	37	6	43	68	15	83
29. Sutherland,	41	1	42	51	9	60	60	19	79	72	13	85	Increase.	...	...	Decrease.	27	1	28	34	5	39	42	6	48	66	12	78
30. Nairn,	No	Returns.		87	21	108	90	22	112	68	9	77	...	...	Decrease.	Decrease.	No	Returns.		53	9	62	73	19	92	63	8	71
31. Bute,	27	10	37	44	4	48	47	8	50	86	9	45	Increase.	Increase.	...	...	9	8	17	25	...	25	36	2	38	30	8	38
Total for Counties,	..	..	...	...	...	20472	...	...	22604	...	...	27443	...	...	...	...	...	...	...	...	...	18193	...	...	19717	...	...	24810
Total for Cities and Burghs,	...	...	...	...	...	80710	...	...	68269	...	...	81160	...	...	...	...	...	...	...	...	...	74595	...	...	63504	...	...	75500
Grand Total,		..			..	101182	...	...	90873	...	...	108603	...	...	...	...						92793			83221			100310

APPENDIX XI.

TABLE prepared by Secretary from Returns of Chief Constables, showing the number of Males and Females apprehended during 1893 in Cities and Burghs *five* times and *upwards*, for the offences specified in Appendix X.

BURGHS.		Number of Males and Females apprehended *five* times and *upwards* during 1893 for the specific offences (*a*) to (*e*).																				Total Persons.	Total Apprehensions, &c.	Average per Person.	Ages.				
		5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	36				Under 20.	20 and under 30.	30 and under 40.	40 and under 50.	50 and upwards.
*Glasgow	Males	40	16	12	6	8	3	...	...	2	...	...	...	...	...	...	...	...	...	...	...	87	556	6·4	8	23	28	17	11
	Fem.	81	50	26	16	21	20	6	5	2	4	5	2	4	1	2	2	...	1	...	...	248	1905	7·6	12	116	59	35	26
Edinburgh	Males	24	6	8	4	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	46	282	6·1	2	11	21	7	5
	Fem.	33	24	23	20	7	5	5	3	6	4	1	1	1	1	...	1	...	2	1	...	138	1121	8·1	7	59	50	12	10
Dundee	Males	1	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	17	5·6	...	1	1	...	1
	Fem.	20	18	11	10	4	4	5	2	1	1	1	1	1	...	...	...	...	...	...	...	79	595	7·5	1	39	23	11	5
Aberdeen	Males	7	6	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	14	83	6	...	3	5	2	4
	Fem.	5	7	7	1	3	1	3	1	...	1	1	2	...	1	1	...	...	...	...	1	35	340	9·7	...	12	15	6	2
Greenock	Males	1	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	31	6·2	...	2	1	1	1
	Fem.	10	6	2	3	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	23	145	6·3	...	10	5	7	1
Perth	Males	10	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	13	68	5·2	...	5	6	1	1
	Fem.	7	6	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15	88	5·8	...	4	5	3	3
Paisley	Males	5	1	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	8	47	5·9	...	4	3	...	1
	Fem.	5	4	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	59	5·9	...	4	2	2	2
Leith	Males	2	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	35	5·8	...	4	1	1	...
	Fem.	3	3	2	1	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	11	75	6·8	...	4	3	4	...
Ayr	Males	5	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	8	45	5·6	...	3	3	1	1
	Fem.	1	3	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	40	6·6	...	2	1	3	...
Inverness	Males	6	1	...	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	62	6·2	2	2	3	3	...
	Fem.	3	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	5	32	6·4	...	1	2	1	1
Kilmarnock	Males	2	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	34	5·6	1	1	2	2	...
	Fem.	...	2	...	2	...	...	...	...	...	1	1	1	...	...	...	...	...	...	...	...	7	73	10·4	...	2	...	4	1
Dumbarton	Males	...	3	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7	47	6·7	...	2	2	1	2
	Fem.	1	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	19	6·3	...	1	1	...	1
Govan	Males	4	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	8	44	5·5	7	1	...	...	...
	Fem.	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	13	6·3	..	2	...	...	...
Renfrew	Males	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	10	10	...	...	...	1	...
	Fem.	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	5	...	1	...	...	...
Dunfermline	Males	1	2	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	32	6·4	...	2	1	2	...
	Fem.	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	10	5	..	...	1	1	..
Dumfries	Males	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	10	5	...	1	1	...	...
	Fem.	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	17	5·6	...	2	...	...	1
Partick	Males	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	10	5	1	...	1	...	...
	Fem.	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	10	5	...	1	...	...	1
Hamilton	Males	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	15	5	1	1	1	...	...
	Fem.	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	5	...	...	...	1	...
Hawick	Males	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	10	5	1	...	1	...	
	Fem.	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	5	...	...	1	..	
Kirkcaldy	Males	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	16	5·3	..	...	3	.	
	Fem.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.	
Stirling	Males	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Fem.	2	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	3	27	9	...	...	1	...	2
Port-Glasgow	Males	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	3	8	...	1	..	...	...
	Fem.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Johnstone	Males	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	6	6	...	1	...	..	...
	Fem.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Airdrie	Males	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	5	..	...	1	...	...
	Fem.	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	6	6	...	...	1	...	...
Galashiels	Males	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	5	...	1	..	...	...
	Fem.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Forfar	Males	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Fem.	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	5	...	...	..	...	1
Rothesay	Males	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	6	6	...	...	..	1	...
	Fem.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL MALES, ...		117	58	28	16	11	7	...	1	2	...	...	...	...	...	...	...	...	...	...	...	244	1484	6	22	69	85	40	27
TOTAL FEMALES,		186	127	75	55	37	33	22	11	9	11	9	7	7	3	3	3	...	3	1	1	597	4595	7·7	21	260	170	90	57
GRAND TOTAL, ...		303	185	103	71	48	40	22	12	11	11	9	7	7	3	3	3	...	3	1	1	841	6079	7·2	43	329	255	130	84

* *Secretary is authorised by Mr Boyd, Chief Constable, to say that to the total of 335 for Glasgow, 165 more may be safely added as representing those whose records could not be traced in the Registers of the nine different Divisions of the City.*

APPENDIX XII.

TABLE prepared by Secretary, from Returns of Chief Constables of Counties, of Males and Females in the Counties, apprehended during 1893 *five* times and *upwards*, for the offences specified in Appendix X.

COUNTIES.	*Five* times and *upwards* for the specific offences in Appendix X.							Tot.	Total apprehensions	Average No.	Age.					
	5	6	7	8	9	10	11				Under 20.	20 to 30	30 and under 40.	40 and under 50.	50 and upwards.	Total.
Lanarkshire, Males	2	3	1	...	...	...	...	6	35	5	...	2	3	1	...	6
Females	...	...	...	1	...	...	1	2	19	9·5	...	...	...	2	...	2
Stirling, . . Males	2	...	...	...	...	...	...	2	10	5	...	...	1	1	...	2
Females	5	2	...	1	...	...	...	8	45	5·6	...	2	2	3	1	8
Ayr, . . . Males	5	...	...	...	...	...	...	5	25	5	1	3	...	1	...	5
Females	2	2	...	...	1	...	...	5	31	6·2	...	...	4	1	...	5
Perth, . . Males	2	1	...	...	...	...	...	3	16	5·3	...	...	...	2	1	3
Females	3	...	...	...	...	...	...	3	15	5	...	...	...	...	3	3
Argyllshire, . Males	2	1	...	1	...	...	..	4	24	6	...	...	1	2	1	4
Females	...	...	1	...	...	...	...	1	7	7	...	...	...	1	...	1
Linlithgow, . Males	2	1	...	1	...	...	...	4	24	6	...	1	1	1	1	4
Females	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Edinburgh, . Males	2	...	...	...	...	...	...	2	10	5	...	...	1	1	...	2
Females	1	...	...	...	...	...	...	1	5	5	...	...	...	1	...	1
TOTAL, . . .	28	10	2	4	1	...	1	46	266	5·7	1	8	13	17	7	46

Aberdeen, Banff, Renfrew, Kincardine, Dumfries, Kirkcudbright, Elgin, Caithness, Berwick, Dumbarton, Ross and Cromarty, each *one*; Roxburgh *two*; and Wigtown *three*. The other ten counties *nil*. TOTAL 16.

Total for the Counties,	62	
Total for the Burghs,	841	(App. XI.)
	903	
Add 165 for Glasgow,	165	
Total,	1068	

APPENDIX XIII.

TABLE prepared by Secretary, from Returns of Governors of Prisons, showing COMMITMENTS TO PRISON for the Years 1865, 1875, 1885, and 1893, for the following Offences:—(*a*) Breach of Peace and Petty Assaults; (*b*) Drunkenness, Drunk and Incapable, Drunk and Disorderly; (*c*) Begging and Vagrancy; (*d*) Prostitution; (*e*) Petty Thefts punished by Sentences of 14 days and under.

GLASGOW.

	1865.			1875.			1885.			1893.			Increase.		Decrease.		No. of Persons committed for the above offences during 1893,—*not counting any Prisoner more than once.*			No. of Persons in Column * re-committed within the year 1893 for offences of all kinds.		
	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	Males.	Females.	Males.	Females.	M.	F.	T.	M.	F.	T.
(*a*)	968	395	1363	1637	388	2,025	3209	1101	4,310	2292	1247	3,539	...	Steady	..	...	...	..	..	...	..	...
(*b*)	1042	1083	2125	5843	4335	10,178	*4255	5850	10,105	*465	6116	6,611	...	Steady	..	...	..	..	..	...	..	...
(*c*)	49	53	102	27	3	30	149	32	181	96	26	122	..	..	...	..	..	..	..	...	..	...
(*d*)	...	155	155	...	1314	1,314	...	1699	1,699	...	1609	1,609	...	...	...	Slight. '93	..	..	..	...	..	...
(*e*)	146	144	290	275	188	463	§515	317	832	§357	226	583	...	Incr.'75&'85	...	Decr. '93	..	..	..	..	..	..
Total,	2205	1830	4035	7782	6728	14,510	8128	8999	17,127	3210	9254	12,464	...	Steady	...	...	2806	5056	7862	397	1574	1881

BARLINNIE.

(*a*)	...	...	...	...	...	...	379	...	379	1108	...	1108	...	...	Slight	...	...	..	...	..	..	..
(*b*)	...	...	...	...	...	...	*2315	...	2315	*6303	...	6303	Slight	...	...	...	...	...	...	..	..	...
(*c*)	...	...	...	...	..	...	29	...	29	170	...	170	Incr.	..	...	...	...	...	...	..	..	..
(*d*)	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	..	...
(*e*)	...	...	...	...	...	...	§101	...	101	295	§...	295	Incr.	...	...	...	...	...	...	..	..	...
Total,							2,824	...	2,824	7876	...	7876	...	...	...	...	6583	..	6583	1245	.	1245
	Total of Glasgow, Males,						8,128	...	8,128	3210	...	3210	...	...	...	...	2806	...	2806	307		307
	Total of Barlinnie & Glasgow, Males,						10,952	...	10,952	11086	...	11,086	Slight	...	...	...	9389	..	9389	1552	.	1552

EDINBURGH.

(*a*)	1340	1723	3063	1658	1376	3034	1781	1119	2900	1813	1090	2903	Steady	...	..	Steady	...	..	..	...	..	.
(*b*)	42	55	97	35	51	86	137	172	309	397	372	769	Steady	Steady	..	...	...	.	...	...	.	...
(*c*)	54	37	91	58	14	72	141	14	155	90	6	96	...	...	...	...	...	...	...	...	.	...
(*d*)	...	373	373	...	910	910	...	285	285	...	235	235	...	..	...	Steady	...	...	...	.	.	...
(*e*)	78	55	133	96	46	142	200	82	282	307	105	412	Steady	Steady	...	...	...	..	..	..	.	..
Total,	1514	2243	3757	1847	2397	4244	2259	1672	3931	2607	1808	4415	Steady	Incr. '93	...	...	1997	954	2951	497	310	807

DUNDEE.

(*a*)	114	31	145	338	101	439	853	516	1369	1175	634	1809	Steady	Steady	...	...	...	...	...	.	.	..
(*b*)	392	460	852	1051	1047	2098	473	363	836	486	681	1167	Steady	Steady	..	..	.	.	...	.	.	...
(*c*)	4	1	5	3	1	4	59	4	63	23	3	26	.	.	...	.	.	.	..	.	.	.
(*d*)	...	...	.		88	88	.	19	19	...	226	226		Steady	..	..	.	.	..	.	.	.
(*e*)	87	61	148	168	90	258	122	41	163	165	68	234	.	...	...	..	...	...	...	...	...	...
Total,	597	556	1153	1560	1327	2887	1507	943	2450	1850	1612	3462	Steady	Steady	.	.	1457	771	2228	426	310	736

ABERDEEN.

(*a*)	217	119	336	269	131	400	352	153	505	431	220	651	Steady	Steady		...	...	...	...	...	...	..
(*b*)	160	104	264	114	85	199	261	136	397	239	173	412	Steady	Steady				...				..
(*c*)	18	3	21	23	7	30	47	6	53	27	6	33			...	.						..
(*d*)	1	5	6		56	56	1	50	63		114	114		Steady	...	.						.
(*e*)	13	4	17	31	9	40	63	22	85	72	37	109	Steady	Steady	.	..	.	.	.	.	.	..
Total,	849	235	584	437	288	725	727	376	1103	769	550	1319	Steady	Steady	...	...	379	209	588	141	305	536

APPENDIX XIII.—*continued.*

COMMITMENTS TO PRISON—*continued.*

GREENOCK.

	1865.			1875.			1885.			1893.			Increase.		Decrease.		No. of Persons committed for the above offences during 1893,—*not counting any Prisoner more than once.*			No. of Persons in Column * re-committed within the year 1893 for offences of all kinds.		
	M.	F.	T.	M.	F.	T.	M.	F.	T.	M.	F.	T.	Males.	Females.	Males.	Females.	M.	F.	T.	M.	F.	T.
(*a*)	345	254	599	564	375	939	525	448	973	466	432	898	...	...	Decrease	Decrease	...	...	...	...	...	...
(*b*)	66	30	96	392	382	774	307	234	541	280	192	472	...	...	Decrease	Decrease	...	...	...	...	...	...
(*c*)	6	2	8	1	...	1	26	8	34	5	3	8	...	...	...	...	...	...	...	...	...	...
(*d*)	...	87	87	...	35	35	...	50	50	...	20	20	...	...	...	Decrease	...	...	...	...	...	...
(*e*)	30	25	55	107	37	144	95	39	134	66	21	87	...	...	Decrease	Decrease	...	...	...	...	...	...
Total,	447	398	845	1064	829	1893	953	779	1732	817	668	1485	...	...	Steady	Steady	663	307	970	91	133	224

AYR.

(*a*)	63	35	98	352	150	502	541	204	745	704	345	1049	Steady	Steady	...	...	...	...	...	...	...	...
(*b*)	20	33	53	76	47	123	74	47	121	250	120	370	Steady	Steady	...	...	...	...	...	...	...	...
(*c*)	4	1	5	6	6	12	43	4	47	45	8	53	...	...	...	...	...	...	...	...	...	...
(*d*)	...	...	...	...	18	18	...	40	40	...	8	8	...	...	...	Decrease	...	...	...	...	...	...
(*e*)	31	31	62	33	13	46	68	39	107	136	42	178	Steady	Increase	...	...	...	...	...	...	...	...
Total,	118	100	218	467	234	701	726	334	1060	1135	523	1658	Steady	Steady	...	...	900	288	1188	164	105	269

PERTH.

(*a*)	...	...	...	...	...	...	...	...	...	523	305	828	...	...	...	...	...	...	...	...	...	...
(*b*)	...	...	...	...	...	...	...	...	...	180	207	387	...	...	...	...	...	...	...	...	...	...
(*c*)	...	...	...	...	...	...	...	...	...	49	15	64	...	...	...	...	...	...	...	...	...	...
(*d*)	...	...	...	...	...	...	...	...	...	...	31	31	...	...	...	...	...	...	...	...	...	...
(*e*)	...	...	...	...	...	...	...	...	...	60	26	86	...	...	...	...	...	...	...	...	...	...
Total,	...	...	...	...	...	...	...	...	...	812	584	1396	...	...	...	...	637	364	1001	138	125	263

INVERNESS.

(*a*)	36	4	40	41	9	50	93	29	122	247	48	295	Steady	Steady	...	...	...	...	...	...	...	...
(*b*)	25	8	33	25	18	43	13	11	24	86	29	115	Inc.'93	Steady	...	...	...	...	...	...	...	...
(*c*)	3	2	5	10	3	13	8	7	15	20	1	21	...	...	...	...	...	...	...	...	...	...
(*d*)	...	6	6	...	10	10	...	6	6	...	2	2	...	...	...	...	...	...	...	...	...	...
(*e*)	22	5	27	29	10	39	24	5	29	45	7	52	Incr.	...	...	...	...	...	...	...	...	...
Total,	86	25	111	105	50	155	138	58	196	398	87	485	Steady	Steady	...	...	349	52	401	69	16	85

MAXWELLTOWN.

(*a*)	218	48	266	220	80	300	245	78	323	249	91	340	Incr.	Increase.	...	...	...	...	...	...	...	...
(*b*)	84	31	115	18	7	25	54	25	79	43	12	55	...	...	Steady	Steady	...	...	...	...	...	...
(*c*)	7	...	7	2	1	3	13	2	15	12	4	16	...	...	...	...	...	...	...	...	...	...
(*d*)	...	11	11	...	1	1	...	10	10	...	5	5	...	...	...	...	...	...	...	...	...	...
(*e*)	32	13	45	46	21	67	34	13	47	30	9	39	...	...	Decrease	Decrease	...	...	...	...	...	...
Total,	341	103	444	286	110	396	346	128	474	334	121	455	...	...	Very slight	Very slight	251	71	322	83	50	133

APPENDIX XIV.

SUMMARY OF APPENDIX XIII., prepared by Secretary, showing Commitments to Prison for (*a*) Breach of Peace and Petty Assaults; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Begging and Vagrancy; (*d*) Prostitution; (*e*) Petty Thefts punished by sentences of 14 days and under

10 Prisons.	1865.			1875.			1885.			1893.			Increase.		Decrease.		Percentage of re-committed to committed during 1893.	* Number of Persons committed for the above offences during 1893. *Not counting any Prisoner more than once.*			Number of Persons in col. * recommitted within the year for offences of all kinds.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Males.	Females.		Males.	Females.	Total.	Males.	Females.	Total.
Glasgow,	2,205	1,830	4,035	7,782	6,728	14,510	8,128	8,999	17,127	3,210	9,254	12,464	...	Steady.	...	...	23	2,806	5,056	7,862	307	1,574	1,881
Barlinnie,	...	..	...	...	...	...	2,824	...	2,824	7,876	...	7,876	...	...	...	...	18	6,583	...	6,583	1,245	...	1,245
				Total, Glasgow & Barlinnie,			10,952	8,999	19,951	11,086	9,254	20,340	Slight.				21	9,389	5,056	14,445	1,552	1,574	3,126
Edinburgh,	1,514	2,243	3,757	1,847	2,397	4,244	2,259	1,672	3,931	2,607	1,808	4,415	Steady.	{ Incr. 1893.	...	...	27	1,997	954	2,951	497	310	807
Dundee,	597	556	1,153	1,560	1,327	2,887	1,507	943	2,450	1,850	1,612	3,462	Steady.	Steady.	...	...	28	1,457	771	2,228	326	310	636
Aberdeen,	349	235	584	437	288	725	727	376	1,103	769	550	1,319	Steady.	Steady.	...	...	63	579	275	854	141	395	536
Greenock,	447	398	845	1,064	829	1,893	953	779	1,732	817	668	1,485	...	...	Steady.	Steady.	23	663	307	970	91	133	224
Ayr,	118	100	218	467	234	701	726	334	1,060	1,135	523	1,658	Steady.	Steady.	...	...	22	900	288	1,188	164	105	269
Perth,	No returns.			No returns.			No returns.			812	584	1,396	...	...	...	...	26	637	364	1,001	138	125	263
Inverness,	86	25	111	105	50	155	138	58	196	398	87	485	Steady.	Steady.	...	...	21	349	52	401	69	16	85
Maxwelltown,	341	103	444	286	110	396	346	128	474	334	121	455	...	...	{ Very slight.	Very slight. }	41	251	71	322	83	50	133
Total,	5,797	5,600	11,397	13,888	12,123	26,011	18,358	13,639	31,997	19,808	15,207	35,015	Steady.	Steady.	...	...	24	16,222	8,138	24,360	3,061	3,018	6,079
TOTAL FOR ALL OFFENCES.	15,013	9,811	24,824	26,658	16,576	43,234	29,341	16,725	46,066	31,997	18,653	50,650	...	..	...	...	...	...	...	...	...	...	..

N. B.—(1) The figures for the prisons of Lerwick, Kirkwall, and Stornoway, are so trifling as to be excluded.

(2) 250, 500, and 1100 are added to the totals for 1865, 1875, and 1885, as an approximate estimate of the actual figures for Perth.

APPENDIX XV.

TABLE Prepared by Secretary, from Returns furnished by Governors of Prisons, showing Prisoners committed *four* times and *upwards* during 1893.

FEMALES.

PRISONS.	Prisoners committed to prison *four* times and *upwards* during year 1893 for the offences specified in App. X.																		Total Number of Persons.	Total Number of Commitments.	Average for each Person.	Ages.				
	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	34				Under 20 years.	20 to 29	30 to 39	40 to 49	50 and upwards.
Aberdeen,	8	7	3	2	2	2	2	1	1	1	1	1	1	2	...	...	...	1	35	302	8·6	...	12	16	6	1
Ayr,	5	2	1	5	3	1	...	1	...	...	2	...	...	...	...	...	...	...	20	143	7·1	...	2	6	11	1
Dundee,	32	22	10	12	8	6	2	3	2	1	2	1	...	...	...	...	...	...	101	633	6·26	5	46	32	15	3
Edinburgh,	25	23	16	8	4	5	1	...	2	1	2	2	...	1	...	...	...	...	90	566	6·28	2	42	31	9	6
Glasgow,	192	107	66	41	37	20	20	16	13	3	3	4	6	3	...	5	1	...	537	3397	6·3	34	252	138	79	34
Greenock,	3	9	9	5	2	1	...	...	...	1	...	...	...	...	...	...	...	...	30	184	6·1	2	15	4	5	4
Inverness,	3	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	4	20	5	2	...	1	...	1
Maxwelltown,	2	1	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	32	5·3	...	2	1	3	...
Perth,	11	5	2	1	1	...	2	...	...	...	...	...	...	...	...	...	...	...	22	116	5·2	...	11	3	3	5
TOTAL,	291	176	109	75	58	35	27	21	18	7	10	8	7	6	...	5	1	1	845	5393	6·4	45	382	232	131	55

MALES.

Aberdeen,	5	4	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	11	57	5·1	...	1	4	3	3
Ayr,	5	3	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	11	54	4·9	...	1	3	4	3
Barlinnie,	42	21	10	2	4	2	4	...	...	...	...	...	...	...	...	...	...	...	85	437	5·1	10	25	18	20	12
Dundee,	16	9	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	26	116	4·46	3	9	6	4	4
Edinburgh,	27	15	4	3	...	...	1	...	...	...	...	...	...	...	...	...	...	...	50	238	4·76	2	22	12	10	4
Glasgow,	12	5	2	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	23	115	5	2	7	11	1	2
Greenock,	7	1	3	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	12	59	4·9	...	8	2	...	2
Inverness,	1	1	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	23	5·7	...	2	...	...	2
Maxwelltown,	3	...	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	31	5·1	...	1	3	...	2
Perth,	5	4	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	46	4·6	...	6	1	2	1
TOTAL MALES,	123	63	25	12	7	2	5	1	...	...	...	...	...	...	...	...	...	...	238	1176	4·9	17	82	60	44	35
TOTAL FEMALES,	291	176	109	75	58	35	27	21	18	7	10	8	7	6	...	5	1	1	845	5393	6·4	45	382	232	131	55
GRAND TOTAL,	414	239	134	87	65	37	32	22	18	7	10	8	7	6	...	5	1	1	1083	6569	...	62	464	292	175	90

APPENDIX XVI.

TABLE Prepared by Secretary, from Returns furnished by Governors of Prisons, showing the Number of Prisoners committed *six* times and *upwards* during 1893.

FEMALES.

PRISONS.	Prisoners committed *six* times and *upwards* during 1893 of the offences specified in App. X.																Total.	* Total commitments.	Average Number per Prisoner.	Of Total Offences in column * there were			Total of 1, 2, & 4.	All Others.
	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	35				1. Breach of Peace, &c.	2. Drunk, &c.	4. Importuning.		
Aberdeen,	2	2	2	1	2	2	2	...	2	...	1	3	...	...	...	1	20	247	12·3	52	119	60	231	16
Ayr,	1	5	3	1	...	1	...	...	2	...	...	...	...	...	...	...	13	113	8·69	54	41	6	101	12
Dundee,	5	12	10	6	2	5	2	2	...	2	1	...	...	...	...	...	47	419	8·9	115	180	90	385	34
Edinburgh,	11	8	6	6	1	...	1	...	2	3	...	1	...	...	...	...	39	336	8·6	215	50	46	311	25
Glasgow,	47	47	40	23	16	18	17	7	2	6	5	3	1	5	1	...	238	2173	9·1	134	1438	511	2083	90
Greenock,	9	5	2	1	...	...	...	1	...	...	...	...	...	...	...	...	18	127	7·	62	53	4	119	8
TOTAL,	75	79	63	38	21	26	22	10	8	11	7	7	1	5	1	1	375	3415	9·1	632	1881	717	3230	185
	MALES.																							
Aberdeen,	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	2	20	10·	6	10	...	16	4
Ayr,	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	19	6·3	5	13	...	18	1
Barlinnie,	5	6	3	2	4	1	...	...	...	...	...	...	...	...	...	...	21	165	7·8	10	147	...	157	8
Dundee,	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	7	7·	5	1	...	6	1
Edinburgh,	4	1	...	1	1	...	...	...	...	...	...	...	...	...	...	...	7	50	7·1	41	5	...	46	5
Glasgow,	2	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	6	42	7·	18	19	...	37	5
Greenock,	3	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	4	26	6·5	13	12	...	25	1
TOTAL MALES,	16	12	6	3	5	1	...	1	...	...	...	...	...	...	...	...	44	329	7·5	98	207	...	305	25
TOTAL FEMALES,	75	79	63	38	21	26	22	10	8	11	7	7	1	5	1	1	375	3415	9·1	632	1881	717	3230	185
GRAND TOTAL,	91	91	69	41	26	27	22	11	8	11	7	7	1	5	1	1	419	3744	...	730	2088	717	3535	210

APPENDIX XVII.

RETURN for 1893 *re* Vagrants and Beggars, prepared by Dr J. F. Sutherland.

COUNTIES.	1. *Vagrants and Beggars challenged by police during 1893.				2. Number of individuals (adults) represented by those challenged. (Approximate.)			3. Number of apprehensions in 1893.	4. Census of Vagrants and Beggars in June 1893, from 1894 Report of Inspector of Constabulary.				5. Ratio of adult vagrants per 10,000 of population.
	Men.	Women.	Total.	Children	Males.	Fem.	Total.		Men.	Women.	Total.	Children	
Ayr,	21,515	4070	25,585	1639	...	...	...	*305*	196	54	250	36	14
Lanark,	7,055	1000	8,055	791	...	...	...	*99*	289	24	313	7	10
Forfar,	8,188	3120	11,308	1301	5458	2080	7538	*6*	73	48	121	54	20
Edinburgh,	6,654	2307	8,961	1461	...	...	...	*29*	219	54	273	11	25
Dumfries,	6,999	706	7,705	362	...	...	...	*155*	240	52	292	43	47
Perth,	3,282	1400	4,682	559	547	233	780	*123*	289	143	432	106	44
Fife,	3,464	1093	4,557	817	...	...	...	...	418	61	479	54	33
Aberdeen,	3,309	1136	4,445	938	...	...	...	*67*	311	153	464	188	29
Selkirk,	1,024	142	1,166	95	...	...	...	*19*	38	8	46	5	44
Linlithgow,	2,746	1106	3,852	902	...	...	...	*140*	197	23	220	22	41
Kirkcudbright,	2,948	427	3,375	173	159	48	207	*39*	185	61	246	55	61
Roxburgh,	1,727	181	1,908	129	350	50	400	*105*	113	29	142	9	41
Kincardine,	1,381	422	1,803	235	...	...	...	...	64	20	84	21	25
Banff,	1,627	158	1,785	81	...	...	1050	*63*	53	7	60	12	9
Wigtown,	870	698	1,568	53	...	...	...	*2*	111	43	154	23	42
Dumbarton,	1,053	379	1,432	40	550	250	800	*57*	156	48	204	32	25
Berwick,	1,002	238	1,240	224	200	47	247	*89*	151	48	199	23	61
Ross and Cromarty,	1,015	213	1,228	139	...	...	...	*140*	80	39	119	66	15
Stirling,	960	211	1,171	63	640	141	781	*32*	80	23	103	23	9
Inverness,	911	142	1,053	83	231	114	345	*19*	134	62	196	61	27
Renfrew,	724	213	937	83	...	...	...	*2*	122	22	144	15	20
Clackmannan,	703	226	929	176	...	...	...	*13*	101	13	114	14	51
Peebles,	700	152	852	78	...	...	...	*90*	51	25	76	19	51
Sutherland,	387	286	673	53	...	...	...	*2*	57	44	101	46	46
Caithness,	425	60	485	33	...	...	...	*20*	65	32	97	47	25
Haddington,	345	40	385	26	...	...	...	*135*	168	44	212	24	56
Argyll,	293	91	384	49	223	82	305	*69*	95	68	163	93	21
Elgin,	142	91	233	5	...	...	...	*75*	122	36	158	27	36
Nairn,	88	25	113	20	...	...	...	*34*	25	2	27	...	31
Bute,	20	14	34	12	...	...	...	...	18	27	45	23	48
Kinross,		*Nil*			...	...	...	...	16	8	24	11	35

		Males.	Females.	Total.	Children
Edinburgh	June	576	148	724	32
	Dec.	610	194	804	59
Glasgow	June	361	108	469	15
	Dec.	439	129	568	23
Dundee	June	88	27	115	9
	Dec.	89	23	112	14

TOTAL,	†1929				
TOTAL COUNTIES,		4237	1321	5558	1170	26
§TOTAL BURGHS,		2089	606	2695	232	13
		6326	1927	8253	1402	
GRAND TOTAL (June Census),				9655		20
‡ December Census,				8288		

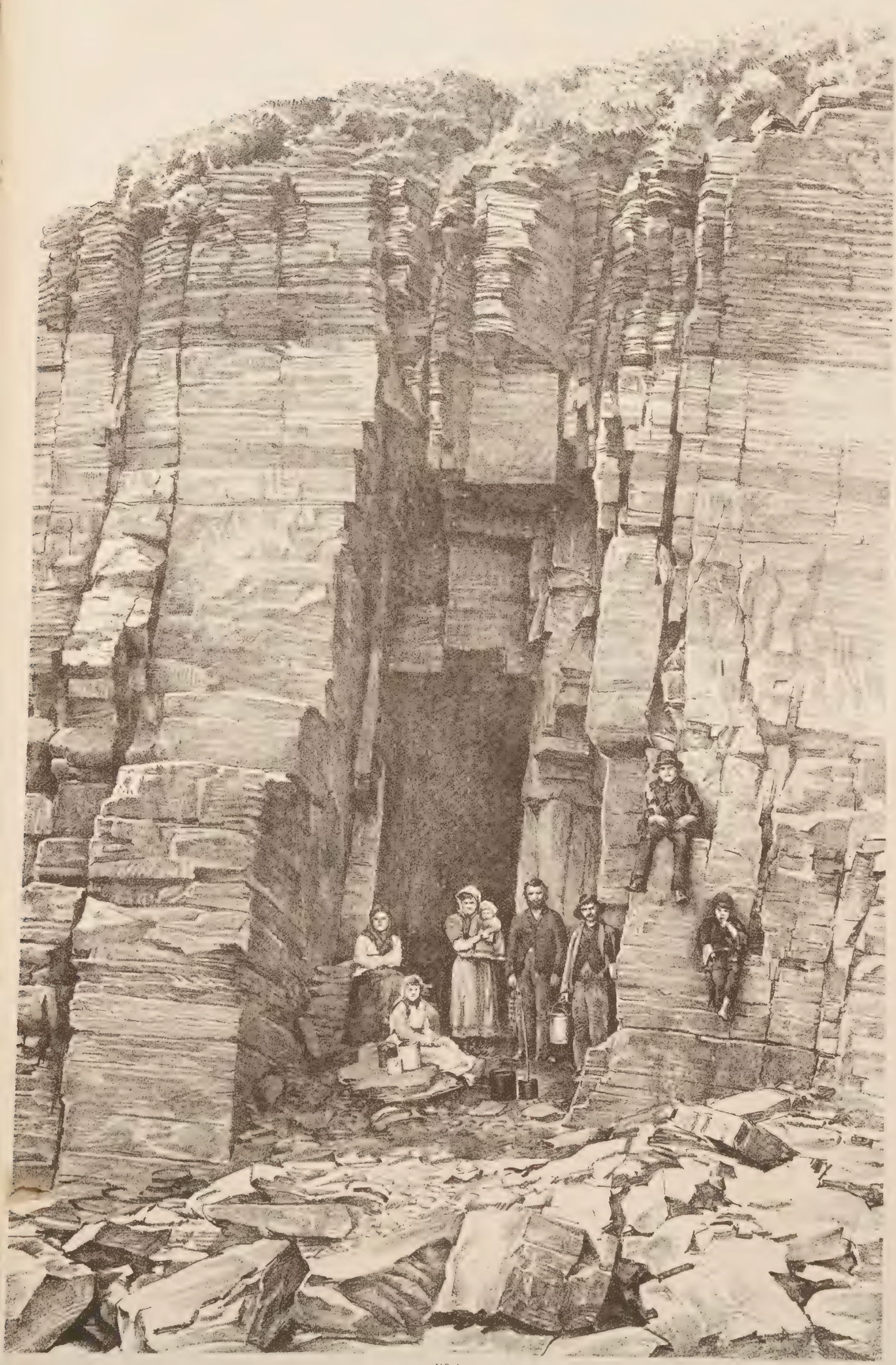
* It should be borne in mind that many are challenged more than once during the same day, and often during the year in the same and other counties. § From Inspector of Constabulary's Report for 1893. † Ratio of apprehensions per 1000 of vagrants and beggars to population is thus 199; of ordinary population, 37. ‡ December census in counties is 23 % less than June census; in burghs it is 7 % more.

APPENDIX XVIII.

RETURN for 1893 *re* Tinkers and Gipsies, prepared by Secretary from information supplied by the Chief Constables of Counties.

* A very good idea of Tinker encampments will be got from Plates I. and II. The photograph for Plate I., which represents the Tinkers' Cave near Wick, was kindly furnished by Mr D. Georgeson, clerk to the Wick School Board; and the photographs for Plate II., which represent the Tinker encampments in Perthshire, by Mr Wm. Mitchell, Vice-Chairman of the Glasgow School Board.

COUNTIES.	Gipsies encamping for a time in the counties during 1893.				Apprehensions.	EDUCATION.	TRIBAL NAMES.
	Males.	Fem.	Total.	Children.			
Shetland,	...	...	Pass through.	...	...	Education *nil*	Newlands.
Orkney,	24	37	61	50	*15*	Children sent to Industrial Schools; result not known	M'Phee, Newlands.
Caithness,	30	31	61	59	*15*	Children sent to Industrial Schools; result bad	M'Phee, Newlands, Williamson, Stewart.
Sutherland,	23	25	48	40	*6*	Majority get no education	M'Phee, Williamson, Newlands, Stewart, M'Donald.
Ross & Cromarty,	11	12	23	50	*9*	Education *nil*	M'Phee, Newlands, Stewart, M'Donald, Wilson, M'Millan.
Inverness,	59	28	87	100	*10*	Education *nil*	Stewart, Williamson, M'Donald, M'Phee, Kelby, Jamieson, Reid, M'Neil.
Perth,	49	47	96	114	*60*	A few at school	M'Callum, Cameron, M'Donald, Reid, Johnstone, Townsley, White.
Argyll,	33	32	65	60	*20*	A little elementary education	Cameron, Johnstone, M'Donald, M'Allister, M'Phee, M'Callum, Reid, Stewart, Townsley, Williamson.
Dumbarton,	88	76	164	61	*3*	Education *nil*	M'Callum, M'Phee, M'Donald, Reid, Graham.
Nairn,	...	...	Pass through.	...	...	... ...	
Elgin,	43	30	73	36	*18*	Nine to Industrial Schools	Williamson, Newlands, Stewart, Kelby, M'Millan, Lindsay, M'Phee, White.
Banff,	...	...	Pass through.	...	...	Education *nil*	M'Phee, Stewart, Lindsay, White.
Aberdeen,	2	2	4	10	...	Two families reside; a few at school	Kelby, Newlands, Lindsay, Reid, M'Phee, Williamson, White, M'Donald, Stewart.
Kincardine,	...	...	...	...	*4*	Education *nil*	Cameron, M'Phee, Stewart, Campbell.
Forfar,	33	42	75	54	*5*	Education *nil*	Townsley, Cameron, Kelby, M'Callum, Newlands, Reid, Higgins, Hutchison, Martin, M'Laron, Stewart.
Clackmannan,	...	...	...	...	*3*	Education *nil*	M'Kenzie, Cameron, M'Phee, M'Callum.
Stirling,	16	8	24	12	*1*	Some can read and write	M'Phee, M'Donald, M'Callum, Stewart.
Linlithgow,	2	5	7	6	*7*	Schools in winter	Kennedy, White.
Ayr	...	...	...	...	*8*	A few can read and write	Campbell, Johnstone, Marshall, M'Millan, Wilson, O'Neil, Baxter, Stewart.
Bute,	...	...	Pass through.	...	...	Education *nil*	M'Phee, Cameron, Reid, Williamson.
Wigtown,	1	1	2	...	*2*	One at school	Marshall, M'Millan, Baxter, Wilson, Stewart, O'Neil.
Kirkcudbright,	19	19	38	...	...	Education *nil*	M'Millan, O'Neil, Lindsay, Baxter, Marshall, Townsley, Stewart.
Dumfries,	2	2	4	...	*5*	A few can read and write	Baxter, O'Neil, M'Donald, Cumming, Kennedy.
Roxburgh,	35	35	70	24	*17*	Education same as other children	Blyth, Douglas, Norris, Rutherford, Tait, Young.
Berwick,	33	36	69	43	*21*	Education same as other children	Norris, Watson, Rutherford, Young.
Lanark,	3	3	6	6	*3*	Education *nil*	Gibson, Baxter, O'Neil.
TOTAL,	506	471	977	725	232		



N° I

*

which
Schoo
Wm.

C					
Shetl					
Orkn					
Caith					
Suthe					
Ross					
Inver					
Perth					
Argy					
Duml					
Nairn					
Elgin					
Banff					
Aber					
Kinc					
Forfa					
Clack					
Stirli					
Linli					
Ayr					
Bute					
Wigt					
Kirk					
Dum					
Roxl					
Berw					
Lans					
TOTAL, . .	506	471	977	725	232

N° 2

N° 3

N° 4

APPENDIX XIX.

Census of *Habitués* in Prisons and Poorhouses.

RETURN prepared by Secretary, showing the number of Men and Women found in the 10 largest prisons of Scotland on 17th September 1894, by Poor Law Officials, and known to them as having been Paupers.

Prisons visited.	Parishes sending officials.	Number of persons recognised.			Number of those oftener than twice in Poorhouse.			Population of Prisons on 17th September 1894.	Percentage of Prison population known to Poor Law Officials.	Ages.					Remarks.
		M.	F.	Tot.	M.	F.	Tot.			20–29	30–39	40–49	50–59	60 &c.	
Glasgow and Barlinnie	City Parish	22	41	63	5	23	28	*1129*	8·6	5	5	14	3	1	
	Barony	9	19	28	9	17	26			4	4	9	6	3	
	Govan	2	5	7	...	1	1			...	1	...	...	...	
Edinburgh	City Parish	15	10	25	6	8	14	*388*	7·9	...	5	4	3	2	Conduct of all fairly good.
	St Cuthbert's	3	3	6	3	3	6			...	1	2	...	3	
Dundee	Dundee	9	8	17	2	8	10	*140*	12·1	2	2	1	3	2	Conduct of 4 good, 5 fair.
Aberdeen	City Parish	1	6	7	1	6	7	*75*	10·6	1	4	2	...	...	Conduct of 6 good, 1 bad.
	Old Machar	...	1	1	...	1	1			...	1	...	...	...	
Greenock	Greenock	4	14	18	4	14	18	*86*	20·9	9	4	3	...	2	Conduct of 16 good, 2 bad.
Perth	Perth	12	15	27	9	11	20	*350*	7·7	1	7	4	2	6	Conduct of all good.
Ayr	Ayr, &c.	2	7	9	2	7	9	*78*	11·5	1	3	2	1	...	Conduct of all good.
Maxwelltown	Dumfries, &c.	1	1	2	1	1	2	*60*	3·3	...	...	2	...	...	
Inverness	Inverness	2	0	2	2	0	2	*35*	5·7						5 during the year.
TOTAL,		82	130	212	44	100	144	*2341*	9·0	23	37	43	18	19	

RETURN prepared by Dr J. F. Sutherland, showing number of Men and Women found in 14 Poorhouses on 17th September 1893, by Prison Officials, and known to them as having been Prisoners.

Poorhouses visited.	Prisons sending officials.	Number of persons recognised.			Adult population of Poorhouses on 17th September 1894.	Percentage of inmates known to Prison Officials.	Ages.					Remarks.
		M.	F.	Tot.			20–29	30–39	40–49	50–59	60 &c.	
City Poorhouse	Glasgow and Barlinnie	51	28	79	*1240*	5·5	6	18	20	13	22	Conduct of 3 bad.
Barnhill		14	11	25	*953*	2·6	2	10	2	2	9	" " 2 indifferent.
Merryflats		37	21	58	*626*	9·2	5	13	16	7	17	" " 2 "
Craiglockhart	Edinburgh	22	9	31	*396*	7·8	5	...	7	7	12	Of all good.
St Cuthbert's C.					*423*	...						
Dundee East	Dundee	12	9	21	*582*	3·6	3	6	3	6	3	Conduct of 11 good, of 3 fair, of 7 indifferent.
" West		6	2	8	*120*	6·6	...	...	...	...	...	Indifferent all.
St Nicholas	Aberdeen	6	9	15	*331*	4·5	1	3	3	4	4	Conduct good.
Old Machar		1	1	2	*127*	1·5	1	...	...	...	1	"
Greenock	Greenock	1	10	11	*263*	4·1	3	2	2	1	3	Conduct of 1 bad.
Perth	Perth	2	1	3	*131*	2·2	...	...	...	3	...	" good.
Kyle C.	Ayr	8	3	11	*112*	9·8	...	...	...	3	8	" "
Dumfries	Dumfries	5	5	10	*59*	16·9	3	...	1	1	5	" "
Inverness	Inverness	2	3	5	*68*	7·3	...	...	1	2	2	" "
Poorhouses,	TOTAL,	167	112	279	*5431*	5·1	29	52	55	49	94	
Prisons,	TOTAL,	82	130	212	*2341*	9·0	23	37	43	18	19	
GRAND TOTAL,		249	242	491	*7772*	6·3	52	89	98	67	113	

APPENDIX XIX.—*continued.*

Census of *Habitués* in Prisons and Poorhouses.

RETURN showing the number of Men and Women found in the 10 largest Prisons of Scotland on 15th January 1895 by Poor Law Officials, and known to them as having been Paupers.

Prisons visited.	Parishes sending Officials.	Number of persons recognised.			Number of those oftener than twice in Poorhouse.	Population of Prisons on 15th January 1895.	Percentage of Prison population known to Poor Law Officials.	Ages.						Remarks.
		M.	F.	Tot.	Total.			Under 20	20–29	30–39	40–49	50–59	60, &c.	
Glasgow . .	City Parish .	26	32	58	42	941	*10·4*	...	15	13	15	7	8	Conduct not given.
and	Barony . .	9	17	26	23			...	3	11	6	4	2	
Barlinnie .	Govan . . .	10	4	14	10			...	2	3	5	4	...	
Edinburgh .	North Leith .	...	...	...	...	275	*6·9*	...	...	...	...	...	...	Nil.
	South Leith .	2	1	3	...			...	2	...	...	...	1	
	City Parish .	8	6	14	10			...	1	3	6	2	2	Conduct of all fairly good.
	St Cuthbert's	...	2	2	2			...	...	1	...	...	1	Frequently in Poorhouse.
Dundee . .	Dundee .	1	8	9	8	105	*8·5*	...	4	4	1	...	...	Conduct of 5 good, 4 fair.
Aberdeen, .	City Parish .	1	2	3	3	73	*4·1*	...	...	2	1	...	...	Conduct of 2 good, 1 troublesome.
	Old Machar .	...	...	...	...			...	...	...	...	...	...	Nil.
Greenock . .	Greenock .	...	8	8	...	48	*16·6*	...	1	1	3	1	2	Conduct of 7 good, 1 fair.
Perth . .	Perth . .	9	13	22	18	286	*7·3*	1	3	7	9	2	...	Conduct of 19 good, 3 very good.
Ayr . .	Ayr, &c. .	...	2	2	2	62	*3·2*	...	1	1	...	...	...	Conduct of 1 good, 1 very bad.
Maxwelltown .	Dumfries, &c.	...	...	...	...	39	...	...	...	...	...	...	...	Nil.
Inverness . .	Inverness .	2	1	3	2	32	*9·3*	...	1	2	...	...	...	Conduct of 2 good, 1 fair.
TOTAL, . . .		68	96	164	120	1861	*8·8*	1	33	48	46	20	16	

RETURN showing the number of Men and Women found in 16 Poorhouses on 15th January 1895 by Prison Officials, and known to them as having been Prisoners.

Poorhouses visited.	Prisons sending Officials.	Number of Persons recognised.			Adult population of Poorhouses on 15th January 1895.	Percentage of Inmates known to Prison Officials.	Ages.						Remarks.
		M.	F.	Tot.			Under 20	20–29	30–39	40–49	50–59	60, &c.	
City Poorhouse .	Glasgow .	97	48	145	1434	*10·1*	...	17	32	43	24	29	Conduct of 137 good, of 8 bad.
Barnhill . .	and	20	32	52	1040	*5·0*	1	9	21	11	5	5	Conduct of 49 good, 2 bad, 1 troublesome.
Govan . . .	Barlinnie .	73	8	81	694	*11·6*	2	4	11	16	20	28	Conduct of 80 good, 1 bad.
Craiglockhart .	Edinburgh .	16	15	31	468	*6·6*	1	2	10	7	4	7	Conduct of 26 good, 2 fair, 1 bad, 2 indifferent.
St Cuthbert's C.	,, .	19	8	27	492	*5·4*	...	...	2	10	6	9	Conduct of 25 good, 1 fair, and 1 discontented and grumbling.
North Leith . .	,, .	...	...	...	47	...	...	...	...	...	...	...	Nil.
South Leith . .	,, .	12	7	19	233	*8·1*	...	...	3	4	5	7	Conduct of 18 good, 1 fair.
Dundee East . .	Dundee .	46	20	66	688	*9·6*	...	6	13	15	18	14	Conduct of 19 good, 42 fair, 5 bad.
,, West . .	,, .	11	3	14	147	*9·5*	...	1	...	4	2	7	Conduct of 3 good, 10 fair, 1 bad.
St Nicholas . .	Aberdeen .	5	8	13	361	*3·6*	...	...	3	2	3	5	Conduct of all good.
Old Machar . .	,, .	1	4	5	139	*3·5*	1	1	2	...	...	1	Conduct of all good.
Greenock . .	Greenock .	12	35	47	311	*15·1*	...	7	4	11	9	16	Conduct of 34 good, 10 fair, 3 bad.
Perth . . .	Perth . .	12	9	21	168	*12·5*	...	2	4	1	6	8	Conduct of 19 good, 2 bad.
Kyle C. . . .	Ayr . .	8	4	12	132	*9·0*	...	...	...	2	3	7	Conduct of 11 good, 1 bad.
Dumfries, . .	Dumfries .	16	5	21	72	*29·1*	...	1	...	4	4	12	Conduct of 13 good, 5 fair, 2 bad, 1 very bad.
Inverness . .	Inverness .	7	7	14	107	*13·0*	...	...	2	2	4	6	Conduct of 12 good, 1 bad, 1 indifferent.
Poorhouses, .	TOTAL, .	355	213	568	6538	*8·7*	5	50	107	132	113	161	
Prisons, . .	TOTAL, .	68	96	164	1861	*8·8*	1	33	48	46	20	16	
GRAND	TOTAL, .	423	309	732	8394	*8·7*	6	83	155	178	133	177	

APPENDIX XX.

Analysis by Dr J. F. Sutherland of Annual Reports for 1893 of 13 Homes, Shelters, &c., in Scotland for Females.

Homes, Shelters, &c.	Average Daily Population.	Admissions for Year.	Total.	Average Period of Residence.	Employment.	Total Cost for Maintenance, &c.	Cost per Head per Annum.	Profits accruing from Work, and per cent. of Cost.	Dismissed, Absconded, Lapsed, &c.
Glasgow.									
1. Stirling Road Home, } 2. Lochburn House, .	157	215	372		Laundry work.	£5700	£36	£5015— 88%	96—25%
3. Hill Street Shelter, .	49	57	106		Needlework, Sewing, &c.	850	17	360— 42%	25—24%
4. Whitevale Shelter, .	75	171	246		Laundry.	3015	40	1616— 53%	70—25%
Total, . .	281	443	724						
Edinburgh.									
1. Queensberry Lodge, .	30	50?	80		...	...	...	* Boarders.	...
2. ,, House, .	112	150?	262		...	...	...	£3154†	...
3. St Andrew's Home, .	30	28	58		Laundry and Needlework.	£819	£27	462— 52%	16—28%
4. St John's Hill Home, .	17	50	67		Washing.	666	39	609— 91%	41—58%
5. Edinburgh Magdalen, .	90	108	198		Washing and Needlework.	4764	53	4902—103%	35—18%
Total, . .	279	386	665						
Dundee.									
1. Paton Lane Home, .	28	38	66		Washing, &c.	£586	£21	£352— 60%	20—30%
2. Lochee Road Home, .	42	35	77		Do.	1052	25	913— 86%	8—10%
Total, . .	70	73	143						
Greenock.									
The Shelter, . . .	32	29	61		Washing, &c.	£932	£29	£975—104%	19—31%
Peebles.									
Brownsland Home, . .	8	7	...	14 m.	...	£400	...	£17+£247‡	...

* From £50 to £100. † Board received for Inmates. ‡ For Board of Inmates.

APPENDIX XXI.

NOTES UPON THE PRESENT LAW.

BY PROFESSOR DOVE WILSON.

At the request of the Committee, I have prepared the following notes upon the present state of the Law affecting the questions into which they have to inquire.

I.—HABITUAL OFFENDERS.

The term 'habitual offenders' is not known to the law of Scotland. The nearest approach or analogy to it is that, as an aggravation of theft, it may be set forth that a person is 'habit and repute' a thief. In order to make out this aggravation it is necessary to prove that the person shall have got, or supplemented, his livelihood by theft for at least a year prior to the theft of which he is accused. The proof invariably consists of the evidence of officers of police, usually belonging to the detective force. The aggravation may be established, although the person has not been previously convicted. Its effect, when proved, bears upon the sentence alone.

The Prevention of Crimes Acts of 1871 and 1879, although intended to deal with 'habitual criminals,' avoid the use of the expression.

The term 'habitual offenders' is a popular one, intended to denote persons who have been repeatedly convicted of petty common law offences or of police offences, and who, for some cause, have proved not to be capable of being deterred by ordinary punishments. To make a legal definition of the term, it would be necessary (1) to fix the number of convictions or imprisonments which should be taken as *prima facie* evidence of the acquisition of the habit of offending; (2) to specify the offences convictions for which should be taken into consideration; and (3) to make it relevant to inquire into all the other circumstances of the offender's life which could show whether or not it was desirable to deal with him in a special manner.

Proving Previous Convictions.

Previous conviction of any common-law crime or offence, and of any statutory crime which is of the same character as that for which the accused is being tried, may, under Lord Kingsburgh's Act, be proved as an aggravation of the punishment.

In jury cases the proof is tendered after the jury have given their verdict of guilty of the crime charged.

In trials without jury a similar course ought to be followed under the Act, and is easily done if the clerk of court reads from the complaint, to the magistrate who is trying the cause, at first only the main charge, and refrains from reading to him the portion relating to previous convictions till that charge is disposed of.

There is considerable doubt whether previous convictions for statutory police offences can be charged at all without special statutory authority. This has been given only in a very few cases, such as the Salmon Poaching Acts; and in the great mass of police offences there was till the Burgh Police Act of 1892 no provision for previous convictions being taken into account. Whatever may be the theory of the common law upon the point, the practice has always been that each police offence stands by itself, and that the discretion of the magistrate, in awarding punishment within the permitted limits, is presumed to be exercised according to the lightness or badness of the particular charge before him, and not according to whether the offence has been repeated. As matter of fact it is undoubted that previous police offences have never been libelled and proved as aggravations without special statutory authority, but as magistrates do not understand the theory upon which this practice rests, which is possibly somewhat of a refinement, and as they naturally place reliance on repetition as an element aggravating the punishment, they have recourse to their own recollections, to information asked from the accused, or to information obtained from the police, on what seems to them a relevant point. The view that previous convictions of police offences cannot be charged as aggravations has nothing to do with those few cases in which, intent being in issue, previous convictions may relevantly be proved in support of the substantive charge.

This state of the law and practice seems attended with very obvious disadvantages. It makes the sentence depend on accidents, and sometimes must deprive the accused of the power of meeting the impression of repetition. It would be much better, under proper precautions against their being brought to the magistrates' notice till the main charge is disposed of, to allow previous convictions in all cases to be regularly adduced as an aggravation of punishment. The course here recommended is adopted in the Burgh Police Act of 1892 (§ 465) with reference to police offences prosecuted under it, but the power should be made general, that Act having only a very limited application.

Accepting Bail.

The practice of the police when they have apprehended any person for a petty offence, whether common law or statutory, and have brought him to a police station, accepting from him a sum of money in name of bail, in place of detaining him in the lock-up, is very common in Scotland and very useful. It is regulated for counties, under the County Police Act of 1857 (sect. 13). For burghs in general it was regulated by the Lindsay Act of 1862 (sect. 417); and is now regulated under the Burgh Police Act of 1892 (sect. 471). Similar powers for the larger burghs are contained in their special Police Acts.

Under this power, the Chief Constable, or in his absence the officer who is in charge of the station, accepts from the accused a sum or article in name of bail. The amount or value is matter of discretion, but it is usually fixed with reference to the fine which it is supposed the accused has incurred. The maximum in counties is £10, and in burghs £20. Naturally the standard varies very much. In some burghs, for example, the average is twice as high as in others. When the amount has been received by the officer it is entered in a book, and the accused gets a receipt specifying the day and hour when he has to appear in court to answer to the charge.

At the time of appearance, if the accused appears, his bail is returned to him, and the trial proceeds in the ordinary way. If, as is usually the case, he fails to appear, the bail is forfeited, and at this point the practice again varies. It is competent now to grant a warrant to apprehend or to cite, and in a few courts this is invariably done, the magistrates considering that all charges ought to be disposed of publicly. In the great majority of courts, nothing in all but exceptionally bad cases, follows the forfeiture.

The forfeiture of bail does not count in law as a previous conviction. No means exist for identifying, at future dates, the persons who have forfeited, and, as matter of fact, it is well known that the names and addresses given are often fictitious.

Note on Foreign Laws.

I am informed that in the laws of most foreign countries the expression 'habitual offenders' is equally unknown.

In Germany, for example, it is in popular use (*Gewohnheits-verbrecher*), but it does not occur in the German Criminal Code, nor, as I am informed, in their other legislation. The inmates of the German labour colonies are voluntary. Even the power of proving previous convictions is, under the German Code, very limited, being applicable only to the case of theft, robbery, and similar crimes (sects. 244 and 245).

The most instructive example of foreign legislation on the subject will be found in Belgium.

Under the Belgium Law of 27th November 1891, for the repression of vagabondage and mendicity, three classes of places of correction are established, namely, depots of mendicity, houses of refuge, and schools of charity.

To the first may be committed, for periods of not less than two or more than seven years, persons who, in place of obtaining their living by labour, are professional beggars, or, in consequence of idleness, drunkenness, or evil dispositions, live in a state of vagabondage. Persons who have been tried for crimes and offences punishable with less than a year's imprisonment, may, if they fall within the above classes, be sentenced, after fulfilling the term of their ordinary punishment, to be detained in a depot of mendicity. Although habitual offenders are not specially mentioned, they evidently fall under the class dealt with.

Less aggravated cases of vagabondage or mendicity may be confined in houses of refuge, where the forcible detention must in no case exceed one year, and where the detained must be liberated earlier, so soon as his earnings from his labour amount to a sum fixed upon a scale settled by the Minister of Justice.

The 'schools of charity' are institutions similar to our reformatory and industrial schools.

In Appendix xxv., will be found a translation of the text of the Belgian Law, which has been made by

Dr. J. F. Sutherland, and also notes (mainly in connection with vagrants) on the Laws of Austria-Hungary, Denmark, France, Germany, and Switzerland.

II.—VAGRANTS AND BEGGARS.

Vagrancy is not a common-law offence in Scotland. Wandering and begging without the use of threats, and without fraud, is not punishable at common law.

Masterful begging is the extorting of alms by violence, or by threats of any kind, and is an offence at common law. It is usually tried in a summary form, and the maximum penalty in that case is 60 days' imprisonment.

In the same way, begging on false pretences of any kind is punishable at common law as 'falsehood, fraud, and 'wilful imposition,' and is awarded the same punishment as the preceding offence. But mere begging—telling a true story of want—whether accompanied by wandering or not, is unpunishable at common law.

Rogues and Vagabonds.

were punishable under various old Scottish statutes—all, with one exception, in disuse. The mere fact of being 'reputed and holden' to be an Egyptian was punishable with death, and 'Sorners' (or idle, masterful beggars) could be punished by being laid in irons, losing an ear, and banishment. In case of return they could be hanged. Harbourers of vagabonds were liable to banishment.

In the fifteenth century unlicensed beggars were liable to be 'burned in the cheek' and banished. By the Act 1672, 18 houses of correction were to be established in all the larger burghs. To them were to be sent, for indefinite periods, all unlicensed beggars, whether found in shire or burgh, and the masters of the houses were to cause the inmates to work 'by wheeping, or otherwayes.'

In all the old statutes provision was made for the licensing of deserving beggars within certain districts—a custom kept up till comparatively recently.

The only use now made of the old Scottish statutes is that, under them and the Poor Law Act of 1845, able-bodied persons who allow their wives or children to come upon the parish for support, are liable to fine or 60 days' imprisonment, with hard labour, as rogues and vagabonds.

Prevention of Crimes Act, 1871.

The only existing statutory provision which applies to all Scotland on the general subject of vagrancy is the 4th section of the English Vagrancy Act (5 Geo. iv. cap. 83), which was made applicable to Scotland by the Prevention of Crimes Act of 1871 (33 and 34 Vict. cap. 112, sect. 15).

Under the provisions of these statutes, the following persons, among others, are to be deemed rogues and vagabonds, and may be apprehended and imprisoned, with hard labour, for three months, viz.:—Any person

[1] Pretending to tell fortunes or deceive by palmistry;
[2] Wandering abroad and lodging in any barn or outhouse or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence and not giving a good account of himself;
[3] Wilfully exposing in a public place any obscene print, picture, or other indecent exhibition;
[4] Going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any kind under any false pretence;
[5] Running away and leaving wife or children chargeable to any parish;
[6] Playing or betting in any street or public place with any table or instrument of gaming, at any game of chance;
[7] Having in his possession any picklock or other implement, with intent feloniously to break into any house or building, or being armed with any gun, bludgeon, or other weapon, or having upon him any instrument with intent to commit any felonious act;
[8] Being found in or upon any house, stable, or outhouse, or any enclosed yard, garden, or area, for any unlawful purpose; and
[9] Any suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street or any highway, or any place adjacent to a street or highway, with intent to commit felony.

The provisions of this statute are little used. Other provisions being in force in burghs, it is only in counties that they can be required, and in 1893 there were only 36 cases of its application in counties for all the nine petty offences which it specifies, and of these 18 were within the jurisdiction of one chief constable, who appears to have turned it to good account. Why the statute is so little used is not plain, if the evil of vagrancy be so clamant as some think it to be. Possibly there is some lack of knowledge as to its existence. Possibly its severity has tended somewhat to defeat it; and it will be noted that those vagrants and beggars who refrain from violence, threats, or fraud, and who get lodgings in dwelling-houses, do not come within its scope.

Of other statutes dealing with vagrants, applying to the whole country, there is only one—

The Prevention of Trespass Act, 1865.

Under it, parties lodging in any premises, or encamping, or (in certain cases) lighting a fire on land without permission, are liable for a first offence to a fine not over 20s., or to imprisonment not over 14 days, and for a second offence to a fine not over 40s., or imprisonment not over 21 days.

This has proved a useful statute. In my own experience, I remember that I often enforced it at first. Now it seems much seldomer to be required, vagrants seeming to have come to know that they must get leave.

Acts of Restricted Local Application.

The dealing with offences by statutes which do not apply to the whole country is contrary to sound ideas of law. The awarding of punishment is eminently a matter of public law; and the leaving of persons to be fined or imprisoned under laws of local application, or even under local and personal acts, is altogether contrary to principle. The origin of the system with us is that, the legislature failing to amend the common law, certain cities were allowed to do it for themselves, and that afterwards the provisions adopted by them were embodied in a public statute capable of being adopted by all populous places.

This led to the General Police and Improvement Act of 1862 (known as the Lindsay Act, and now repealed), which contained clauses (sects. 331–334) as to vagrants. In purport they were somewhat similar to the clauses of the Burgh Police (Scotland) Act, 1892, sects. 408–411,—only somewhat more severe. The

Burgh Police (Scotland) Act, 1892,

now regulates the law in the most of the Scottish towns. The vagrancy clauses under it are as follows:—

Burgh Police (Scotland) Act, 1892.

Sect. 408. Every person found begging or exposing wounds or deformities, or who shall cause or permit the exposure of children of tender age to the inclemency of the weather, or causing children to sing in any street or court or common stair, or otherwise acting so as to induce, or for the purpose of inducing, the giving of alms, and every person conducting himself as a vagrant, having no fixed place of residence and no lawful means of getting his livelihood, shall be liable, for the first offence, to a fine not exceeding twenty shillings, or to be imprisoned for any period not exceeding thirty days, or to imprisonment for such period, without the option of a fine, and for the second or any subsequent offence, to be imprisoned for a period not exceeding sixty days.

Sect. 410. It shall be lawful for any constable to apprehend and bring before the magistrate any young person found begging, or sent or suffered to go out for that purpose, and also the parents of such young person, or other relations to whose control he is subject, by whom he has been so sent or suffered to go out, and also any other person by whom such young person has been so sent out; and on the complaint being established that such young person has been sent out or suffered to go out for that purpose by his parents, or either of them, or by any other relation to whose control he is subject, or has been sent out for that purpose by any other person, it shall be lawful for the magistrate to punish such parent, relation, or other person as a vagrant or disorderly person, by a fine not exceeding five pounds, or by imprisonment for a period not exceeding thirty days.

Sect. 411. It shall be lawful for any constable to apprehend and bring before the magistrate all such beggars, vagrants and idle poor persons, strolling or wandering, or seeking relief, or found lying in any outhouse, stair, close or area, or other place within the burgh; and it shall be lawful for the magistrate to direct and cause intimation of all such persons as he may not at the time convict of begging and vagrancy, as hereinbefore provided, to be sent to the inspector of the poor of the parish within which such person shall have been found, in order that their claim, if any, as paupers may be investigated and disposed of according to law; and the magistrate shall direct and cause all such persons to be detained in custody pending such investigation, and the said inspector shall be bound to report to the magistrate the result of such investigation.

The vagrancy offences under the first section are briefly, that (1) 'every person begging,' and (2) 'every person con-

'ducting himself as a vagrant, having no fixed place of 'residence, and no lawful means of getting his livelihood,' is guilty of an offence; and the punishment is for a first offence, fine not over 20s. or 30 days' imprisonment, or 30 days without option; and for a second and subsequent, imprisonment not over 60 days. The clause repeats that of the Lindsay Act (sect. 331).

The second clause quoted deals with the offence of sending out to beg, and is substantially repeated from the Lindsay Act (sect. 332). The punishment is a fine of £5, or 30 days.

The third clause allows beggars and vagrants who are not convicted to be sent to the inspector of poor. It is modelled on sect. 333 of the Lindsay Act.

Vagrancy in Particular Towns.

Aberdeen, by its Police Act of 1871 (sects. 154, 235, 236 and 237), makes substantially the same provisions, except that there is no provision for a fine, and that the punishment is imprisonment, not exceeding the specified periods.

Edinburgh, by its Police Act of 1879 (sect. 270), makes the same provision as Aberdeen. It has the further provision that sect. 271 renders the parents of children sent out to beg liable to 60 days' imprisonment; and it also empowers children to be sent to 'any institution established 'by law, or otherwise, for the care of such persons.' Sect. 273 authorises beggars to be handed over to the parochial authorities, and sect. 274 punishes persons harbouring them.

In Dundee, under its Local Act of 1882 (sect. 191), the vagrancy clauses of the Lindsay Act are still in force.

Glasgow, by its Police Act of 1866, has somewhat different provisions. Beggars and vagrants are liable under it to punishment. The definition (sect. 144) of beggar is in substance the ordinary one, but the definition of vagrant is wider, and is as follows:—

> Any person who within the city is found wandering abroad, or lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, shall be deemed a vagrant unless he proves to the satisfaction of the magistrate that he has a fixed place of residence, and some lawful means of gaining a livelihood within the city.

A beggar or vagrant may, if apparently a fit object for parochial relief, be handed over to the inspector of poor. If not, he may for a first offence be sentenced to 14 days' imprisonment, and for a further offence to 30 days (sect. 145). There is no option of a fine.

Under sect. 146, persons sending out children to beg are liable to imprisonment for not over 30 days.

Under the Greenock Police Acts of 1877 (sect. 178) and 1893, the vagrancy sections of the Lindsay Act are still in force.

County Bye-Laws.

Under the Local Government Act of 1889 (sect. 57) the power of dealing locally with the punishment of offences is carried still further, and each County Council is empowered to make its own bye-laws for the repression of begging and vagrancy. Owing to a decision of the Court of Justiciary, showing the uncertainty of the limits within which this power may be exercised, it is at present in a state of suspense (Eastburn *v.* Wood, 1892, 19 R. 100), and the Secretary for Scotland has recommended the County Councils to wait for further legislation.

Under a Private Act passed in 1849 for the County of Renfrew, 'all vagabonds, public beggars, and idle and dis-'orderly persons found within the said county, who have 'not a settled place of residence, and follow no lawful em-'ployment,' may be sent to a house of correction, and kept to hard labour for a period not exceeding 60 days.

Laws of Foreign Countries.

In Appendix xxv., p. 563, at the places referred to by me in the end of the preceding chapter, will be found much information on the Laws of Foreign Countries on vagrancy.

Australian Colonies.

The evil of vagrancy is much felt in Australia, and good effect is there attributed to their vagrancy laws, the main peculiarity of which seems to be the pretty free use of a power of requiring a person without visible means of subsistence to give a good account of himself to the satisfaction of a magistrate. The following extract from the New South Wales Vagrancy Act of 1851 illustrates this—

> Every person who, having no visible lawful means of support, or insufficient lawful means, who shall not—being thereto required by any Justice, or who being duly summoned for such purpose, or who shall be brought before any Justice in pursuance of the provisions of this Act—give a good account of his or her means of support to the satisfaction of such Justice. . . . . .
>
> And every common prostitute wandering in any street or public highway, or being in any place of public resort, who shall behave in a riotous or indecent manner. . . . . .
>
> And every habitual drunkard having been thrice convicted of drunkenness within the preceding twelve months, who in any street or public highway, or being in any place of public resort, shall behave in a riotous or indecent manner. . . . . .
>
> And the holder of every house which shall be frequented by reputed thieves, or persons who have no visible lawful means of support, and every person found in any such house in company with such reputed thieves or persons who shall not (being thereto required by any Justice) give a good account, to the satisfaction of such Justice, of his lawful means of support, and also of being in such house upon some lawful occasion. . . . . .
>
> And every person wandering abroad or placing himself in any public place, street, highway, court, or passage to beg or gather alms, or causing, or procuring, or encouraging any child or children so to do—shall be deemed an idle or disorderly person within the true intent and meaning of this Act.

III.—INEBRIATES.

Drunkenness in Scotland is not an offence at common law. It was punishable under various old statutes, all now in disuse, and under our old law there was a machinery under which drunkards could be placed under civil disabilities.

Old Penal Law.

Under various statutes passed prior to the Union, and extending over a period of about two centuries and a half, attempts were made to repress excessive drinking by punishment. The Acts are about twenty in number. The earliest (1436, c. 144) appoints those who are found drinking in taverns after nine o'clock to be put in prison. The latest (1693, c. 40) appoints the Presbyteries to prosecute those guilty of drunkenness before the magistrates of the bounds. Between these dates are statutes awarding every degree of punishment. Drunkards, for repeated offences, are to be put in prison 'till they find caution'; for first offences are to be put in the 'jogs,' in the 'stock,' or in 'jayle,' for so many hours; or to be fined according to their degree—'the nobleman,' for example, is to be fined 'twenty pounds,' and 'the minister in a fifth part of his stipend.' The statutes had the merit of dealing equally with all, and of being aimed directly at the vice, and not merely at its public manifestation, or at the poorest and most helpless of its victims, but they must have remained largely inoperative, the directions to enforce them being very numerous. Baron Hume, writing in the end of last century, considered some of these penal statutes to be still capable of enforcement. After another century of disuse, they could not, according to Scottish ideas, be now enforced.

Old Civil Law.

Under the Roman Law the prætor exercised a power of putting persons under curatory, which must have been peculiarly applicable to drunkards. If a person through misconduct wasted his acquired or inherited substance, and threatened thereby to reduce his family to poverty, he could be summoned before the prætor, and interdicted from the management of his affairs. A curator was appointed who managed them for him.

Bankton, one of the most learned of the Scottish lawyers of last century, explains how this law was applicable to Scotland also; and he gives the words of the brieve of summons by which the proceeding could be commenced. That it was ever actually used, he is, however, uncertain. It is clear that the power is now obsolete.

What came in its place was the power of interdiction, of which there were two kinds—judicial and voluntary. These differed from the Roman power in this, that they extended to heritable property only. Under the judicial interdiction a person, 'upon proof of levity and prodigality,' could, at the instance of his heir, be interdicted by the supreme court from the management of his heritage, and have a curator appointed to manage it along with him. This power has long been in disuse, and certainly did not survive the sixteenth century. In the voluntary interdiction

the same result was reached, but upon the application of the facile person himself. It is still competent, but it also is going into disuse. It is about fifty years, to the best of my knowledge, since the last instance of it occurred.

There was no power under these laws of sequestrating the person of the drunkard.

Continental Civil Law.

On the continent something analogous to the Roman power of interdiction still exists.

In Germany, under the Prussian Civil Code (A. L. R., I. i. sect. 30), if a person through senseless and useless expenditure, or through wilful neglect, sensibly diminishes his means, or involves himself in debt, he may at the instance of his relatives, or of the administrators for the poor, be brought before a tribunal. Upon proof of the allegations, the tribunal will place him under curatory; and, until he reforms, his curator will manage for him. This power, it is obvious, is specially applicable to the case of persons who incapacitate themselves through drinking.

Under the French Civil Code (C. C., sect. 513) a similar power exists. According to it, persons falling under the class dealt with by the Prussian code may have a 'Family 'Council' appointed to him by a tribunal. When this is done, he cannot, without consent of this council, sue or defend an action, compromise, borrow, or receive and discharge personal estate, or alienate or burden real estate. It will be observed that this differs from the Prussian and Roman systems, in as much as it does not entirely put the person concerned out of the management of his affairs, but still requires his consent to what may be done.

In the note, contributed by Mr Lamond, Appendix xxx., will be found some further elucidations of the preceding points, and also some information as to the Law of Austria.

Modern Law.

The offence of being 'drunk and disorderly,' if serious enough to amount to a breach of the peace, is punishable at common law by the sheriff. It may be tried summarily, and may be punished with fine not exceeding £10, or imprisonment for not more than 60 days without option. Caution may be ordered for £20 to keep the peace for six months. This is under Summary Jurisdiction Act, 1864, and Sir William Rae's Act of 1828. Where the offence does not come up to a breach of the peace, it is not punishable at common law.

The so-called offence of being 'drunk and incapable' is punishable under the Public Houses Act, 1862 (25 and 26 Vict. cap. 35, sect. 23). Under it—

> Every person found in a state of intoxication, and incapable of taking care of himself, and not under the care or protection of some suitable person, in any street, thoroughfare, or public place, shall be thereby guilty of an offence and may be taken into custody by any officer of police or constable, and detained in any police office or station house or other convenient place, and not later than in the course of the first lawful day after he shall have been so taken into custody, shall be brought before a sheriff or any one justice of the peace or magistrate, or if not so taken into custody, or if he shall have been liberated on bail or pledge, may be summoned to appear before such a sheriff, justice of the peace, or magistrate, and on being convicted of such offence shall forfeit and pay a penalty of five shillings, and in default of immediate payment shall be imprisoned for a period not exceeding twenty-four hours.

Under this Act, as indeed under all charges under the like name, it will be observed that no attempt is made to punish the mere drinking to the extent of incapacity. Unless the person be found friendless in some public place he cannot be punished. The operation of this, and all similar statutory provisions is therefore limited to punishing the most unfortunate of the drinking class. It is the only penal provision for cases happening outwith burghs.

Payment of the fine is, I understand, seldom enforced in counties. The justice usually admonishes. According to my experience, such cases are seldom or never brought before the sheriff. During my twenty-eight years of office, all that I can recall is an indistinct recollection of having once seen one.

Burgh Police Acts.

Under the Burgh Police Act of 1892, sect. 381 (24), every person who in any street or public place 'is drunk and 'incapable, and not under the care and protection of some 'suitable person,' commits an offence, and is liable to a penalty not exceeding 40s. or imprisonment (under sect. 501) not exceeding one month. There is a provision for the punishment of habitual drunkards, which will be noticed immediately under that head.

Under the same Act, sect. 380 (9 and 11), the same penalty of 40s., with the same alternative, is imposed on any person who behaves in a riotous, violent, or indecent manner, or who is drunk while in charge, in any street or other place, of a carriage, horse, cattle, or steam engine, or when in possession of loaded firearms.

Under the Aberdeen Police Act of 1862 (sect. 146), every person who is drunk in any public place, and is guilty of any riotous or indecent behaviour therein, is liable to a fine of 40s., or, in the discretion of the magistrate, to imprisonment for a period not exceeding seven days. Persons who are 'drunk and incapable' are dealt with under the Public Houses Act of 1862 quoted above.

Under the Edinburgh Police Act of 1879, persons who are 'drunk and incapable' are liable to a fine of 40s., sect. 247 (6), or to 30 days, sect. 342; and by sect. 248 (4), persons who are 'drunk and guilty of any riotous and 'disorderly conduct,' are liable to a fine of £5, or in the discretion of the magistrate, to imprisonment not exceeding 60 days. In both cases, the magistrate may, instead of, or in addition to, the ordinary penalty, order caution to be found for good behaviour for a year; and may, if it is not found, increase the term of imprisonment to 60 and 90 days respectively (sects. 343 and 344).

In Dundee the law is precisely the same as in Aberdeen.

In Glasgow the definition of 'drunk and incapable' is wider. It includes every person who, in any public place, is 'drunk and incapable of taking care of himself, or of any 'animal or article in his charge.' The penalty is 40s. or 14 days, sect. 149 (31). Every person who is 'riotous, 'disorderly, or indecent in his behaviour,' is liable to a fine of £10, or, without fine if thought right, to 60 days, sect. 135 (5).

In Greenock, under the Act of 1877, the power of punishing the 'drunk and incapable' was the same as in Glasgow. Under the Act of 1893, the provisions on the point of sect. 381 of the Burgh Police Act of 1892 are adopted.

Habitual Drunkards.

The expression habitual drunkards is unknown to the common law.

It occurs at least thrice in the public general statutes, and at least once in the local statutes.

In the Habitual Drunkards Act, 1879, the expression is defined as follows:—

> 'Habitual drunkard' means a person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or herself, or to others, or incapable of managing himself or herself, and his or her affairs.

The second instance of its use is on the margin of sect. 382 of the Burgh Police Act of 1892. That section is as follows:—

> It may be charged as an aggravation of the offence of being drunk and incapable, that the accused person has within the twelve months preceding, been three times previously convicted of such offence; and if the accused person is convicted and such aggravation is proved, the magistrate may impose an additional penalty not exceeding forty shillings in respect of such aggravation, and may sentence such person to imprisonment for any period not exceeding fourteen days, without the option of a fine.

If the magistrate does not exercise his power of imprisoning for fourteen days without option of fine, he may thus fine up to 80s., with the alternative of imprisonment not exceeding one month (see sect. 501). It is not clear whether the power to imprison without fining is cumulative or alternative to the power last mentioned.

The third instance is in the Prevention of Cruelty to Children Act of 1894, where a habitual drunkard, who ill-treats his children, may elect to go to a retreat in place of being punished under the Act.

The only provision, so far as I know, in any local act dealing with habitual drunkards, occurs in the Greenock Police Act of 1877. By it (sect. 245) any person who is convicted of being 'drunk and incapable,' and has been six times previously convicted of that offence may be fined 40s., or may be sentenced to imprisonment for any period not exceeding 60 days.

IV.—LOITERING AND IMPORTUNING.

Loitering and importuning is not an offence at common law, and outwith burghs is not punishable. Within burghs the punishment varies between wide extremes.

Under the Burgh Police Act, 1892, sect. 381 (22), it is an offence. Under it, every person who, on a street or public

place, 'being a common prostitute or street walker, loiters 'about or importunes passengers for the purpose of prosti-'tution,' is guilty of an offence, and is liable to be fined 40s., or imprisoned for a month.

To constitute the offence, the person charged must (*firstly*) be a common prostitute or street walker; and (*secondly*) must either 'loiter about' or 'importune' passengers 'for 'the purpose of prostitution.' It is a difficult statute to apply, as it is difficult to say what length of time a person must hang about a place to constitute loitering, or how persistently she must entreat in order to constitute importuning. In practice, these points seem left very much to be determined according to the opinion of the police constables who bring the complaint.

In Aberdeen, the offence is punishable under the Police Acts of 1862 (sect. 134) and 1871 (sect. 147), with a fine of 40s., or, in the discretion of the magistrate, with imprisonment, not exceeding 14 days. The words constituting the offence are substantially the same as in the Burgh Police Acts, but it is further provided by certain words applicable to it in common with other offences, that the act must be to the obstruction or annoyance of the residents or passengers.

Under the Edinburgh Police Act of 1879 the offence is described substantially as in the Burgh Police Act, but the penalty is much higher (sect. 248), being a fine of not over £5, or in the discretion of the magistrate, imprisonment not exceeding 60 days.

Under the Dundee Police Act of 1882 the provisions of the Lindsay Act are still applicable, and these are the same as those of the Burgh Police Act of 1892.

Under the Glasgow Police Act of 1892, sect. 18, the offence and punishment are also the same as in the Burgh Police Act of 1892.

The Greenock Police Act of 1893 adopts the provisions of the Burgh Police Act of 1892 on the point.

V.—JUVENILE OFFENDERS.

Industrial Schools.

The Industrial Schools Act, 1866, and its amending acts, deals with three classes of children under three separate sections.

Under sect. 14 children are dealt with who are

(*a.*) Found begging.

(*b.*) Found [I.] wandering and [II.] not having [1] any home, or [2] settled place of abode, or [3] proper guardianship, or [4] visible means of subsistence.

(*c.*) Found destitute, or an orphan, or having a surviving parent who is in prison or in penal servitude.

(*d.*) Frequenting thieves.

All these children, if under 14, may be sent to an Industrial School.

I understand difficulties have arisen in applying these provisions in regard to dealing with wandering children. Under the Act, these cannot be sent, if they possess any one of the four things mentioned in the second portion of the clause (*b.*). Usually there is no difficulty about the first, second, and fourth. I have heard it suggested that if the wandering child had any kind of parents, it could not be said to be without 'proper guardianship,' but I do not think it can be so interpreted, and I have always held that if the parents were drunken, or ill-treated their children, those children, if found wandering through the country, whether with or without the parents, came under the Act.

Under sect. 14, children under 12, charged with crime, can be sent. These are not convicted, and if they ever have been convicted, cannot be sent. In my own practice, I may mention that I never, if I could possibly help it, allowed a conviction to be recorded against a child under 12, for fear of losing the power of sending it to an Industrial School.

Under sect. 16, unmanageable children could be sent at their parents' request. For these, the allowance made by the treasury is smaller.

Under sect. 17, Parochial Boards can send children.

Under the Act of 1880, children living with prostitutes, or frequenting their company, can be sent.

Certain other statutes also contain provisions for sending children to Industrial Schools, but it is only exceptionally that they are used. Among these may be mentioned the Prevention of Crimes Act, 1871, and Prevention of Cruelty to Children Act, 1894.

The period for which children are sent is defined as such time as the magistrate thinks right, but in no case is there power to keep the child beyond the attaining of the age of 16. The Act of 1894 provides (with reference to children admitted after its date) that they are to remain after their liberation from the school until they attain the age of 18 under the supervision and control of the directors.

In practice the children are usually committed till that age be attained.

There is a most beneficial power to the managers to license out the children after they have been educated for a certain time. This power might, I think with great advantage, be more used in Scotland.

Power exists to order the parents to contribute to the support of the children in schools.

Additional information as to children will be found in the Memorandum by Miss Stevenson, p. 561.

Reformatory Schools.

Admission to reformatory schools, under the Act of 1866 is now regulated by sect. 1 of the Act of 1893:—

> Where a youthful offender, who, in the opinion of the court before whom he is charged, is less than sixteen years of age, is convicted, whether on indictment or by a court of summary jurisdiction, of an offence punishable with penal servitude or imprisonment, and either (*a*) appears to the court to be not less than twelve years of age; or (*b*) is proved to have been previously convicted of an offence punishable with penal servitude or imprisonment,—the court may, in addition to, or in lieu of sentencing him according to law to any punishment, order that he be sent to a certified reformatory school, and be there detained for a period of not less than three and not more than five years, so, however, that the period is such as will, in the opinion of the court, expire at or before the time at which the offender will attain the age of nineteen years.

In practice, the reformatory school is for children over 12. In Aberdeenshire, at least, children under 12 are, wherever it is practicable, sent to industrial schools. In practice, I also found it advisable rarely or never to send to a reformatory, except for a second offence, even when the children were over 12. I found that very few indeed of those who were warned for a first offence ever came back.

There is also a power of letting out from reformatories on license. This,—unfortunately as I venture to think,—is little used in Scotland.

There is a valuable power of apprenticing given under Act of 1891, sect. 1., to which the same remark—that it is unfortunately too little used—is equally applicable.

Detention of Juveniles.

The detention of juvenile offenders or neglected children before trial, or before sending to industrial or reformatory school, is regulated under the Industrial Schools Act of 1866, sect. 19, and under the Reformatories Act of 1893. Under these, the child can be sent to a poorhouse, or to another place, not being a prison, for detention for a period not exceeding 14 days. The power is also given of detaining in prison children who are liable to be committed to Reformatories, but such children only.

Under these powers there is no difficulty in any magistrate avoiding the sending of all unconvicted, and, in many cases, of convicted children to prison.

Whipping.

Whipping at one time was a very frequent punishment in Scotland for all classes of offenders. As specimens of the kind of sentences which magistrates were in the way of pronouncing during last century may be instanced the case of a man who was sentenced 'to be whipped through the town,' and of a woman—certainly a very bad character—who was sentenced to be 'privately scourged, and thereafter to be drummed out off and banished from the Burgh.' The power having fallen into disuse, its use was revived in 1860 (23 & 24 Vict. c. 105, sect. 74) for males, under 14 years of age, who were guilty of offences for which it is competent to imprison, or to fine with the alternative of imprisonment. The whipping may be imposed instead of imprisonment, or in addition to it. From the way in which the Act is worded, it has been thought doubtful whether a whipping can be made the alternative for failure to pay a fine, although there are many cases where such an alternative if it did not effectually recover the fine, would at least prevent the necessity for the Juvenile being sent to prison. The regulations under which whipping is carried out are given at p. 586.

Juveniles in Australian Colonies.

Much attention has been given in Australia to the subject of Juvenile Delinquency, and excellent results appear to have been obtained. The Colony of Victoria

may be cited as affording a good instance of their legislation. In it, Juveniles are dealt with either under the Neglected Children's Act, or the Juvenile Offenders Act, both of 1887.

The Neglected Children's Act is applicable to any person under the age of 21. Receiving Houses, Probationary and Industrial Schools are established under it, and are maintained partly by private contributions, and partly by Government aid. The persons who may be committed to them are defined thus :—

SECT. 18. Every child who answers to any of the following descriptions shall be deemed a 'neglected child' within the meaning of this Act, that is to say every child apparently under the age of seventeen years :—

[1] Found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms ; [2] Found wandering about or frequenting any street, thoroughfare, tavern or place of public resort or sleeping in the open air, and who has not any home or settled place of abode or any visible means of subsistence ; [3] Associating or dwelling with any person known or reputed to be a thief or drunkard or with any person convicted of vagrancy under any Act now or hereafter to be in force, whether the person so known, reputed, or convicted is the parent of the child or not ; [4] Having committed an offence punishable by some less punishment than imprisonment :

And every child apparently under the age of ten years found engaged in any casual employment during the months of May, June, July, August or September, after the hour of seven o'clock in the evening or at any other part of the year after the hour of nine o'clock in the evening.

SECT. 21. Every child apparently under the age of sixteen years found by any senior constable, sergeant of police, or officer of police of superior grade to a sergeant, or by any person specially authorized by the Governor in Council in that behalf, residing in a brothel or associating or dwelling with a prostitute, whether the mother of the child or not, shall be immediately apprehended by such constable, sergeant, or officer or person, without any warrant, and forthwith taken before some two or more neighbouring justices to be dealt with according to this Act.

SECT. 23. If the guardian of any child under the age of fifteen years represents to two or more justices and proves to their satisfaction that he is unable to control such child, such justices may order that, upon such guardian entering into security to the satisfaction of the clerk of the court for payment of such sums as such justices may fix for the maintenance of such child, such child be committed to the care of the Department for neglected children.

The powers of dealing with the children after committal are extensive and varied. They are thus defined :—

SECT. 31. Subject to the Regulations of the Governor in Council every ward of the Department for neglected children may from time to time be dealt with by the Secretary in one or other of the following ways :—

[1] Placed in some receiving depot ; [2] Boarded out with some suitable person ; [3] Placed at service with some suitable person ; [4] Apprenticed to some trade either on land or at sea ; [5] Placed in the custody of some suitable person who may be willing to take charge of such ward ; [6] Detained in some industrial or probationary school ; [7] Transferred with the approval of the Minister to some reformatory school to which such ward might be lawfully committed :

Provided always that in case it shall come to the knowledge of the Minister that any ward after the commencement of this Act committed to the care of the Department for neglected children has been leading an immoral or depraved life, such ward shall be transferred to a reformatory school unless under the special circumstances of any case the Minister may think that it would be inexpedient, and it shall be the duty of the Secretary to take the proper steps for that purpose.

Children may also (under sect. 33) be apprenticed.

Parents of children may be made to contribute towards their maintenance in detention, a periodical sum fixed by a magistrate.

A distinct feature of the system is the power, where the Government makes no contribution, to the justices to commit children to the care of approved private persons or institutions.

The period of detention is in both cases the same, namely, till the age of 18, or till such higher age not exceeding 21 as the Secretary of State shall approve.

Under the Juvenile Offenders Act, Reformatory Schools are established, similar to those in this country. Under it persons under 17, convicted of an offence punishable by imprisonment, may if apparently over 12 be sent to a Reformatory, and if under 12 may be dealt with under the Neglected Children's Act. There is a special provision by which children under 12 who have been leading a depraved or immoral life may also be sent to a Reformatory. The period of detention is until 18, or till such greater age as the Secretary of State may fix, not exceeding 20.

J. DOVE WILSON.

APPENDIX XXII.

MEMORANDUM by Miss FLORA C. STEVENSON, on the Education of Vagrant and Tinker Children, with Summary of the Compulsory Clauses of the Education Acts. Acts 1872, 35, 36 Vic. cap. 62, sects. 69, 70.

Under the provisions of the Scottish Education Acts, every parent or guardian is bound to provide elementary education for his children between the ages of 5 and 14 years, until they can pass the standard of exemption prescribed by the Scottish Education Code in force for the time being (Act 1872, sect. 69). Standard V. is at present the standard of exemption.

Failure to educate his children by a parent or guardian, without 'reasonable excuse,' is a violation of the law:—(1) Sickness or other unavoidable cause ; and (2) there being no public school within three miles are deemed to be reasonable excuses (Act 1883, sect. 11). Act 1883, 46 & 47 Vic. cap. 56, sect. 11.

It is the duty of every School Board to enforce this law, and to appoint an officer to ascertain what parents, within the School Board district, have failed to educate their children.

A defaulting parent, after due warning, is summoned before a statutory meeting of the School Board. If he fails to appear, or on appearance, fails to satisfy the Board that he has had reasonable excuse for his neglect, the Board can order his prosecution before a court of summary jurisdiction by the Procurator-Fiscal, or some other person appointed by the Board.

On conviction, the parent is liable to a penalty not exceeding 20s., or to imprisonment not exceeding 14 days. The parent so convicted may also be found liable to expenses up to 20s. Prosecutions may be repeated at intervals of not less than one month (Act 1872, sects. 70, 71 ; Act 1878, sect. 28).

An alternative mode of procedure is provided under the Acts of 1883 and 1893. Act 1883, 46 & 47 Vic. cap. 56, sect. 9.

By this procedure a defaulting parent, 'after due warning' by the School Board, may be summoned before the court, and the child, in respect of whom the complaint against the parent is made, may be ordered by the court to attend some public or State-aided school named in the order (Act 1883, sect. 9), or a day Industrial School, if the parent is willing to pay for him at such day Industrial School (Act 1893, sect. 9). (An order under this section is called an Attendance Order.) Act 1883, sect. 9. Act 1893, sect. 3 (4).

If a parent fails to comply with an attendance order, by securing his child's attendance at the school named in the order, he may again be summoned before the court without further warning, and on failing to appear, or on appearance, to satisfy the court that he has used every means to enforce compliance with the order, the court may impose the same penalty as under sect. 70 of the Act of 1872. But if the court is satisfied that he has used all reasonable efforts, and that the non-compliance is due to the truancy of the child, the court, without inflicting any penalty, may order the child to be sent to a certified *day* Industrial School, or to a certified Industrial School. Act 1893, 56 Vic. cap. 12, sect. 4 (1).

In a second or subsequent non-compliance with the order, the court may inflict the penalty, besides ordering the child to be sent to a Day Industrial or Industrial School. The order under this section must specify the time of detention, which must not exceed three years, nor extend beyond the time when the child will be 14 years of age. Sect. (2).

A child sent to an Industrial School under this order may, after one month, be licensed to live out of school, and attend an ordinary public or inspected day school, and *must* be so licensed after three months. In case of the child failing to attend the day school regularly, the license would be revoked, and the child again sent to the Industrial School. Sect. 5.

Any person may inform the School Board of any child in their district who is not being educated in conformity to the Education Acts, and it is the duty of the School Board to take proceedings in such case, unless for reasons to be recorded in their minutes. Act 1883, sect. 12.

PROVISIONS OF THE EDUCATION (SCOTLAND) ACTS AS TO EMPLOYMENT OF CHILDREN.

Regular Employment.

No child under 10 can be so employed.

No child, between 10 and 14, unless he has passed the standard of exemption, or unless he has passed the Act 1878, sect. 5.

third standard and is attending school as a half-timer, in accordance with sect. 23 of the Factory and Workshops Act 1878, can be regularly employed.

No child under 11 can be employed in a factory or workshop, and no child under 13 can be employed full time.

Casual Employment.

Act 1878, sect. 6. This means all employment for gain outside of the child's own home not otherwise regulated by Act of Parliament.

No child under 10 can be employed casually.

No child between 10 and 14 can be casually employed after 9 P.M. from 1st April to 1st October, or after 7 P.M. from 1st October to 1st April, unless he has passed the standard of exemption.

School Boards may give exemptions from this prohibition (1) to any child for a period or periods, not exceeding 1878, sect. 7. 6 weeks in all, between 1st January and 31st December in any year (1878, sect. 6), by a writing under the hand of the clerk of the School Board; (2) and they may also, if they think fit, give exemption, by public notice, in the case of children above 8 years of age, during harvest or the fishing season, for a period not exceeding 6 weeks as 1878, sect. 8. above (sect. 7); and persons contravening this Act are liable, on conviction, to a penalty not exceeding 40s.

By the Prevention of Cruelty to Children Act 1894, further restrictions are imposed on the employment of 1894, 57 & 58 Vic. cap. 41. children—

Sect. 2. Any person causing or procuring a boy under fourteen, or a girl under sixteen, to beg in the street under pretence of performing or selling, or to perform or sell in the street or in a public house, between 10 P.M. and 5 A.M., or causing or procuring any child under ten to perform or sell in the street or in any public house or place of public amusement, is liable to fine or imprisonment.—Sellar's *Manual of the Education Act*, p. 28.

Persons contravening this Act are liable, on summary conviction, to a fine not exceeding £25, or alternatively, or in default of payment of fine, or in addition thereto to imprisonment with or without hard labour, for any term not exceeding 3 months (Act 1894, sect. 2 *a*).

Sect. 3. But School Boards (in Scotland) may grant a license to a child above 7 years of age to be employed in theatres or other places of public amusement under such restrictions as the Board thinks fit (sect. 3, 1).

In the case of the children of vagrants and tinkers, the laws under which compulsory education can be enforced, whether under the provisions of the Act of 1872 or the Acts of 1883 and 1893, have apparently been practically inoperative. Because (1) the responsible parents or guardians of these children are never long enough in one school district to allow of the necessary procedure being fully carried out: the initial procedure 'of due warning' resulting in the immediate removal of the family to another district; and because (2) it is alleged that children, living in the state of physical dirt and degradation common to vagrants and tinkers, could not be admitted to any ordinary public school. Even if School Boards did institute proceedings against a defaulting parent of this class, they could only prosecute if they could certify that he had, without 'reasonable excuse,' failed to discharge his duty to his children. 'Reasonable excuse' being defined as 'unavoidable cause,' the parent could undoubtedly plead the condition of his life which necessitated his constant removal from one place to another as a 'reasonable excuse.'

The only existing legislation which can meet the case of these children are the Industrial School Acts, the provisions of which are detailed in Professor Dove Wilson's Notes.

A clearer definition of the classes of children who may be detained in certificated Industrial Schools, however, seems necessary. Under sect. 14 of the Act of 1866, the definition 'children found wandering, and not having any 'home or settled place of abode,' exactly describes the tinker children, but the further description, 'not having proper 'guardianship,' and 'not having visible means of sustenance,' does not apply to them, as they are seldom found apart from their parents or guardians. A combination of these descriptions is apparently required to qualify a child for detention in an Industrial School under this section of the Act.

Legislation on the lines of the Movable Dwellings Bill, introduced in 1892, dealing with the education of children using movable dwellings, might, with modification to suit the law of Scotland as regards education, be made applicable to the case of tinker and vagrant children.

Clause 8 of the Bill is as follows:—

A child using as a place of abode a movable dwelling shall, for the purposes of the Education Acts, be deemed to be resident within the school district in which such movable dwelling is for the time being situate, and shall be subject to the jurisdiction of the school authority for such district in the same manner as children permanently resident therein, subject to the following provisions:—

(*a.*) The bye-laws set forth in the schedule to this Act shall extend to the child and his parent in substitution for the bye-laws made by the school authority under the Education Acts, and as if they were those bye-laws, and the fine imposed by the bye-laws may be recovered accordingly;

(*b.*) A copy of the bye-laws in the schedule to this Act shall be given by the county authority to the owner of every movable dwelling upon his registering the same in pursuance of this Act;

(*c.*) The sanitary authority, within whose district the movable dwelling used as an abode by the child is for the time being situate, shall assist the school authority in carrying out the objects of this Act by giving information and otherwise, and for this purpose shall report to the school authority every infraction in the case of the child, either of the Education Acts, or of the bye-laws, which may come to the knowledge of the sanitary authority;

(*d.*) The power to make bye-laws given by this Act to the Education Departments shall include power to make regulations with respect to the use and form of certificates or pass books as to attendance at school to be used by children living in movable dwellings.

FLORA C. STEVENSON.

APPENDIX XXIII.

MEMORANDUM by JOHN SIBBALD, M.D., Commissioner in Lunacy for Scotland, 'on the Position 'of Pauper Lunatics in Private Dwellings, and of 'Persons in Private Dwellings under six months' 'certificates, in Scotland,' for Sir CHARLES CAMERON, Bart., M.P., Chairman of the Departmental Committee on Habitual Offenders.

December 1894.

Pauper lunatics in Scotland are provided for either in establishments—*i.e.*, asylums and lunatic wards of poorhouses—or in private dwellings. There were, on the 1st of January 1894, 8476 in establishments and 2565 in private dwellings.

Pauper lunatics in private dwellings are either placed singly, that is, one lunatic in each house, or in groups of from two to four in houses called specially licensed houses. The word license is used in the Act (25 & 26 Vict. c. 54, sect. 5), which refers to these houses; but the licensing merely indicates that they are private dwellings into which more than one, and not more than four, lunatics may be admitted who are regarded by the Board as suitable for private dwellings. The Board do not encourage the admission of more than two patients into one house, and they only sanction the admission of more than two after consideration of a special report by a Deputy Commissioner.

The application for a special license to a house in which pauper lunatics are to be received is made by the inspector of poor of the parish to which the pauper lunatics belong who are to be placed in the house.

The pauper lunatics in private dwellings are placed either under the care of relatives or of unrelated persons. On 1st January, 991 were with relatives, and 1574 were with unrelated persons. Of the 1574, more than 1000 were in specially licensed houses.

Every pauper lunatic in a private dwelling is placed there under the sanction of the Board. This sanction is only granted where the Board is satisfied that the residence of the patient in an asylum is not required either in the interest of the public or for the welfare of the patient. The application for the sanction of the Board is made by the Inspector of Poor of the parish to which the patient belongs, and is accompanied by a statement and medical certificates showing the condition of the patient and the suitability of the circumstances in which he is to be placed for his proper care and treatment. Sanction is only granted in cases where the patients are regarded as capable of enjoying the liberty of ordinary family life. The sanction is not given as an authority for the patient's detention, though its existence justifies the guardian in having an insane inmate in his house. The sanction is given to the Inspector of Poor and not to the guardian. No communication is made by the Board to the guardian on the subject. The necessity for using force in the detention of a patient would be regarded by the Board as evidence that the patient was not suitable for residence in a private dwelling. The Board do not regard it as desirable that a guardian should have authority

to detain a patient by force, and I have no doubt that they would do what they could to prevent the power of forcible detention being conferred by statute.

The payment made to an unrelated guardian who receives a pauper lunatic is determined, under the sanction of the Board, by the Parochial Board in each case, and it varies from about five shillings a week to seven shillings a week. In addition to this payment, the Parochial Board provides clothing for the patient. When a patient lives with relatives the payment may be much less, and is, in some cases very much less, the payment in such a case being merely a contribution towards the cost of maintenance, supplementary to what may be properly borne by the relatives.

A pauper lunatic in a private dwelling is expected to take his or her place as a member of the household, sharing in the work and in the domestic life of the guardian, as far as his or her condition permits. Unkindness of any sort leads to the removal of the patient.

The patients are visited twice a year or oftener by the Inspector of Poor of either the parish of chargeability or the parish of residence, and four times a year by a medical man employed by the parish of chargeability. A record of each visit is made, in a book kept by the guardian, stating, according to a prescribed form, the condition in which the patient was found and the way in which the duties of the guardian are performed.

The patients are also inspected once a year or oftener by one of the Deputy Commissioners in Lunacy, who examines the Visitation Book of the inspector of poor and medical officer, and makes a report on the occasion of each visit, in regard to the whole circumstances of the case to the General Board.

The above refers to pauper lunatics in private dwellings. I was, however, asked to explain also the position of persons not paupers, and not certified to be lunatics, who are received for temporary residence in private houses, without any sanction by the Board being required. These persons are usually spoken of as being under six months' certificates.

The position of a person receiving a patient under a six months' certificate is that such person is not subject either to the requirements or to the penalty indicated in sect. 13 of 29 & 30 Vict. c. 51. This section requires that no person shall receive or keep any person as a lunatic for gain without the order of the sheriff or the sanction of the Board, and any person so receiving or keeping a lunatic becomes liable to a penalty not exceeding twenty pounds; but it is added that the enactments of this section do not apply to any case where the person received has been sent to a house for the purpose of temporary residence not exceeding six months, and under a medical certificate, stating that the malady is not confirmed, and that the certifier considers it expedient with a view to his recovery that he should be placed in the house for temporary residence. The granting of such a certificate does not confer any authority to detain the patient; it merely absolves the person receiving the patient from complying with the other requirements of section 13. The placing of a person under such a certificate does not require to be reported to the General Board, and that Board is not called on to exercise any supervision in regard to the case.

The sections of Acts of Parliament having special reference to pauper lunatics in private dwellings are:—

Section 95, 20 & 21 Vict. c. 71.
„ 5, 25 & 26 „ c. 54.
„ 13, 29 & 30 „ c. 51.

The following documents are appended to this memorandum:—

1. Copy of the form of application to the Board for their sanction to the residence of a pauper lunatic in a private dwelling.
2. Copy form of sanction issued on such application.
3. Copy of an application to the Board for a special license.
4. Copy of Visitation Book for Inspectors of Poor and Medical Officers.

APPENDIX XXIV.

LETTER from Sheriff GUTHRIE SMITH, Commissioner in Lunacy, to the Chairman of Departmental Committee on Habitual Offenders, &c.

66 OXFORD TERRACE, HYDE PARK,
LONDON, 20*th Dec.* 1894.

DEAR SIR CHARLES CAMERON,—When I had the pleasure of seeing you last week in Aberdeen, I promised to send you a note of the jurisdiction exercised by the General Board of Lunacy in Scotland under the Lunacy Statutes, —which I am now able to do.

The General Board has supervision of all lunatics who are:—(1) Pauper lunatics; or (2) Detained in an asylum; or (3) Kept in a private house for gain; or (4) Are under curatory.

In regard to No. 3, I may explain that a patient may be kept for profit in a private house by order of the sheriff; but such order is not necessary—the sanction of the General Board being sufficient for his reception and detention. Persons so kept are not free to leave and take up their abode elsewhere, and are not allowed to wander far away; and to that extent their liberty is interfered with. But practically they are simply boarders—free to go in and out, like other members of the family. When greater restraint becomes necessary, they will be ordered by the Board to an asylum, as in their opinion a private house is the worst possible place for restraint, which ought never to be exercised without the safeguards provided by an asylum.

As regards patients not kept for gain or profit in a private house, and not compulsorily detained, the Board has no jurisdiction, the theory of the law being that private patients living in family, who are neither kept for profit, nor subject to compulsion or restraint, nor grossly neglected or cruelly used, do not require the intervention of the State.

When, however, a lunatic, whether kept for profit or not, is under restraint or coercion,—within the house—and his *illness has been longer than a year*, he comes under the supervision of the Commissioners who, for the reasons above stated, would probably order his removal to an asylum. (See sections 13 and 14 of 29 & 30 Vict., cap. 51, 1866.)

These two sections are not quite consistent. In the incipient stage of mental disease it is often expedient to give the patient a chance of getting better, and yet avoid the stigma of insanity by placing him in a temporary residence, where he can be adequately treated, and this can be done without the precedent sanction of the Commissioners on a medical certificate, but not for a longer time than *six months*. The statute does not say what is to be done with him during the next six months, at the end of which the authority of the Commissioners begins to run. To make the two provisions consistent, the period of probation should be extended to 12 months, when, according to the theory of the statute, he may be dealt with as a person whose mental disorder is of a confirmed character.

From this review you will observe that, except the slight extent to which the personal liberty of a lunatic is interfered with in cases where he is kept in a private house for profit, with the sanction of the Commissioners, it may be assumed that no lunatic is suffered to be detained compulsorily in a private house, or subjected to restraint, with the sanction of the Commissioners, whether he is kept for profit or not.

I need not add that I shall be glad, so far as I can, to answer any further inquiries, and am, yours very faithfully,

J. GUTHRIE SMITH,
Commissioner in Lunacy.

Sir C. Cameron, Bart., M.P.

APPENDIX XXV.

MEMORANDUM on Vagrancy and Drunkenness on the Continent by Dr. J. F. SUTHERLAND.

AUSTRIA-HUNGARY

CONTROL OF VAGRANTS.

For regulating and controlling all that class of people who travel about without work or occupation and without any means of subsistence, a special law was created in 1885, the so-called 'vagrant law,' of which the following paragraphs specially relate to the treatment of 'tramps' and beggars:—

SECT. 1. Whoever travels about without occupation or work, and who is not in a position to show that he possesses the means for his subsistence, or that he tries to earn them in an honest way, is to be punished as a vagrant.

The punishment is severe arrest from one to three months; there-

may also be adjudged one or more increases of this punishment, as indicated in sect. 253 (*a* to *e*) of the penal code of the 27th May 1852.

SECT. 2. For begging, the punishment is severe arrest of from eight days to three months.

The court may in case of a condemnation pronounce in the verdict the admissibility of retention in a forcing workhouse.

With regard to the verdict of admissibility of retention in a forcing workhouse, appeal may be made in favour of the accused if the verdict is for retention and against the accused if the verdict is not for retention.

The efforts made for converting beggars and tramps into self-supporting members of society consist in placing them into forced workhouses, as indicated in the 'vagrant law,' or into houses of correction, but the success obtained so far has not been very satisfactory. The best results as yet are obtained with youthful vagrants and criminals in houses of correction specially established for them.

BELGIUM.

CONTROL OF VAGRANTS.

Three features in it deserve careful study:—

First. The measures adopted to prevent confirmed mendicity and vagrancy.

Second. The equitable distribution of expense, by which the inmates of public institutions shall not be unduly increased on the one hand, nor become, on the other hand, excessively burdensome.

Third. The emphasis placed upon treatment of the young by separating them from old and confirmed offenders.

M. Thiry, professor of criminal law in the University of Liege, writes:—'If you would succeed in diminishing vagrancy and 'begging, as well as crime, give more attention to the children.'

In regard to efforts for the conversion of beggars and tramps into self-supporting members of society, it may be said that before the new law, which came into force on January 1, 1892, there existed in Belgium institutions of reform for tramps and beggars, but it seems they had small success. In the department for the younger delinquents they were generally worse when leaving than when entering, and so these institutions were a mere preparation for the poorhouse or even the prison. The poorhouse was a failure as an institution of reform. On account of the mixing of the confined, without consideration as to age and morality, the bad did not improve, and the partially good became entirely spoiled. This deterioration is taken into consideration, as will be seen by the perusal of the new law. The schools of charity and the poorhouses, with the separation provided for the confined according to their ages, have been considered as the most important means for improvement.

BELGIAN MENDICITY AND VAGRANCY LAW OF 27th NOVEMBER, 1891.

ART. 1. For the repression of vagrancy and begging, the Government will organise institutions of correction under the name of poorhouses, asylums, and schools of charity.

ART. 2. The institutions of correction mentioned in the preceding article are exclusively used for the confinement of individuals whom the judicial authority has put at the disposal of the Government to be shut up in a workhouse.

The asylums mentioned in the same article are exclusively devoted to the confinement of individuals the judicial authorities put at the disposal of the Government to be confined in an asylum and individuals whose confinement in an asylum is requested by the authority of the commune.

The schools of charity are devoted to persons who are under 18 years of age and have been put by judicial authority at the disposal of the Government, or whose admission has been asked for by the authority of the commune.

ART. 3. The individuals over 18 years, whose admission in an asylum has been asked for by the authority of the commune, will be admitted there when they present themselves voluntarily provided with the copy of the decree of a board of the borgomaster and aldermen authorising their admission.

ART. 4. When the admission in an asylum has been requested by a commune administration, the maintaining costs will be at the expense of the commune.

ART. 5. The individuals under 21 years confined in the poorhouses are entirely separated from the inmates above this age.

ART. 6. The able-bodied individuals confined in a poorhouse or in an asylum will be compelled to labour as prescribed in the establishment.

They are to receive daily wages, except when withdrawn for disciplinary measures, on which a reserve is made in order to form their leaving fund.

The minister of justice will determine the several categories in which the inmates will be classed, and according to the labour in which they are employed is determined the rate of the wages and the amount of the reserve.

The leaving fund is given one part in ready money, the other in clothes and tools.

ART. 7. The interior rules and the discipline of the establishments are regulated by royal decree.

The prisoners can be subjected to solitary confinement.

ART. 8. Each individual found in state of vagrancy will be arrested and arraigned before the police court.

Souteneurs of prostitutes are classed as vagrants.

However, the decision of the judge of peace concerning the *souteneurs* may be appealed during the period provided for by the code of criminal instruction.

ART. 9. Every individual found begging can be arrested and arraigned before the police court.

ART. 10. The adult and able-bodied foreigners not residing in Belgium, who are found begging or in a state of vagrancy, can be immediately brought back to the boundary.

ART. 11. By derogation of Article 3 of the law of May 1, 1849, the individuals arrested by virtue of the present law can be provisionally liberated by the public ministry or by the tribunals.

ART. 12. The judges of peace verify the identity, age, physical state, the mental state, and the kind of life of individuals arraigned before the tribunal of police for vagrancy as begging.

ART. 13. They put at the disposal of the Government, to be confined in a poorhouse for two years at least and seven years at most, the able-bodied individuals who, instead of obtaining from work their means of subsistence, speculate upon charity as professional beggars; also the individuals who by idleness, drunkenness, and immorality live in vagrancy and *souteneurs* of loose women.

ART. 14. The correctional courts can put at the disposal of the Government, to be confined in a poorhouse for a year at least and seven years at most, after having undergone their penalty, the vagrants and beggars whom they will condemn to a confinement of less than a year for an infraction provided for by the penal legislation.

ART. 15. The minister of justice may set free the confined individuals in a poorhouse whose confinement he judges unnecessary to prolong up to the term fixed by the tribunal.

ART. 16. The judges of peace may put at the disposal of the Government, to be confined in an asylum, the individuals found in vagrancy or begging, without any of the circumstances mentioned herebefore in Article 13.

ART. 17. The individuals confined in the asylums will be set free when their leaving fund has reached the amount fixed by the minister of justice for the several categories in which these inmates have been classed, and according to the trade they follow.

ART. 18. The individuals confined in an asylum can not in any case be kept there above a year against their will. The minister of justice may set free every individual confined in an asylum whose confinement he judges not to be any longer necessary.

ART. 19. The Government may at any time bring back to the boundaries the individuals of foreign nationality who have been put at his disposal to be confined in a poorhouse or asylum.

ART. 20. The board of directors of the asylum will present to the inmates, upon their leaving the establishment, a certificate mentioning their stay in the house, with attestation of good behaviour, if this is the case.

ART. 21. The cost of maintaining individuals, confined in a poorhouse, in consequence of a decision of the judicial authority, has to be borne up to a third part by the commune of their residence of assistance. The remainder has to be divided by halves between the state and the province.

It will be the same with the cost of maintaining able-bodied individuals confined in the asylums.

When an individual, confined in a poorhouse or asylum in consequence of a decision of the judicial authority, has no residence of assistance in Belgium and his residence of assistance can not be found out, the maintaining costs to be borne by the commune of assistance, according to the preceding paragraph, will be borne by the province in which he has been arrested and arraigned before justice.

If *souteneurs* are concerned, these costs are borne by the commune on the territory of which he has speculated on debauchery.

ART. 22. The part falling to the commune in the maintaining costs of individuals confined in the poorhouses has to be borne by the treasury of the commune.

The part falling to the commune in the maintaining costs of able-bodied or invalid individuals confined in the asylums has to be borne by the almshouses and the boards of charity without prejudice to the subsidies of the commune in case of insufficiency of the resources of these institutions.

ART. 23. When an individual, put at the disposal of the Government to be confined in an asylum, is declared an invalid by the directors of the house, the maintaining costs, except the case of wounds or sickness occurring during the confinement, have to be borne, as long as the incapacity for work remains, by the commune of his residence of assistance. The directors to give immediately notice of it to the commune of the residence of assistance.

ART. 24. When the individual arraigned before the tribunal of police in consequence of article 8 or article 9 of the present law is not fully 18 years of age, the judge of peace, if the state of habitual begging or vagrancy is proved, will order that he may be put at the disposal of the Government to be confined, up to his being of age, in a school of charity.

ART. 25. When an individual who is not fully 16 years of age is arraigned before the police court for an infraction that the law punishes with a confinement less than eight days, a fine less than 26 francs or those two penalties combined, the judge of peace, even in the case of second offence, will not condemn him to the confinement nor the fine, but according to the nature and gravity of the act will dismiss him from the prosecution or put him at the disposal of the Government until his being of age.

The prosecution practised according to articles 24 and 25 will not be mentioned in the information furnished afterwards respecting the prosecuted individuals.

ART. 26. The courts and tribunals may, when condemning to confinement an individual under 18 years of age, order him to remain at the disposal of the Government from the expiration of his penalty until his being of age.

The condemnation in this case will be executed within eight days from the date of condemnation.

ART. 27. The individuals put at the disposal of the Government in virtue of articles 25 and 26 of the present law, will be confined in a school of charity of the state.

ART. 28. If, in consequence of an error committed in the ascertaining of his age, an individual under 18 years has been put at the disposal of the Government to be confined in a poorhouse, the transfer into a state school of charity will be ordered immediately by the minister of justice. The transfer into an asylum would equally be immediately ordered by the minister of justice if an individual being aged more than 18 had been put at the disposal of the Government to be confined in a state school of charity.

ART. 29. The individuals under 13 years at the date of their entering a state school of charity will stay, during the whole duration of their confinement, completely separated from the individuals entered at a more advanced age.

Equally the individuals entered into a state school of charity at the age of 13 years and less than 16 years will remain during the whole duration of their confinement separated from the individuals entered at a more advanced age.

ART. 30. The individuals put at the disposal of the Government according to articles 24, 25, and 26 of the present law, or in virtue of article 72 of the penal code, after having been confined in a state school of charity during six months without interruption, can be placed in apprenticeship with a farmer or an artisan; they can also, with the assent of their parents or tutors be placed in a public or private establishment for instruction or charity.

ART. 31. The individuals confined in the state school of charity can be returned, conditionally, to their parents or tutors, by decision of the minister of justice if they present sufficient guarantees of morality, and are able to supervise conveniently their child or pupil.

ART. 32. The individuals returned conditionally to their parents or tutor, as provided by the preceding article, can be reinstated up to their being of age, in a state school of charity by decision of the minister of justice, when it is acknowledged that their stay with their parents or their tutor has become dangerous to their morality.

ART. 34. The cost of maintenance and education of the individuals placed in the state schools of charity are at the expense of the state for one-half and for the other half at the expense of the commune of their residence of assistance, if they have been put at the disposal of the Government by a decision of the judicial authority or by the commune that has asked for their admission. When an individual confined in a state school of charity, in virtue of a decision of the judicial authority, has no residence of assistance in Belgium, and when his residence can not be found out, the costs for maintenance and education which would be at the expense of the commune of assistance according to the preceding paragraph, have to be borne by the province or the territory of which he has been arrested or arraigned before the tribunal.

ART. 39. The following persons are punished by a confinement of eight days to three months:—

(1) The person who compels a child under 16 years to beg habitually.

(2) The person who has furnished a child under 16 years or an invalid to a beggar, who has employed this child or invalid to solicit public charity.

In case of the second offence the penalty can be doubled.

The tribunals have the right to apply article 85 of the penal code.

In virtue of the law of November 27, 1891, simple mendicity and vagrancy are no longer considered as crimes and punished by imprisonment. To prevent commital of crimes, vicious mendicants and vagrants may be imprisoned. Those not thoroughly bad and depraved are sent to a house of refuge, an institution closely resembling our charity asylums. Under this law, persons and inmates of the various Government institutions are confined in separate quarters according to age, degree of perversity, &c.

ANTWERP.

CONTROL OF VAGRANTS.

The local police authorities are charged with the duty of apprehending all persons found begging or in a state of vagrancy. Persons arrested for these causes are summoned before a police tribunal and are subject to a sentence of confinement of from two to seven years, according to the character of the offence, their capacity to work, &c., in all cases of able-bodied persons fit to work and who apparently prefer a life of vagabondage, &c.

The places of confinement are known as benevolent agricultural colonies, two of which for men are located in the province of Antwerp.

All persons sent to these institutions are compelled to do a certain amount of work, dependent in a measure upon their physical capacity, under the surveillance of a military guard.

These institutions are similar to the workhouses of the United States.

'Tramps' are not often converted from their ways, and cases are known where men have passed years at one of these institutions, where they are well fed and clad.

The expenses of these colonies are paid out of the communal and provincial funds, although the institutions themselves are under the supervision of the State. The cost of support of each able-bodied vagrant is estimated at about 13 cents per day: for the crippled and others unable to work, 17 cents per day.

All persons sentenced to one of the colonies before mentioned are interrogated by the director of the institution as to the causes leading to their sentences, their antecedents, trade, occupation, or profession, whether married or single, &c. Their answers are compared with the report of the judicial proceedings. If the director feels justified in entertaining a hope of a prisoner's redemption and of his going to work in a short time he requests an immediate release from the minister of justice. All prisoners are assigned to sections in accordance with the necessities of each case.

Invalids are divided into three sections:—

(*a*) Invalids of bad moral character, and all those whose previous conduct justifies a menace to the welfare of others.

(*b*) The crippled and old, unable to support themselves, but still able to do a certain amount of work.

(*c*) The infirm, mentally weak, and others absolutely unable to perform any kind of labour.

The able-bodied prisoners are distributed in four sections:—

The first is composed of the immoral, rebellious, and generally vicious, contact with whom might be productive of evil influences. These are isolated in a quarter where they have their workshops, and are constantly under the eyes of a keeper. Each person sleeps by himself in a closed alcove.

The second section is made up of those who are under the surveillance of the police, those who have been reconvicted, and all those of bad conduct.

The third section embraces those who have been previously sentenced, but who behave themselves well.

To the fourth section are assigned all cases of first offence when the culprit has no antecedent record of crime, and has committed no offence more serious than an infraction of police regulations.

The good or bad conduct of the prisoners furnishes the occasion of their transfer from one section to another. Intercourse of any kind between the different sections is prohibited. Each section is provided with its own workshop, sleeping accommodations, yards for exercise, and heaters.

DENMARK.

COPENHAGEN.

As regards the subdivision of indoor relief, it has been a principal object with the board of guardians, since the latest reorganisation of the poor laws in 1872, to make a clear distinction between the worthy and the unworthy poor, so that those two classes should be completely separated by being assigned to different buildings and subject to different disciplinary regulations. Thus there are at present two large asylums for the reception of the worthy poor of either sex, who from old age, sickness, or other causes are entirely unable to provide for themselves, and who are here very comfortably cared for and fed.

Again, there is an establishment for the worthy poor of either sex who, from slackness in the labour demand or other causes, are temporarily unable to support themselves. There the inmates a. employed in workshops in the house or at other work for the estab lishment, but never outside of the premises; and from thei earnings a certain fixed amount is retained and saved up for them so they may have a sum at their disposal on leaving.

Turning next to the unsatisfactory class of unworthy poor, namely, the professional mendicants, vagrants, tramps, &c. These, as before mentioned, may not be consigned to the institutions for the worthy poor, but are assigned to institutions set apart for their class.

FRANCE.

SEINE—INFERIEURE.

CONTROL OF VAGRANTS.

The only control ever exercised upon vagrants has been by classification of all paupers as resident and non-resident. Vagrancy is

treated as a criminal offence, and prison falls to the lot of the confirmed 'tramp' who lingers by the wayside. There are no accommodations for the tramp other than in a very limited space at the police stations. Almshouses are unknown; a few apartments for the old, feeble, and disabled are attached to the hospitals.

SUPPRESSION OF VAGRANCY.

The penal code provides that any person found begging in a place provided with a public institution, having for its object the prevention of mendicancy, shall be punished with from three to six months' imprisonment, and after the conclusion of his term of imprisonment shall be placed in the workhouse.

Habitual sturdy beggars, found begging in localities where no institution as described above exists, are sentenced to a term of imprisonment varying from one to three months, but if they are arrested outside the limits of the canton where they habitually reside, the sentence will be from six months to two years.

All beggars, even if infirm, who make use of threats, or enter without leave of the owner or occupier within the precincts of any dwelling-house or inclosure, or who feign wounds or infirmities for the purpose of exciting charity, or who go about together (cases of husband and wife, parents and children, and blind man and his conductor excepted), to beg, shall be condemned to a term of imprisonment varying from six months to two years.

GERMANY.

VAGABONDAGE.

In 1873, not less than 200,000 men and boys were living as vagabonds in Germany, begging from town to town, demoralising, and, in many instances, terrifying the rural communities. Not all of these unemployed vagrants were vicious, or even lazy. Many were men who had served through one or both wars, and had been discharged at a time when industries were at a low ebb; they were searching for work that could not be found, and continued failure had entailed suffering and demoralisation.

There was needed, therefore, to complete the system, a further and higher class of retreat, to which the well-disposed unfortunate could go and live respectively while waiting for work or during the seasons when his special kind of labour is impossible—a place, which, while not affording advantages equal to those of regular legitimate employment, will emancipate him from the necessity of a daily tramp, which, if fruitless in finding labour, steadily degrades him to the level of a professional vagrant.

LABOUR COLONIES.

To meet this necessity the latest and most advanced contribution has been made to the German system during the past ten years, in the form of labour colonies (Arbeiter Colonien), of which there are now twenty-four established in various parts of the Empire, the one for the district of Frankfort being a farm of 140 acres at New Ulrichstein, near Giessen. These colonies are uniformly farms located in quiet, secluded districts, apart from the main thoroughfares of travel, and the temptations of cities and large towns. They are usually established on land which, being originally poor and cheap, requires a large outlay of manual labour for its development. The farm at New Ulrichstein has room for 100 colonists, and is a fair example of its class, although many are much smaller, the one at Madgeburg, for instance, containing only twenty-two beds. But the oldest, largest, and by far the most interesting of these colonies, is the one at Wilhelmsdorf, a few miles from Bielefeld, in northern Westphalia. It is located in the midst of a dreary waste of sand, once the bed of a lake or sea, and so sterile that it had never been cultivated. Here it was found that underlying the sand at a depth of about a yard, there is a stratum of tenacious marl, which, upon exposure to the sun and rain, crumbles into a productive soil. To turn up the ground with pick and spade to a depth of four or five feet, burying the sand and leaving the marl at the surface, is a task which no farmer could afford to do for profit, and which, when done by the voluntary labour of the Arbeiter Colonie, would offer no serious competition to legitimate agriculture.

The colony at Wilhelmsdorf was opened during the summer of 1882, and from that time until 1890, when the latest statistics were published, it had sheltered 5,694 colonists, and provided a little more than 48,000 days of labour, which, among other results, had transformed a large portion of the sterile tract into fertile fields, wherein the vegetables and small fruits consumed by the colonists are grown. Arbeiter colonies are not self-supporting, and do not pretend to be. They require a constant, though moderate, subvention to make their accounts balance, but the amount of this deficit is considered small in proportion to the important role that they play in the work of reform. The net cost of maintaining a colonist, outside of such food as the farm produces, is estimated at 13 cents per day. Wilhelmsdorf has 200 beds, and requires a subvention of 7,500 dollars a year, the collective earnings of the colonists being reckoned at an equal sum.

The conditions of admission and retention are uniform throughout all the colonies, and are substantially as follows:—The colonies not being in any sense penal institutions, admission is purely voluntary. The only penalty which the institution can inflict upon its inmates is that of dismissal. The sojourn of a colonist may be continued two years, on the simple condition of industry and good behaviour. A man may come and go when he pleases; no restriction except the two years' limit of sojourn is imposed. The cost of a colonist's maintenance being 13 cents per day it is assumed that he earns that amount by half a day's labour. During the first two weeks of his stay he must work for simply his food and lodging, but after that, if he labours through the afternoon, he is credited with 13 cents, as the net proceeds of his day's work in excess of his maintenance, which was earned during the forenoon. The colony offers, therefore, small but sure pay for diligent work, it secures to each inmate a permanent home for two years, entirely free from temptation and under Christian influences, for the superintendent of the colony assembles his flock for prayer each morning before leading them to work, and Sunday is a day of rest, worship, and wholesome recreation. The life of a colonist is neither fascinating nor lucrative, but it offers a welcome opportunity to those who wish to escape temptation, retain their self-respect, and regain their footing in the struggle of life. Many men who, among the allurements of the city could never reform, are here so far reclaimed within less than two years, that with the aid of the superintendent they are able to secure employment in good positions, to which they go directly on leaving the colony. The records of Wilhelmsdorf show that in eight years it received 5,637 colonists, of whom only 275 ran away or were dismissed for misconduct, while 2,678 left it to enter positions which they had secured for themselves, or which had been secured for them by the officers of the institution.

The other colonies have been established at various times during the past eight years, and as already indicated, are much smaller than Wilhelmsdorf, their average capacity being not more than one hundred beds. Collectively they had received, down to October, 1891, 40,555 colonists, among whom have been many men of liberal education and more than average abilities, who, through weakness or misfortune, had fallen under the harrow and could not regain their footing without the restraint and support of an Arbeiter Colonie.

Thus far it is conceded by those most competent to judge, that the colonies have supplemented most acceptably the work of the anti-beggary societies, the relief stations, and the Herberges, by offering a safe and dignified retreat for such of the fallen as have he desire and strength to rise. The precise measure of their permanent effect upon the morals of the community, their efficiency in thoroughly reforming vagrants and reducing crime, is yet to be determined. The colony at Wilhelmsdorf has been in operation ten years under charge of a director of exceptional zeal and ability, so that its results are probably quite above the general average. Some of the other colonies are of comparatively recent foundation, and their work is too immature to furnish a basis of accurate study. Dr. Berthold, who made a careful analysis of the statistics furnished by the colonies which were in operation during the years 1887–88–89, demonstrated that the average results were quite below those which have been above quoted from Wilhelmsdorf. He found that of all the inmates admitted to colonies during those three years, 7·7 per cent. left within the first week, 25·7 per cent. left within a month, 41 per cent. within two months, 2 per cent. were transferred to public hospitals, 4·4 per cent. were dismissed for misconduct, 2 per cent. ran away, and only 5·5 per cent. remained to the end of the prescribed two years. Of the entire number who left of their own accord, 20·8 per cent., or only one in five, had obtained definite employment elsewhere, the remainder went away because they were weary of a colonist's life, or felt strong enough to resume the struggle on their own account. Many, of course, went back to vagrant lives, but how many cannot be definitely ascertained, and this forms the unknown element in the problem. Naturally the success of the colonies in permanently reforming their inmates must depend largely on their ability to place them in situations which offer permanent and congenial employment, and this must always be governed largely by the prevailing industrial situation and the condition of the labour market. That the vagrant army of 1873 has been reduced to a comparatively small contingent is evident, but how much of this result is due to the Arbeiter Colonien, and how much to the extraordinary development of German industries, which has taken place during the intervening period, would be difficult to determine.

It is this home quality, the atmosphere of personal association and respect, which exerts the most potent influence over a vagrant. The larger the colony, the more official and impersonal its management, the less effective will be its reformatory influence. The record of Wilhelmsdorf may seem to contradict this hypothesis, but Wilhelmsdorf is an exceptional institution, managed by a director of phenomenal zeal and ability, so that its experience does not controvert the general rule. Whether the absolute freedom to come and go at will which has been thus far vouchsafed to all inmates of labour colonies is wisest in practice as it unquestionably is in theory may be regarded doubtful. Berthold found that of the 5,556 colonists who were registered in 1888, 65 per cent. were inmates of a colony for the first time, while 35 per cent. had been there at least once before, and some had been registered four or five times. As a remedy for this restlessness he proposes a period of enforced residence and labour without pay, this period to be lengthened with each successive return of the same person to a colony. This principle has indeed been already adopted at a small branch colony attached to the main institution at Wilhelmsdorf for the special treatment of chronic victims of the drink habit. Admission is voluntary there as elsewhere, but the inmate enters with the understanding that he is to remain long enough to enjoy a reasonable chance of reform, and this obligation he can only evade by running away.

Another important question is whether the colonies themselves should not be graded, so as to sift the colonists, divide them into classes according to character, and by keeping these classes separate

enable the worthier ones to receive treatment and opportunities better adapted to their requirements. An experiment in this direction was begun last year in the formation of a home colony at Bremerhaven under the management of Pastor Cronemeyer, who proposes to receive a limited number of especially deserving colonists selected and recommended from the other colonies, each of whom is to be placed on a small piece of ground, which he is to cultivate and gradually purchase with the proceeds of his own labour. If this trial succeeds, the introduction of the grading system among the other colonies is not unlikely to follow, for hitherto the enforced mingling of all sorts and conditions of colonists, the idle and depraved with the industrious and self-respecting, has been found to be one of the radical defects of the system.

SWITZERLAND.

The St Gall laws regulating the giving of charity, the disposition of tramps, drunkards, &c. First as to (bedi-orftige Durchreisende) tramps :—

(1) Twenty-two stations are established by law throughout the canton where needy tramps may get a dinner or a night's lodging with supper and breakfast.

(2) Assistance in the way of money must not be given at these stations, neither must liquor be dispensed.

(3) The dinner consists of soup and bread, with either cheese or sausage added. Supper and breakfast to consist of bread with either soup or coffee.

(4) No assistance of any kind to be given those who will not perform work when offered them. All such found begging will be turned over to the police for imprisonment without food. Neither will any assistance be given to intoxicated persons.

(5) Every station must also be provided with an intelligence office, to aid tramps with good advice, and to secure employment for them if possible.

(6) Persons who wish to receive meals or lodgings at these stations must be bearers of papers showing permission for the same ; they must also have with them a passport, and (Heimat-schein) showing in what town they have the rights of citizenship.

(7) Whatever aid is furnished must be carefully indorsed and stamped on one of these papers, and the date, number, &c., be entered in the books of the station.

(8) No tramp can receive meals or lodgings at these stations oftener than once in six months. (They are not free boarding houses, as are many of our Western jails.) The applicant for meals or lodgings must also be able to prove that he has been engaged at work somewhere within the past three months.

(9) These stations are kept under the strict supervision of the canton authorities, to whom exact returns and accounts are made. The expense of keeping them up is borne by the different communes, except a 20 per cent. bonus from the canton and voluntary contributions. The result of this system seems to be that there are comparatively few tramps in the country.

DRUNKARDS.

The legal care of drunkards in this canton.

(1) Persons given to intoxication may be confined in an institution for the healing of drunkards.

(2) They may be kept confined in these institutions nine to eighteen months. In case of return to drunkenness the term in the institution to be prolonged.

(3) Drunkards are confined either by their own request, request of guardians, or by the direction of the commune authorities ; but an official medical certificate, showing the man to be a drunkard and the necessity for his confinement as a cure, must be produced.

(4) A guardian may be appointed for the drunkard during his stay in the institution.

(5) The cost for keeping a drunkard in an institution will be collected out of his own property. If he has no property the poor fund will be drawn from and the canton will assist also. An institution or drunkards' cure at Ellikon, on the Thur, accepts patients at the rate of 600 francs a year. The poor pay only 28 cents per day. It has been proven in Switzerland that drunkards can be cured in these institutions, and themselves and families saved from ruin.

APPENDIX XXVI.

MEMORANDUM by Dr. J. F. Sutherland.

Extracts from the Recommendations made by the Commissioners appointed in 1891 to inquire into the Prison and Reformatory system of Ontario.

Juvenile Criminality.

1. The compulsory establishment of one or more day Industrial Schools in every city and large town for the control and instruction of disorderly or neglected children, of habitual truants, &c.

2. That cities and towns be empowered to pass byelaws forbidding the running at large of boys and girls in the street after dark ; such laws to be enforced by the police and truant officers, the parents and guardians being held responsible, unless they are able to show that they cannot control their children.

3. That no child under the age of fourteen be tried in public on any charge, and, if such a child be found guilty, commitment to a jail should not be made, nor should the child be committed to a refuge or reformatory until all other means have been exhausted.

The system of 'suspended sentences' should be taken advantage of unless in cases where the environments are extremely bad.

4. The erection of Industrial Schools in large towns and in grouped districts with good farming land attached for the employment of the inmates who would be detained only so long as may be necessary to render them fit to be placed in a private family either as apprentices or boarders.

5. The cottage system of reformatory is recommended, as also classification, industrial training, the mark system, and moral restraints in substitution for material.

6. All boys to be sent with an 'indeterminate sentence ;' temission of the extreme penalty attaching to the offence to be earned by good conduct and industry.

7. A quantity of good land should be attached to a girls' reformatory, so that the girls may be taught farm and dairy work.

8. The moral strength of those reformed to be tested by the adoption of the *parole* system, apprenticeship, and boarding out in families.

9. On the one hand detention in an Industrial School to be no longer than is necessary for complete reformation, and on the other, none to be allowed to leave unless to return to a good home, or until employment has been found.

Drunkards.

10. Industrial reformatories for inebriates should be erected near cities ; the inmates to be employed in farming market-gardening, and industrial occupations. The cost of the building to be derived from the fees from licences (which might be temporarily increased for that purpose) ; the cost of maintenance to be defrayed by the respective municipalities from which the inmates are sent.

11. To this reformatory shall be committed all habitual drunkards who have been previously convicted *three times within two years*, and such other persons addicted to the use of strong drink, as, in the opinion of the county judge, may be reclaimed by timely restraint and judicious treatment, and those who may be compulsorily committed to an inebriate asylum under the provisions of the Inebriate Act.

The first committal should be for a period of not less than *six* months, the second not less than *one year*, and the third for *two years*. Any inmate, after six months or more, may be permitted to return home on *parole*, such *parole* to be granted after due inquiry.

12. The families of inebriates shall receive a portion of the proceeds of their earnings, another portion going to form a fund, out of which those, whose conduct has been good, shall be assisted after leaving the reformatory.

13. If a drunkard be convicted for drunkenness after having been committed a third time to a reformatory, he shall be sent to prison for the full period authorised by law.

Tramps and Vagrants.

14. In prison hard labour shall form part of the sentence, and it shall be compulsory on County Councils to provide the stone to be broken or other suitable work.

15. After the second conviction and commitment to a common jail, the tramp or vagrant shall be sentenced to the Central Prison for progressive periods, beginning with not less than six months, to be increased upon a further conviction to the full period authorised by law.

Homeless and Destitute Prisoners.

16. The abolition of the inhuman system of committing homeless and destitute men, women, and children to common jails, many of whom are, from old age or physical infirmities, incapacitated from earning a living, is urgently recommended, and the establishment of poorhouses made compulsory instead of permissive.

17. It shall be unlawful, when a poorhouse is established in a county, to commit to a common jail as a vagrant any homeless and destitute person who seems to be physically incapable of working.

Young Criminals.

18. An industrial reformatory for this class, which shall incorporate in its methods of treatment all the best features of Elmira, and similar institutions in the United States.

19. To this reformatory shall be committed, for an 'indeterminate' period with a maximum limit, all young men between the ages of seventeen and thirty who have been convicted for the first time for felony or serious misdemeanour, and who, in the opinion of the judges, are suitable cases.

Common Jails—Classification of Prisoners.

20. Provided the various classes of prisoners referred to, representing over 50 per cent. of the jail population, be disposed of as recommended, it is quite evident that the means of classifying the other half in common jails would be vastly improved.

Labour.

21. 'The contract system,' under which contractors for the payment of a given sum *per diem* receive the full benefit of such labour, and are given undue control of the prisoners, thereby seriously interfering with the discipline, is condemned, and should not be adopted in any of the penal or reformatory institutions of the province.

The 'piece-price' system, though an improvement on the 'contract' method, is also open to serious objection, as it also too largely vests the control of the prisoners, and of the results of their labour, in contractors, whose only object is good financial results, irrespective of the welfare of the prisoners.

22. In the selection of industries, next to such branches of work as will best afford the means to give good technical instruction to the inmates, preference should be given to the manufacture and production, to the largest possible extent, of all goods required for the public service.

23. Farming is recommended as the best foil for urban youths with hereditary tendencies.

24. Market-gardening and farming are recommended for the inmates of inebriate reformatories. Other industries are recommended for those unfit for farm work.

APPENDIX XXVII.

MEMORANDUM by Dr. J. F. Sutherland on the Creation of Special Asylums for Alcoholic Patients in Paris.

Dr. Magnan, of the Asile St Anne, Paris, states that alcoholism properly so-called that is to say, insanity, exclusively toxic, caused 682 patients (559 men and 123 women) to enter St Anne. Of 559 men there were 6 cases of *delirium tremens*, 238 subacute alcoholism, 308 chronic alcoholism, and 7 cases of absinthism. Nineteen per cent. of the inmates of St Anne were alcoholic cases.

There have also entered a man and a woman suffering from dipsomania, that is to say an irresistible craving for drink, which reproduces itself at indeterminate periods under the form of impulsive paroxysms.

These are real lunatics, but very different from ordinary alcoholics. As Trélat has said: 'Drunkards are people who 'get drunk when the occasion presents itself; the dipso-'maniac is a diseased person who gets drunk every time 'the craving for drink seizes him.' Besides alcoholics, properly so-called, that is all the intoxicated whose delirium is attributable to the alcoholic poison, and whose place is assigned in a special asylum for alcoholics, we receive a large number of insane, of whom the greater part are degenerate, debilitated, epileptic, and a smaller number of general paralytics in the first stage of the disease, in whom the alcoholic tendency has provoked dangerous excitement, necessitating seclusion.

The establishments for the treatment of drunkards have been for the most part open, receiving only voluntary patients, but the asylum for delirious alcoholics, the only one whose creation is at present realisable in France, ought to be closed like the ordinary asylums; but there is nothing to prevent agricultural or other work outside the walls of the asylum.

There is also no reason why a little more liberty should not be allowed daily to patients on the way to recovery, and even to give freedom to patients who would seem to be firmly resolved to remain abstinent. Besides, the delirious alcoholics who, without much prospect of a definite cure, inhabit our asylums to-day, the special alcoholic asylums could receive the drunkards, of whom there is a considerable number, and whose hypochondrical tendencies and state of depression, without constituting delirium, properly so-called, create a mental condition bordering on insanity.

These patients who refuse to be placed in an asylum in spite of their strong desire to break with habits of intemperance, would often make no difficulty in seeking admission to a special retreat for alcoholics. These drunks, wishing to be cured, would not be a cause of trouble, and would submit with docility to the discipline and *régime* of the alcoholic asylums, as they do elsewhere in the houses of treatment for drunkards. The same would hold good for the victims of cocaine, morphia, and ether.

In short, this special asylum, once installed, would perhaps, by an administrative measure, be able to receive from the prison, which had been of little benefit to them, such recidivists as are condemned for public drunkenness.

On quitting the bureau of admission the alcoholic males are passed on to the asylum at Ville Evrard, where a special part, conducted on abstinence principles, is reserved for them; as for the women they are sent to Villejuif to a department specially organised for them.

At Villejuif all will probably go well, but there is no disguising the difficulties which will have to be overcome at Ville Evrard, in order to preserve intact a small company of abstainers in the midst of a large number of intemperants scattered throughout the asylum.

The special alcoholic asylum in the department of the Seine is destined to render great service if, as one might reasonably hope, it would yield a third of definite cures.

The Report, from which these Extracts have been taken, comes up for discussion in Paris in January before the *Conseil Supérieur de l'Assistance Publique.*

APPENDIX XXVIII.

EXTRACTS from Memorandum by the Rev. A. J. B. Baxter, Chaplain to H.M. General Prison, Perth.

So far as concerns habitual offenders, chargeable with trivial offences (of course trivial in a legal sense), such as being drunk and incapable, it would be an improvement to introduce a system of *suspended sentences.* It would work in this way that when the first sentence is pronounced, the culprit would be liberated, and the same procedure would take place, until the total of the sentences reached a few months, when this lengthened period of imprisonment would be undergone *at once*, instead of in driblets as at present. This would suit either the sentences now given or those awarded under a cumulative system.

A part of all convict sentences (one-fourth for men and one-third for women), is at present suspended, if certain conditions are met; and the above proposal would only have the effect of extending to the whole of a sentence, what is, in the cases cited, already done with a part.

Tramps, tinkers, and the whole of the wandering tribes might be placed under the County Councils to regulate their movements and to enforce arrangements for their being housed and cared for under sanitary conditions.

APPENDIX XXIX.

MEMORANDUM by Dr. J. F. Sutherland, on the 'Intermediate Prison' System, at Lusk and Smithfield, Ireland.

The author of this system was Sir Walter Crofton, Chairman of the Irish Prison Board. In his somewhat novel scheme of convict discipline he had the full and warm support of the Lord-Lieutenant of the day, the late Earl of Carlisle. The two chief features of the system were 'individualisation' and 'intermediate prisons.'

Isolation formed the first stage of discipline, and it was undergone in two cellular prisons at Dublin—one for men, the other for women. The discipline in the women's prison, the inmates of which were upwards of 400, was somewhat complex, and every stage of discipline was passed through there.

A version of the mark system constituted the moral machinery of the establishment. The convict rose through a scale of promotion by a dint of her own industry and good conduct. The discipline began in the cell and ended in the 'exemplary' class, and at each remove she obtained an increase of privileges.

The reward to the industrious and well-behaved was something better than a mere premature dismissal. The convict was admitted, under a ticket-of-leave, into a 'Refuge' or Retreat. To enter the refuge was the condition of her release, and the managers were armed with legal power for her detention. For this privilege all the women, except the baser sort, worked eagerly; but, as many were lacking in self-control and perseverance, not more than 50 per cent. accomplished their purpose. In the two refuges —one Protestant and the other Catholic—the individualisation, which, in the routine of the prison, could not be but imperfectly attempted, was thoroughly accomplished, and the urgent need of it was constantly demonstrated.

The refuge often succeeded when the prison failed.

A home and employment was, if possible, found for every woman when the time came for absolute freedom.

The prison for men was entirely on the 'separate' system, the regulation term, prescribed by the Home Office, was nine months for all alike. Something was done at Mountjoy to correct this mistake, by allowing the prisoner to shorten cellular confinement a month earlier by good conduct and industry. A hard and fast line was not acted upon, and no convict was removed from the cell until the full benefit of separate treatment was gained.

On leaving Mountjoy the convict, if a labourer, was sent to the public works on Spike Island; if a mechanic, to another prison where trades were carried on. A scale of classes, and a scheme of marks, formed the framework of the discipline. Marks were given on three grounds. There were *four* classes—the *third*, the *second*, the *first*, and the *advanced*, and a fixed number of marks had to be made up in each before admission into the 'intermediate prison.' A seven years' convict who came from Mountjoy with an 'exemplary' character required to remain two months in the *third* class, six in the *second*, twelve in the *first*, and twenty in the *advanced*. Altogether, then, counting the eight months at Mountjoy, he passed at least four years out of the seven in the *ordinary* before he was admissible into the '*intermediate prison*.'

There was a class below the third, the *probation* class—intended chiefly for those unfit for separate confinement—who never resided at Mountjoy.

Each remove brought some change of dress, till, at last, in the *advanced* class, the prison garb was discarded entirely. The earnings ranged from a 1d. a week in the *third* class, to 9d. in the *advanced*, and these accumulated till their discharge. But, with regard to their moral training, the most important feature in the classes was the gradual relaxation of restraint. The convict's right to self-government was restored to him by degrees.

When the Spike Island men reached the *advanced* class, they were transferred to two ports, really intermediate prisons, at the mouth of Cork harbour, where, under little or no supervision, and surrounded by many of the temptations of ordinary life, they found themselves with hardly a vestige of the moral go-cart left to lean on. This ordeal was looked upon as an almost sure test of reformation, and an admirable means of perfecting their training. But it was to the prison factory at Smithfield in Dublin, and to the prison farm on Lusk Common, fifteen miles from Dublin, that the name of 'intermediate prisons' properly belonged. The mechanics were drafted into the one, the labourers into the other.

At Lusk forty convicts were employed in the cultivation of waste lands. They lodged in two iron huts, each costing £330, and easily removable in case they should be wanted elsewhere. There was nothing suggestive of the prison about the place. There was one key, what the French would term *la clef des champs*. Their dress was that of ordinary labourers. At Smithfield, too, there was the same absence of all durance, all prison accessories, and all physical restraint. Moral checks were found to be more effectual than bars and bolts. The convicts worked their way into the 'intermediate prison' at the cost of great toil and perseverance, and by any breach of trust they would have forfeited all the results of their labour. While the attractions of their last resting-place were scanty, all that was merely penal in their past discipline was removed.

Smithfield and Lusk, in some measure, anticipated Elmira (U.S.) by fifteen years. The school-room was transformed into a lecture-room, and the school-master into a lecturer. He made them think, debate, and study for themselves. Their labour was hard, and so was their fare. The bulk of the earnings was devoted to defray a very considerable part of the cost. Half-a-crown a week was the most he could receive for himself, 6d. of that being for pocket-money. The life was not exactly what a *quondam* felon would have adopted from choice, but he had a character to lose.

A penal sentence of three years meant four months' residence; fifteen, two years, and he could not leave until an employer was found for him. In reality the 'intermediate prison' served as a moral sieve to catch the bad, and to let the good pass through. The convict was exposed to the temptations of ordinary life. He was trusted, went errands, and made purchases. His fate was in his own hands. The subsequent conduct of every liberate who remained in Ireland could be ascertained almost to a certainty, till the expiry of his licence, and as the ticket-holder had to report himself once a month to the police authorities, &c., his future was, as far as possible, carefully watched for a time.

Fair-minded critics considered the system highly satisfactory. In 1854 there were 3933 in the prisons, in 1861, 1492. In 1854, 710 were sentenced to penal servitude; in 1861, 331. Although the conditions of the licences were stringently enforced, not more than seven in a hundred were revoked.

The report of the Irish Convict Prisons for the period show that eight-ninths of the convicts worked their way into the intermediate prisons; the other ninth who remained in the ordinary prisons, till the expiration of their sentences set them free, furnished most of the relapses. Sir Walter Crofton went on the principle that convicts should be treated individually rather than in mass, and the remissible portion of the sentence, and other inducements, gave them the necessary stimuli, and thus the discipline was worked with a strong motive power.

The Irish system has passed through many changes. The works on the fortifications in Cork harbour and elsewhere have ceased. The intermediate prison at Lusk, when the number of convicts dwindled to 25 was closed. The English and Scotch convict systems as they now are, show, not that the Irish system has been a failure, but that the English and Scotch have been vastly improved by the adoption of many of the most valuable of the principles of prison management, long regarded as distinctively Irish.

The Report of the Royal Commission on Irish Prisons says "without condemning the intermediate system," we are of opinion that it is impossible to recommend the continuance of Lusk. The Chairman of the Irish Prison Board—Mr Bourke—condemned as strongly as the Vice-Chairman, Sir John Lentaigne, justified its existence. Second Report of Royal Commission of 1884, p. 39.

APPENDIX XXX.

MEMORANDUM relative to Evidence of Mr. R. P. Lamond.

The ancient Scottish process of interdiction was connected with the branch of the law called curatory or guardianship. The process was both voluntary and judicial, and was designed to protect persons of facile and improvident habits from their own profuseness and prodigality. Judicial or compulsory interdiction was imposed by sentence of the Court of Session in a suit brought by a near kinsman of the party, or it might be imposed by the Court in exercise of its *nobile officium*. The interdiction had to be published within the jurisdiction where the interdicted person resided, and thereafter to be registered both in the books of that jurisdiction and of that within which the person's lands lay. The object of the process was to secure the heritable estate of the person interdicted from alienation to his prejudice. This was accomplished by the decree declaring that no conveyances granted without consent of the persons named in the decree, called interdictors, were valid; and by providing that all deeds granted without such consent should be liable to be set aside or reduced, an action which was competent not only to the heirs of the interdicted person, but to the interdictors, and to the interdicted person himself, if he sued with consent of the interdictors. But this inhibition did not strike at onerous or rational deeds granted by the person, even without consent of the interdictors.

See Scots Act, 1581, cap. 119; Stair's *Institutions*, book i., title vi., sects. 38, 39; Erskine's *Principles*, Guthrie's edition, book i., lib. vii., sect. 30, in which detailed accounts of this process will be found. This remedy fell into desuetude towards the end of the last century, since which time it has been superseded in practice by voluntary trusts.

The process was a survival from the Roman jurisprudence —By the law of the Twelve Tables madmen and prodigals although past the age of 25—that of legal majority—were placed under the curatorship of their *ag nati*,—*i.e.*, relatives

on the father's side. But, ordinarily, and after inquiry into the circumstances of the case, curators were appointed to them,—at Rome by the praetor, and in the provinces by the praeses. These curators had charge of the person as well as of the estate of the *furiosi et prodigi*. These persons might grant deeds and make alienations without consent of their curators; but, unless the curator consented to them, the praetor would always interpose, and relieve the granters from consequences that were prejudicial,—so, in effect, persons under this species of guardianship were not really bound, unless their curators consented to their deeds.

See the *Institutes*, book i., title xxiii., sects. 3, 4.

Examples of similar protective legal process are to be found in the juridical systems of those States which took for their basis the Roman law. Thus, *e.g.*—

I. France.

By the *Code Napoleon*, book i., title xi., chap. ii., sect. 489, persons of full age, who are in an habitual state of *imbecility*, insanity, or madness, can be interdicted even where such state presents lucid intervals. The process may be set in motion by kindred against kindred, and by husband or wife against each other. Every demand for interdiction has to be brought before the tribunal, and the acts of imbecility, etc., founded on are to be set forth one by one in writing, and the parties promoting the interdiction are to produce the witnesses and documents. The accused person is cited for his interest, and has to be interrogated by the magistrate, who, after such examination, if there appear to be ground for it, shall commission a provisional administrator to take charge both of the person and of the estate of the defendant. Judgment upon demand of interdiction is not to be given, save at a public hearing, the parties having been heard or summoned. The decree of interdiction has to be formally notified to the party, and published in the court hall and in the notaries' offices of the jurisdiction. If the decree of first instance is not appealed from, or, if appealed from, it is confirmed, the office of *interim* administrator is superseded by the appointment of a guardian. Acts and deeds done and granted subsequent to the interdiction without consent of the adviser are null.

Interdicted persons are in the same situation as to their person and property as minors, and the laws relating to guardians and minors apply to the guardianship of interdicted persons. Section 510 provides that:—'The revenues 'of an interdicted person ought essentially to be applied 'in soothing their situation and accelerating their cure. 'According to the nature of his malady and the state of his 'fortune, the family council may order that he may be 'taken care of in his domicile, or be placed in a house of 'health, or even in an hospital;' and by section 512 it is enacted:—'Interdiction ceases with the causes on which it 'was founded; nevertheless the taking off of the interdiction 'shall be pronounced with the formalities prescribed for 'obtaining it; and no interdicted person can resume the 'exercise of his rights until after judgment pronouncing 'the taking off.'

II. Austria.

By the *General Code of the Austrian Monarchy* (See De Winiwarter's Translation, 1856), Part. 1, Ch. 4. Minute provisions based on much the same lines as those of the Code Napoleon, are made for the appointment of guardians to persons under all sorts of disabilities—a guardianship which controls the person, as well as the estate.

It is unnecessary to quote largely from these. But these laws provide for especial protection by means of a guardian or curator of those who are incapable for other reasons besides those of minority, or want of a father of managing their affairs (sect. 187). And, while the guardian is bound chiefly to care for the person of such, he is also appointed for the management of their affairs (sect. 188). Section 190 provides:—'The tribunal must, as soon as it is 'informed of it, proceed *ex officio* to the appointment of a 'suitable guardian.' The process is known by the term of judicial interdiction. Section 273 is relevant. It provides:—'Only those can be considered as mad or idiots 'who have judicially been declared so, after a strict 'examination of their behaviour, and after hearing the 'opinion of the physicians nominated for this purpose by 'the tribunal. Such persons must be declared by the 'tribunal as dissipated, who, it is apparent from the information given, and the examination which has taken place 'in consequence, spend their money in an inconsiderate 'manner, and who expose themselves or their family to 'future want by wanton borrowing, concluded under ruinous conditions. In both cases the judicial declaration 'must be publicly proclaimed.' Also section 283, which enacts:—'The committeeship ceases as soon as the matters 'entrusted to the curator are finished, or when the reasons 'which have prevented the person under committeeship 'administering his own affairs cease. Whether . . . the 'will of a dissipated person has improved thoroughly and 'lastingly must be decided after a strict examination of the 'circumstances by continuous experience, and in the first 'case at the same time from the certificates of the physicians appointed by the tribunal for the examination.'

Reference may further be made on this subject to the authorities collected in Bar's *International Law*, 2nd edition, Gillespie's translation, 1892, book iv., 'Status and 'Capacity,' sect. 152.

1st January 1895.

APPENDIX XXXI.

MEMORANDUM by Dr. J. F. Sutherland as to the various methods by which Lunatics may be disposed of by committal to an Asylum or otherwise.

Pauper and other Lunatics confined under Certificate.

Reception, Detention, Discharge, &c.

(a.) *In District and other Public Asylums*—

Lunatic to be admitted by order of Sheriff on Petition and on Medical Certificates,	25 and 26 Vict. c. 54, s. 14. 29 and 30 Vict. c. 51, s. 4.
Medical Certificate to specify grounds of opinion,	20 and 21 Vict. c. 71, s. 35.
Medical Certificate not to be granted without personal examination of Lunatic,	20 and 21 Vict. c. 71, s. 38.
Medical persons who may not grant Certificates,	20 and 21 Vict. c. 71, s. 71. 25 and 26 Vict. c. 54, s. 14. 29 and 30 Vict. c. 51, s. 4.
Certificate of Emergency, who may grant,	25 and 26 Vict. c. 54, s. 14. 29 and 30 Vict. c. 51, s. 4.
Duration and determination of Certificates,	25 and 26 Vict. c. 54, s. 14. 29 and 30 Vict. c. 51, s.s. 6, 7.
Amendment of Certificates and Orders,	29 and 30 Vict. c. 51, s. 5.
Copies of Orders and Certificates to Board of Lunacy,	20 and 21 Vict c. 71, s. 37.
Register of Lunatics to be kept in Asylums,	20 and 21 Vict. c. 71, s. 96.
Pauper Lunatics to be sent to District Asylums except under special circumstances,	8 and 9 Vict. c. 83, s. 59. 20 and 21 Vict. c. 71, s. 95.
Inspector of Poor to report Pauper Lunatics within Parish to Board of Lunacy, Board of Supervision, &c.	8 and 9 Vict. c. 83, s. 59. 20 and 21 Vict. c. 71, s. 112.
Detention of Lunatics in remote places,	20 and 21 Vict. c. 71, s. 90.
Transfer of Lunatics,	20 and 21 Vict. c. 71, s. 91. 25 and 26 Vict. c. 54, s. 16.
Liberation of Lunatics,	20 and 21 Vict. c. 71, s.s. 92, 93. 29 and 30 Vict. c. 51, s.s. 9, 11.
Liberation of Lunatics on Probation,	25 and 26 Vict. c. 54, s. 16. 29 and 30 Vict. c. 51, s. 3.
Superintendent to intimate Recovery of Lunatic,	25 and 26 Vict. c. 54, s. 17.
Inspector of Poor to intimate Removal of Lunatic,	29 and 30 Vict. c. 51, s. 10.
Lunatic released to have Copy of Orders, &c.,	20 and 21 Vict. c. 71, s. 94.
Access to Lunatics,	20 and 21 Vict. c. 71, s.s. 47–9
Correspondence of Lunatics,	29 and 30 Vict. c. 51, s. 16.

Ill-treatment of Lunatics,	20 and 21 Vict. c. 71, s. 99.
Death of Lunatics—Registration,	20 and 21 Vict. c. 71, s. 97.

(b.) *In Private Asylums—*

Meaning of 'Private Asylum,'	20 and 21 Vict. c. 71, s. 3.
Powers of Board of Lunacy in regard to Private Asylums and Asylums generally,	20 and 21 Vict. c. 71, s. 9, 11, 12, 17–19, 40, 48, 49, 51–53, 72, 111. 29 and 30 Vict. c. 51, s. 18.
Reception, detention, and discharge (as above),	

(c.) *In Private Houses—*

Meaning of 'House,'	20 and 21 Vict. c. 71, s. 3.
Licensing of Houses, Regulation of Board of Lunacy,	25 and 26 Vict. c. 54, s. 5.
Powers of Board of Lunacy, Sheriff, and Secretary of State in regard to Lunatics in Private Houses,	20 and 21 Vict. c. 71, s. 42. 29 and 30 Vict. c. 51, s. 14.
Reception and detention of Lunatic in Private House (see also above),	
Proceedings for Removal of Lunatic to Asylum,	29 and 30 Vict. c. 51, s. 13. 29 and 30 Vict. c. 51, s. 14.

Dangerous and Criminal Lunatics.

* (a.) *Dangerous and Offensive Lunatics—*

Power of Sheriff to commit to Asylum or other place of safe custody, procedure recovery of expenses and cost of maintenance,	25 and 26 Vict. c. 54, s. 15. 34 and 35 Vict. c. 55, s. 8.
Power of Sheriff to transmit to County of Settlement,	20 and 21 Vict. c. 71, s. 86.
Detention of, in Asylum,	29 and 30 Vict. c. 51, s. 12.
Discharge of Persons, committed as,	29 and 30 Vict. c. 51, s. 12, 19.

(b.) *Criminal Lunatics—*

Provision where Insanity stands in bar of trial,	20 and 21 Vict. c. 71, s. 87.
Provision where person acquitted on ground of Insanity,	20 and 21 Vict. c. 71, s. 88.
Conditional Liberation—revocation if conditions broken,	34 and 35 Vict. c. 55, s. 2.
Restrictions on Liberation,	20 and 21 Vict. c. 71, s. 93.
Provision for case of prisoners becoming insane,	20 and 21 Vict. c. 71, s. 89, 93. 25 and 26 Vict. c. 54, s. 19, 22, 23. 34 and 35 Vict. c. 55, s. 6.

MISCELLANEOUS.

Case of persons entering Asylums voluntarily,	29 and 30 Vict. c. 51, s. 15.
Licences for Institutions for Imbecile Children,	25 and 26 Vict. c. 54, s. 7.

* An Act to make further provision respecting Lunacy in Scotland, 25 and 26 Vict. c. 54, sect. xv.

'The 85th sect. of the first recited Act [20 and 21 Vict. c. 71] is hereby 'repealed, and in lieu thereof, when any Lunatic shall have been apprehended, charged with assault or other offence inferring danger to the 'lieges, or when any Lunatic shall be found in a state threatening danger 'to the lieges, or in a state offensive to public decency, it shall be lawful 'for the Sheriff of the County within which such Lunatic may have been 'apprehended or found, on application by the Procurator-Fiscal, or 'Inspector of the Poor or other person, accompanied by a certificate from 'a medical person bearing that the Lunatic is in a state threatening such 'danger or in a state offensive or threatening to be offensive to public 'decency, forthwith to commit such Lunatic to some place of safe 'custody:' And the Sheriff shall thereupon direct notice to be given in some newspaper, and to the Inspector of Poor where he is not the applicant, and such further notice as he shall think fit; and if the Inspector of Poor does not within 24 hours undertake to the satisfaction of the Sheriff to make due arrangements for the safe custody of the Lunatic, the Sheriff shall take evidence, and if satisfied, *commit to an Asylum* until cured or until caution be found for his safe custody—in which last case Sheriff may authorise delivery of Lunatic to person finding caution: And Sheriff shall have power to grant decree for expenses of inquiry and of maintenance in Asylum against Inspector of Poor, whose right of relief against Lunatic, his estates and relatives legally liable is reserved.

APPENDIX XXXII.

ASSOCIATION FOR IMPROVING THE CONDITION OF THE PEOPLE, GLASGOW.

REPORT OF SUB-COMMITTEE ON PETTY OFFENDERS AND VAGRANTS.

The Sub-Committee think that any action in regard to vagrancy should be deferred until the matters remitted to the Sub-Committee on labour centres have been practically dealt with: and, meanwhile, the Sub-Committee are collecting information, with a view to future action.

In regard to Petty Criminal Offences, the Sub-Committee recommend:

(a) As to Juvenile Offenders:

That the reforming influence of existing agencies should be more fully taken advantage of than at present, and that this should, as far as possible, be accomplished without attaching any stigma to the young persons affected. With this object they suggest:—

1. That a measure proceeding on the lines of The Glasgow Juvenile Delinquency Prevention and Repression Act, 1878, should be made applicable to the whole of Scotland; and that the powers conferred by that Act, as well as by the General Reformatory and Industrial Schools Acts, should be amplified in the matter of withdrawing children wholly or partially from the influence and control of unworthy parents, or other persons acting as guardians. It is believed that the Day Industrial School system is most valuable, as securing for the children in many cases a strict discipline and healthy upbringing, without absolutely breaking the family tie.

2. That no child under 12 years of age should, in any case, be imprisoned for a petty offence; and that where a child is sentenced by a magistrate to be sent to a Reformatory or Industrial School, such child should not be previously sent to prison.

3. That the powers conferred on Sheriffs and Magistrates by the Lord Advocate's regulations, in regard to the birching of juvenile male offenders, should be more fully taken advantage of in dealing with boys who are not to be sent to Reformatories or Industrial Schools.

The Sub-Committee are of opinion that voluntary institutions, for the upbringing and education of children otherwise unprovided for, might be taken advantage of in this connection. Although it might not be practicable that the magistrates should directly commit an offender to such an institution, they might be allowed a discretion to refrain from committing the young persons brought before them to a reformatory or industrial school, provided these persons be received into a voluntary institution (where their religious belief would be safeguarded and conduct themselves with propriety therein).

(b) As to Adults:

The great majority of such petty offenders are convicted as being 'drunk and incapable,' or 'riotous and disorderly,' or otherwise for offences directly attributable to drink, and a large proportion of these are 'habitual' offenders. The present system of dealing with this class is, in the opinion of the Sub-Committee, productive of much harm, and the Sub-Committee recommend:—

1. That a system of cumulative or progressive sentences should be adopted and rigidly enforced.

3. That after six convictions have been obtained against the same person within twelve months, or after twenty convictions spread over any period, the offender should be declared a 'habitual 'drunkard,' and should be committed to an Inebriate Home, or otherwise boarded out, under suitable conditions as to health, diet, and industry.

3. That a vigorous effort should be made to enforce, and if necessary amend, the law as to supplying liquor to persons in a state of intoxication; and that the supplying of liquor to persons who have, to the knowledge of the publican, been declared 'habitual drunkards' should be made punishable as an offence under the Licensing Laws.

If a farm colony should be established, as recommended by the Sub-Committee on labour centres, this might with much advantage be utilised in dealing with certain classes of inebriates.

On the other hand, it would appear that Perth penitentiary is only occupied to the extent of one-third of its capacity, while the poorhouses throughout the country are only half filled. It is thought that some of these institutions might be turned to account in dealing with different grades of these habitual drunkards, by being set apart for their separate use.

Perhaps this Sub-Committee have not, strictly speaking, to deal with the numerous victims to drink in all classes of society whose cases do not come before the police courts. They very earnestly sympathise in the efforts that are being made, by which, independently of any conviction, the relatives and friends of a person addicted to drunken-

ness may be enabled to subject the patient (even without his or her consent) to restraint and treatment for a suitable length of time. They admit the difficulty of the subject, but they are satisfied it must immediately be dealt with in the interests of society at large.

The Sub-Committee approve of the efforts which are being put forth in various quarters to make the prison punishment serve also as a *reformatory* discipline; but it may be said that this matter does not specially pertain to the class of offenders with which this Sub-Committee have to deal.

The Sub-Committee have had under consideration the matter of advising and aiding discharged prisoners—a subject, in their opinion, of vital importance—but they make no specific recommendation at present as to this. They believe that an immense amount of good might be accomplished by fostering the voluntary agencies already at work in this direction, and by bringing these into touch with the labour centres proposed by the Sub-Committee dealing with that matter.

On behalf of the Committee,

JOHN Y. KING,
J. F. SUTHERLAND,
Joint Conveners.

March 1892.

APPENDIX XXXIII.

Habitual Offenders Scotland (1866), *presented by the Lord Rossie.*

A BILL INTITULED AN ACT FOR THE BETTER PREVENTION OF CERTAIN OFFENCES IN SCOTLAND.

Whereas the laws now in force in Scotland are insufficient for the prevention of certain offences:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Habitual Offenders (Scotland) Act, 1866.

2. The term 'offence' means the offences following, in so far as persons charged with such offences, or any of them, might have been competently tried before any magistrate or justice if this Act had not been passed; that is to say, being drunk and disorderly, committing a breach of the peace, the being guilty of assault with breach of the peace, or of riotous or disorderly conduct causing or tending to cause a breach of the peace.

The term 'offender' means any person convicted of or charged with committing an offence.

The term 'habitual offender' means an offender who has been convicted of an offence or more times during the years immediately preceding the date of the Commission or alleged Commission of another offence charged, or who has been once or more than once convicted before the sheriff under this Act.

The term 'magistrate' means any person or persons having jurisdiction in the trial of an offender within any royal burgh, or extended or parliamentary or other boundaries thereof, or within any police limits, or burgh of barony or regality, under or in virtue of any Act of Parliament, Grant, Royal Charter, Custom, or otherwise.

The term 'justice' means any justice or justices of the peace acting in Scotland.

The term 'sheriff' includes sheriff-substitute.

3. Every habitual offender charged with committing another offence shall be tried by the sheriff of the county within which the offence charged is alleged to have been committed, and with or without a jury, as may be directed in due course of law, and upon conviction such habitual offender shall be imprisoned for any term not exceeding calendar months, with or without hard labour; and on the expiration of such period he shall further find surety by bond of caution, himself in ten pounds, and two sureties in five pounds each, or one surety in ten pounds, in every case to the satisfaction of the sheriff, for his not committing another offence for the space of one year next following, and in case of not finding such sureties he shall be further imprisoned, with or without hard labour, for the space of six calendar months, unless such sureties are sooner found: provided always, that in lieu of imprisonment the sheriff may, in his discretion, impose on an habitual offender a fine not exceeding ten pounds, with power to order him to be imprisoned and kept at hard labour for the space of six calendar months unless such fine be sooner paid; but the exercise of such discretion shall not in such case permit the sheriff to dispense with a like bond of caution with sureties for such habitual offender not committing another offence.

4. When any fine shall be imposed under this Act the same shall be applied and paid over to the like uses and purposes as if the party liable therein had been tried and convicted for the same offence, and a fine imposed, by a magistrate or justice.

5. Whenever an habitual offender shall be brought before a magistrate or justice charged with having committed an offence, such magistrate or justice shall take the evidence of the previous convictions only, and on the same being proved to his satisfaction he shall forthwith, and without further procedure, remit the case to the procurator fiscal for the county within which the particular offence charged was alleged to have been committed, together with a certificate under the hand of the clerk of court that such previous conviction had been so proved, which certificate shall be final and conclusive evidence of the facts therein stated in all future proceedings before the sheriff for the trial of such habitual offenders.

6. Whensoever in the trial of any person alleged to be an habitual offender, which shall have originated before the sheriff, there shall be a failure to prove the previous convictions to the extent required to make such person an habitual offender within the meaning of this Act, it shall nevertheless be lawful for the sheriff, on such person being convicted of the particular offence charged, to award such punishment as he might have awarded had no such aggravation been charged.

7. This Act shall apply to Scotland only.

8. This Act shall commence on and be in force from and after the day of August one thousand eight hundred and sixty-six.

APPENDIX XXXIV.

To the Chairman of the Departmental Committee on Habitual Offenders.

CHILDREN'S SHELTER, 142 High Street, EDINBURGH, 30*th November* 1894.

SIR,—I now beg to submit the figures and further information asked for by the members of your Committee, when the representatives of this Society gave evidence before the Committee. I would beg leave to explain that I had not these figures with me, owing to my absence in London until the very morning of my appearance before the Committee.

Mortality at Corstorphine Home.

During the last three years there have been from 90 to 100 children continually in this Home, and during thto period three have died. The health of the children has been remarkably good.

Custody Orders.

Out of 59 cases against fathers for neglecting and ill-treating their children during the last three years, in only four instances was application made for a Custody Order. In the first case, the man's earnings were £1, 10s. per week, and 10s. per week are deducted by his employer from his wages for board for his four children, who, at the instance of the Society, were sent to the Smyllum Orphanage, the man being a Roman Catholic. In the second case the father of the child is a tramp, and nothing can be recovered. In the third case a Custody Order was asked for in the name of a relation of the child, and we understand the father is paying board. In the fourth case we are able to get from the father occasional payments.

In the vast majority of cases in which a Custody Order is applied for under the Act for protection of Children, it is on account of the unfitness of mothers to look after their children.

Average Wage of Fathers.

Of the 59 cases against fathers in the last three years, their weekly wage averaged £1, 5s. 11½d. This is consider-

ably less than that stated by me, namely, 33s. The difference is accounted for by the fact that many of the fathers were at the time of prosecution either out of work or only earning a very small wage.

Children sent to Industrial Schools.

During the past three years 137 children have been sent to Industrial Schools at the instance of the Officers of the Society in Edinburgh, and only in the case of 27 of these children had the parents been prosecuted for neglect. All the others may be taken to belong to the Vagrant Class, the children having been found wandering without proper guardians.

Vagrancy.

It is true as stated by our Law Agent in his evidence that comparatively few of those who are prosecuted under the Prevention of Cruelty to Children Act for neglecting their children, are of the Vagrancy Class. The Society has, and it is still dealing with a large number of that class by preventing them exposing their children in the streets, either singing or begging, and we believe if the Society had sufficient support from the public to enable it to place an officer in all the rural districts as well as cities and towns in Scotland, the exposing of children so as to incite alms-giving could be put down, and vagrancy in consequence much reduced, as these beggars would, in the majority of cases, not find it profitable to beg if they were not allowed to have their children with them.

I fear I did not make my meaning clear in reply to your question as to my statement regarding the Society not being a charitable one.

We take up the position that the object of the Society is to, as far as possible, enforce upon parents their responsibilities to their children, and to carry out the present law regarding the prevention of cruelty to children in conjunction with the police. Our cordial relationship with the police all over the country points to the necessity of such an adjunct as our Society to the police. I would specially refer you to a letter from the Chief Constable of Ayr which you will find printed on page 91 of *The Children's Guardian* sent herewith.

The experience of the Society goes to convince the Directors that the laws relating to the protection of children, as at present, are sufficient to deal with offenders if they were more stringently carried out, and more severe sentences were imposed.—I have the honour to be, Sir, your most obedient servant,

J. Macdonald,
Hon. Secy.

APPENDIX XXXV.

MEMORANDUM by Mr. Malcolm M'Neill, Secretary of the Local Government Board.

Custody of Children.

So long as the parent remains a pauper, the Parochial Board are entitled to make such arrangements as they think necessary both for him and for his children, but they could probably not insist on his surrendering the care of them while outdoor relief is granted to him.

If he enters the Poorhouse, however, it is open to the Parochial Board to retain him there and to board out the children; he may insist on his discharge at any time, on twenty-four hours' notice, and, ceasing to be a pauper, may demand custody of his children.

The above assumes that no proceedings have been taken under the Act for the Prevention of Cruelty to Children.

M. M'N., *S.*

L. G B.
30/11/94.

Boarding-out of children whose mothers are in the Poorhouse.

'Board of Supervision, Edinburgh,
'16*th August* 1894.

'The Inspector of Poor, City Parish, Glasgow.

'Sir,—Referring to our interview to-day, I have been unable in the meantime to lay my hands on the letter to 'the Inspector of Barony, but I enclose a copy of a letter to 'the Inspector of Kirkpatrick-Durham to the same effect, 'as to the powers of the House Committee to board out 'children who are in the Poorhouse with their mothers.—'I am, &c. (signed) Malcolm M'Neill,
Secretary.'

(Copy letter referred to).

'Board of Supervision, Edinburgh,
'19*th December* 1883.

'Mr Grierson, Inspector of Poor, Kirkpatrick-Durham, Dalbeattie.

'Sir,—I have to acknowledge the receipt of your letter, 'dated 17th inst. The House Committee are entitled to 'board out the children of any person who enters the 'Poorhouse. That is a matter entirely within their dis-'cretion. Of course if the mother refuses to accept Paro-'chial Relief on these conditions, she may leave the Poor-'house with her children.—I am, &c. (signed)

John Skelton,
Secretary.'

APPENDIX XXXVI.

POOR LAW REPORTS by Visiting Officer of Parish of Selkirk.

25*th October* 1889.

Parish of Selkirk.

The books appear in order, but No. 264 on the roll seems a questionable case for outdoor relief.

It appears to me that the keeping up of a shelter house in this town out of the poor rates, and the giving of a night's shelter to all and sundry who apply, is open to serious objection. The police, I understand, give tickets for admission to many who are able-bodied, and who are in no way destitute. This system cannot but tend to encourage vagrancy. George Falconar-Stewart,
Visiting Officer.

24*th January* 1891.

The books appear in order, but No. 264 on the roll seems a doubtful case for outdoor relief.

The Parochial Board of this parish are, in my opinion, carrying on a system of granting indiscriminate relief to vagrants, much to the injury of this class, and against all principles of sound Poor Law administration. The following are the numbers given relief within the shelter house in the years 1889-90:—

For the half-year ending 26th June 1889, 771 men, 93 women, 71 children.

For the half year ending 25th December 1889, 546 men, 69 women, 47 children.

For the half-year ending 25th June 1890, 620 men, 58 women, 38 children.

For the half-year ending 31st December 1890, 510 men, 65 women, 39 children.

The average cost per head is 3s. 4d., exclusive of caretaker, rent of building, and coal. This sum, I understand, only covers cost of food and soup.

Few, if any, of these persons pass through the hands of the Inspector of Poor, and consequently there is no proper check as to whether the applicants are proper objects for relief or not. It may be assumed that a large proportion are able-bodied, and consequently not entitled to relief out of the poor rates, which is all the more reason why the cases should be dealt with by the Inspector, who has the opportunity of carefully inquiring into each case, and can claim the assistance of the medical officer to examine individuals, and thus check imposture. If all parishes in Scotland were to adopt this generous treatment of casuals, we should have a lamentable increase of vagrancy. Of late years most Inspectors have conscientiously endeavoured to check this growing evil, and have met with considerable success, and it does appear a pity that the authorities here should take retrogressive instead of progressive steps, when there appears no special reason for exceptional treatment.

George Falconar-Stewart,
Visiting Officer.

EXTRACT from REPORTS by Mr. G. FALCONAR-STEWART, General Superintendent of Poor.

28*th January* 1889.

Parish of Galashiels.

The system adopted in this parish, and the parish of Melrose, of upkeeping a shelter house at a cost last year of £29, 15s. 2d., divided equally between both parishes, seems open to serious objection.

All applicants are granted by the caretaker, a night's shelter, and a meal morning and evening during winter, and a meal in the morning in summer. There would appear to be no check upon the class who frequent the building, or any proper inquiry made as to whether or not they are really destitute. These applications are not made to the Inspector direct.

From May 1887 to May 1888, 3371 adults and dependants were given shelter. Nothing could tend more to demoralise the vagrant class than this indiscriminate dispensing of relief.

The actual expenditure incurred by the Inspector, on account of applications received by him personally, amounted only to £5, 7s. 4d., and this was only on account of cases awaiting the decision of the Parochial Board.

13*th March* 1891.

I cannot too strongly urge upon the Parochial Board the discontinuance, as soon as possible, of their system of dealing with vagrants. The Parochial Board may rest assured that if the practice of giving 6d. to every applicant who may be in want of a night's shelter be continued, the burgh will speedily become infested with vagrants.

14*th August* 1889.

Parish of Hawick.

A shelter house is kept by the burgh, parish of Hawick, and the parish of Wilton, where tramps have been lodged for many years past, but no record of the applications is kept. In fact every one who applies to the caretaker is granted a night's shelter. I cannot but consider this plan very detrimental to all concerned.

24*th January* 1891.

Parish of Jedburgh.

I commend to the attention of the Inspector, the Board's circulars of 17th March 1869 and 12th April 1887, as to the vagrant class.

The system adopted in this parish of maintaining a shelter house, under control of the police, wherein tramps and others are given a night's shelter, independent of their being proper objects of relief or not, is open to serious objection.

Any place of the kind which is maintained out of the poor-rates, should be under the control of the Inspector, and all applications should be considered by him, and passed through the record of applications.

23*rd September* 1891.

I have made further inquiries into the manner in which the vagrant class is dealt with in this parish, and the opinion I expressed in my report, of date 24th January 1891, that the management of this class is defective is further confirmed.

The Parochial Board, in their Minute of 22nd June, are under a misapprehension in assuming that I ever took exception to the establishment of a shelter house—far from it, I consider every parish, more especially the ones which have towns within their limits, should be in possession of such a place.

What I take exception to is the indiscriminate relief given to all and sundry. Under existing arrangements application is made to the police, who grant orders on the caretaker to all, except those alleging illness, or those intoxicated. The former are sent on to the Inspector to be dealt with, and the latter refused.

The result is that almost every night some vagrants are given a night's shelter. A meal is also given in the morning. The expense of maintaining the shelter house and the inmates is, for year ending 15th May 1891, £14, 14s. 10d. The Parochial Board shelter themselves under the belief that their present system works satisfactorily, and that no criticism has been offered since 1882.

I have frequently drawn attention to what I consider this irregularity to the late Inspector, but always found great difficulty in convincing him of the illegality of his practice.

Now that a new Inspector has taken up duty, I venture upon criticism in the hope that a remedy may be found. The police have no statutory duties, under the Poor Law Act, to administer relief by offering them a night's shelter. The only official entrusted with this responsibility is the Inspector.

Every applicant for relief should approach the Inspector, and let him deal with the case as the circumstances require.

It must be borne in mind that vagrants are further relieved by the Inspector in small sums of money, amounting in the year to £8, 4s. 4d.

In no well-regulated parish is money ever given, and the Inspector must bear in mind that these payments in no way relieve him from responsibility, as any proper object of relief is entitled to food, shelter, &c.

I commend to the attention of the Inspector a careful study of the Board's circulars, pages 92–96, in Rules and Regulations, 1890.

APPENDIX XXXVII.

MEMORANDUM on the Employment of Women (incompetent and degraded) in various branches of Agriculture, by R. PATRICK WRIGHT, F.H.A.S., Professor of Agriculture.

The branches of Agriculture in which the labour of women can be most fitly employed are—

(1.) Poultry and bee-keeping.
(2.) Dairying.
(3.) Market gardening.

1. Poultry-keeping by itself is suitable solely because it consists of light work that can be undertaken by persons of small physical strength. For the purposes of providing employment, the chief objection is that only a few attendants are required for a pretty large poultry farm. It is also not, as a rule, a profitable branch of farming.

For the purpose of employing the largest number of attendants, the most suitable kind of poultry farm would be one devoted to the fattening, killing, and preparing poultry for the market.

On 10 acres of land there would be accommodation for 2000 fowls. The capital required for fowls, pens, appliances, food, and working expenses, would be from £500 to £600. Such a farm would give employment to ten strong and competent women, and, therefore, to thirty or forty weak and incompetent. There would most likely be an annual deficit.

Dairying.

2. Dairying might be, as it usually is, associated with farming, in which case the labour of men would also be required.

Work, however, might be provided for women in town dairies, or dairies adjacent to towns, apart from ordinary agriculture, the food for the cows being purchased and delivered at the byres.

One strong and vigorous woman is capable of feeding, cleaning, milking, and making the butter of ten cows. Probably five or six incompetent women could be kept sufficiently occupied with the same number.

If the buildings were rented, the total capital required would be from £20 to £25 per cow.

If a good retail trade for milk were established, the dairy might possibly be self-supporting; otherwise there would be a deficit.

Market Gardening.

3. This is the most suitable of all branches of farm work for the employment of women, in respect that a much larger number can be engaged in it than in any other, and that it gives a more remunerative return. Most of the work, such as weeding, pruning, fruit pulling, vegetable gathering, &c., is specially suitable for women; and it is only in respect to the heavier work of deep digging that they are less competent than men. This difficulty could, however, be overcome. The most serious difficulty would

be the provision of work during the winter months, when far fewer hands are required in a market garden than in summer, but they could be employed in repeated light digging, and in frosty weather some indoor occupation might have to be provided.

Ten persons—men and women—can be kept employed on 10 acres of land. Probably 40 or 50 incompetent women could do the same work.

The capital required—apart from house accommodation—would be £20 per acre.

Under skilful management, market gardening might probably be able to maintain its workers and to pay its way.

APPENDIX XXXVIII.

Re Vagrants, Habitual Offenders, &c.

Chief Constable's Office,
Edinburgh, 21*st November* 1894.

Dear Sir,—I beg to inform you that Mr. Porter, Chief Constable of Berwickshire and Roxburghshire, and myself have met to-day for the purpose of considering this question, and now beg respectfully to forward you our views for the information of your honourable committee.

Tramps.—During the six years the census has been taken the number and variety of tramps has remained stationary. It has been repeatedly tried to identify individuals, families, and groups, but all such attempts have proved futile.

Only a few prominent facts can be laid hold of,—a given number of males, females, and children, with a tendency to group themselves into towns in winter and the country in summer,—so many English, Scotch, and Irish. Beyond that we cannot pass, except to say that the children are wholly illiterate.

What we think should be insisted upon is, lay hold of the children, and every case in which it can be shown to a magistrate that their education has been neglected, or in which it is shown that the parents are unable to provide for their education, commit them to a state-endowed industrial school for such time as may best insure education and industrial habits. Of course they would have to be distributed according to nationality. In Table 21 of H.M. Inspector of Constabulary's Report for the year ending 15th March 1894, the number of vagrant children shown as under fourteen years of age is 1402 (summer census), and 1082 (winter census).

We are not in favour of shelter houses, which only tend to draw a larger proportion of tramps to the district where they are.

Re the Relief of Sick Tramps.—With the Local Government Act in operation, County Councils have a certain amount of interest in parochial business, and the Local Government Amendment Act, recently passed into law, has increased that interest. That being so, would it not be an advantage to have an Inspector of Poor for each county or group of counties, who would control the inspectors for the different parishes, and thus establish a uniform system of dealing with the migratory and wandering poor?

Re Habitual Offenders.—We mean the vagrant and tramp variety, the men and women whose chief object in life is to live off the public by begging, cheating, and purloining, and whose secondary object is to get drink and create a disturbance in every village which they visit.

The way in which this class of offenders is disposed of has no deterrent effect. They generally plead guilty, and in nine cases out of ten their sentence does not exceed seven days, which are spent in recruiting their health. In dealing with this class, in every case where the police can show that the person charged has been previously convicted, there should be a 'remand' for eight days, to give time to produce lists of previous convictions, and, according to the number and variety, so should the sentence be.

Under the Prevention of Crimes Act, a magistrate may sentence a man to three months' imprisonment. Why not give a similar sentence to an habitual offender?

There is a difficulty in disposing of dependents (women and children). At present they are thrown on the parochial boards. Why not send them to a state-endowed industrial school?

With regard to such schools we think they should be established, maintained, and governed by the Prison Commissioners. The number of prisoners, were this system vigorously enforced, would be greatly reduced.—I have the honour to be, Sir, your obedient servant,

A. Borthwick, Lieut.-Col.,
Chief Constable.

Sir Charles Cameron, Bart., M.P.,
Chairman of Habitual Offenders, &c., Committee.

APPENDIX XXXIX.

HANDED IN BY CAPTAIN M'HARDY, R.N., CHIEF CONSTABLE OF AYRSHIRE.

To the Police Committee of the County of Ayr.

Chief Constable's Office,
Ayr, 6*th Nov.* 1879.

My Lords and Gentlemen,—In compliance with instructions of your Committee, I have the honour to submit the following report relating to vagrancy, and the question of conferring similar powers for the suppression of vagrancy on constables in rural districts as they possess in burghs under the General Police and Improvement Act, 1862.

Until the passing of the Prevention of Crimes Act, 1871, which extended to Scotland the Rogue and Vagabond Clause of the English Vagrancy Act, the need of legislation, which would confer upon the constabulary in counties powers enabling them to act effectively for the protection of the public from the evil practices of vagrants, was much felt, and was forcibly and frequently brought under notice by the late chief constable of this county. His views thereon, which your Committee know were based upon most careful consideration and ample experience, will be found fully stated in documents dated 28th January and 17th February 1870, appended to the report of the House of Commons Committee 1870, on Poor Law, Scotland (pages 345 and 349).

The Rogue and Vagabond Clause above referred to as thus extended to Scotland, in conjunction with the following statutes,—The Trespass (Scotland) Act 1865, The Industrial Schools' Act 1866, The Pedlars Act 1871, and the Betting Act 1874, has conferred upon the constabulary powers which, if generally, uniformly and stringently enforced, I am satisfied must prove very effective in suppressing the worst features of vagrancy. I am strengthened in this opinion by reference to reports of the late chief constable on the subject (extracts appended), from which it will be observed that he attributed the great decrease which occurred each year from 1871 to 1875 in the number of tramps and beggars found within the county of the constabulary, though in some measure to increased prosperity in trade, in great part to the operation of the aforementioned statutes.

In the absence of a uniform system regulating the returns upon which the statistics of vagrancy are compiled, these returns, though useful as denoting the annual changes in any one district, can be but of small value for purposes of comparison of one police district with another; but, taken collectively, the totals will probably afford a fair index of the annual variations throughout Scotland. The statistics appended to the annual reports of Her Majesty's Inspector of Constabulary (Scotland) show some increase in the number of vagrants challenged by the police in each year since 1874, and this increase has been considerable in the last two years. *Vide* the following table:—

Year.	Total No. of Vagrants Challenged throughout Scotland.	Increase on Previous Year.
1874	40,817	139
1875	42,223	1406
1876	43,893	1670
1877	47,520	3627
1878	54,236	6716

I would submit to your Committee my opinion that the increase here shown is not evidence that the repressive powers, which the law at present bestows, are ineffective, but may very reasonably be attributed to the stagnation of trade, and the consequent extraordinary distress which has prevailed during the past two years; and, under the circumstances, it is remarkable the comparatively small inconvenience to residents in rural districts, and the few occasions for complaint, with which the increase has been attended.

On reference to those reports of Her Majesty's Inspectors of Constabulary for England, in which statistics on the subject are given, it will be observed that the increase in the number of vagrants has of late years been quite as marked, if not more so, in England, notwithstanding the very stringent Vagrancy Act in operation.

Reports for S. Police District for year 1877, p. 210, for 1878, p. 224.

Under these circumstances I do not consider need has been shown for an extension to counties of the full powers provided in burghs. I am of opinion that an attempt to suppress vagrancy by committals to jail would prove an expensive failure—it was tried some years ago in the county of Essex, and, during a period of three years, about 1000 were committed to prison, but it only led to considerable expense without producing any favourable result—further, I deem it a matter of serious consideration whether making simple begging and simple vagrancy punishable with imprisonment might not bear harshly on the honest but destitute way-farer, and I fear its tendency to drive many destitute people to desperation, resulting in robbery and housebreaking—crimes from which the rural districts of Scotland are comparatively free.

Reports of H. of C. Committee on Police, 1853—First Report, p. 48; Second Report, p. 152.

This report has been mainly directed to consideration of the possibility of legislating successfully for the further numerical reduction of vagrancy; but before concluding I would mention the following points which are closely allied to the subject, and in regard to which, from want of legal powers for dealing with the cases, the constabulary in counties at present labour under some disadvantage. Although the circumstances are not such as to call for separate legislation, I consider, if at any time legislating on a kindred subject, that it is desirable the opportunity should be taken to provide enactments applicable to these cases:—

1. Cases of begging attended with abusive or insulting words or behaviour not necessarily amounting in a legal sense to intimidation.
2. Common prostitutes loitering and importuning passengers for the purpose of prostitution.
3. Dealers in old clothes visiting from door to door.
4. Rag and bone gatherers, &c.

Of the above cases,

1. Is not specially provided for in the General Police Act or any other Statute, but of course can be dealt with where simple begging is an offence.
2. Is an offence under the General Police Act, and it would be an advantage it should be constituted an offence wheresoever committed.
3. It is desirable these persons should be placed under regulations similar to those in force for pedlars.
4. These persons should be also supervised by the Police and required to be certificated.

I have the honour to be, my Lords and Gentlemen, your obedient Servant,

HARDY M'HARDY,
Commander R.N.,
and Chief Constable of Ayrshire.

B.—EXTRACTS RELATING TO VAGRANCY FROM REPORTS SUBSEQUENT TO 1870 OF THE LATE CHIEF CONSTABLE (CAPTAIN YOUNG), TO THE POLICE COMMITTEE OF THE COUNTY OF AYR, AND OTHERS.

From Report to the Justices of the Peace for the County in Quarter Session, dated 20th November 1871.

Recent legislation—including the Acts relating to Trespass, Gamblers, Pedlars, and especially the Statute of this year (The Prevention of Crimes Act)—has given the Police power to act effectively for the protection of the public from most of the evil practices of the vagrant class which were not heretofore criminal.

From Annual Return of Crime, dated 13th January 1872.

There has been a substantial decrease in the amount of vagrancy in the County, especially since the constabulary were empowered to act effectively against rogues and vagabonds.

From Annual Return of Crime, dated 11th January 1873.

The number of tramps and beggars found within the County by the Constabulary during last year was 10,402. This shows the great decrease of 3063 since the previous year. It is attributable, in great part, to the strict enforcement of the powers given to constables by the Rogue and Vagabond Clause of the Prevention of Crimes Act, in connection with the Trespass Act and Pedlars Act. Under these and other Statutes, the police are now enabled to suppress some of the worst practices of vagrants; and their efforts in this County have been readily supported by the magistrates with a very beneficial effect, both as regards vagrancy and various descriptions of crime.

From Report to the Police Committee, dated 17th April 1873.

I am glad to bring under the notice of the Committee the remarkable decrease of vagrancy during the last two years. The number of vagrants entered in the Police Returns for 1870 was 17,421; in 1871 the number was 13,465; and last year, 10,402, being a decrease of 7019 within two years. The prosperous state of trade has had some influence in this change; but the proportion of vagrants really belonging to the working classes is at all times small, and the foregoing comparison chiefly shows the effect of recent statutes under which some of the worst practices of vagabonds can be effectually checked by the police, and the offenders punished.

From Annual Return of Crime, dated 10th January 1874.

The number of tramps and beggars found within the County by the constabulary during last year was 7874. This is a decrease of 2528 within last year, and of 5591 in comparison with the year 1871. This extraordinary decrease occurred chiefly in the number of women and children; and it thus indicates, in particular, the gradual suppression of habitual vagrancy. The police, though still without a general Vagrancy Act, can now enforce several statutes for the punishment of impostors and habitual vagabonds; and the above figures show, to some extent, the result of that action in this County; but the general prosperity of trade has also lessened vagrancy.

C.—AYRSHIRE CONSTABULARY.

TRESPASS, VAGRANCY, ROGUES, AND VAGABONDS.

With a view to making more widely known certain acts of Parliament dealing with cases of Trespass and Vagrancy, and enlisting the sympathy and aid of the community generally in enforcing these, several posting bills have been prepared, and are now issued to each Constabulary Station in the County. These posters are for general and thorough circulation throughout the District, they are to be distributed by the local Constables, and are to be posted up in the most suitable places which will ensure their being seen, and will admit of their being easily read and not too readily effaced. It is particularly desirable that these bills should be posted up in Common Lodging-Houses, Pawn Offices, Coal Pit Offices, Iron Work Offices, Brick Works, Oil and Chemical Works, Blacksmiths' Shops, and all Vagrant Resting-places, Crossings of Main Roads, Railway Stations, and Telegraph Offices.

Strict attention must be given by the Constables to keeping a Record of all Vagrants who pass through each Constabulary area, and the utmost care must be taken in noting the descriptive details required in the weekly Vagrant Returns, especially recording any particulars that may subsequently assist in tracing and identifying them. Inquiries addressed to such people must be made civilly, and in such a manner as to give no cause for any feeling of annoyance; and it cannot be too clearly and generally understood by those interrogated that the supervision thus exercised may prove very useful to themselves, as it tends to guard the well-conducted and law-abiding of this class from unfounded and unjust charges or suspicion.

The Constabulary should endeavour to obtain the fullest information regarding those who have the appearance of habitual Vagrants or Tramps; and whilst they are to carefully guard against undue interference with or any oppression of these people, the Constables should make them clearly understand that their movements are under Police Supervision; and the Constabulary must deal very stringently with any oppressive behaviour or misconduct on the part of such people.

The Constables in Rural Districts have a great responsibility resting upon them in regard to the efficient protection of defenceless women and aged people in isolated places; and whilst dealing with all poor and destitute persons in a humane and proper spirit, the Constabulary will act wisely in certain marked cases of masterful and sturdy Begging on the part of men, or groups of men (such as are likely to cause terror or alarm to the timid), if they very stringently exercise any powers of summary apprehension without warrant which they may possess for dealing with any offence committed by men of this class.

Men who, although destitute and on tramp, are apparently (or are likely to be) *bonâ fide* working men seeking employment, must be treated with every consideration and kindness by the Constables, and they should furnish to such persons all the useful information which their knowledge of the locality and of the industries requiring labour may enable them to afford.

In the evening, and during the night, the Constables, when on patrol duty, should give special attention to those places which are likely to be frequented by out-lying tramps and homeless poor, and they must discreetly and conscientiously apply the law against offenders who sleep or camp out without permission: acting in every such case as the particular circumstances may seem to render expedient and proper.

In order to give confidence to the occupiers and proprietors in rural districts and to deter lawless tramps, it is ordered that very special and persevering efforts must be used to apprehend any vagrants or tramps who may be guilty of malicious mischief, intimidating or threatening behaviour, indecency, or other serious offence. The parti-

culars and a full description pointing to the identity of such offenders (if still at large), should in each case be intimated by Telegraph, or by other speedy means of communication, to the Divisional Superintendent, and on receipt of such information at the Divisional Office, arrangements are to be immediately carried out to arrest the offender; and the necessary instructions must be instantly issued to the more likely Stations, to be on the look-out for the accused.

The action of the Constabulary, if it is to prove effective and beneficial in any matter, must be uniform and constant, and all spasmodic activity and excessive zeal is simply mischievous; but this is more especially true in the case of such a wide-spread and deep-rooted social evil as Vagrancy.

A conscientious and persevering and discreet Constable may work incalculable good to a wide locality; a thoughtless, careless, lazy, or over-zealous Constable may both harass and oppress the poor, whilst failing to benefit a single individual or place in his District.

HARDY M'HARDY,
CAPTAIN R.N.
Chief Constable of Ayrshire.

CHIEF CONSTABLE'S OFFICE,
AYR, 25*th July* 1886.

APPENDIX XL.

VAGRANCY AND BEGGING.

21*st December* 1894.

SIR,—Since giving my evidence before your Committee yesterday afternoon, with reference to the above, I have carefully looked over the Clauses of the Prevention of Crimes Act (for England), 1871, applicable to Scotland, with reference to Rogues and Vagabonds, and now beg to inform you that clauses of this Act have been put in force in this county, and that four persons were dealt with, under this Act, during the present year.

The 15th Section of the Act referred to clearly means to deal with reputed thieves, or suspected persons, frequenting places for the purpose of committing thefts, but no section of this Act can be made to apply to the ordinary vagrant or beggar (who has not been previously convicted of theft) who may be found regularly begging in the country districts, or in populous places where the Police Act is not adopted, nor does it apply to parents who systematically send their children out to beg. This is the special reason I had in view, while recommending that Clause 408 of the Police Act should be made applicable to counties, which I believe would have a beneficial effect.—I am, Sir, Your Obedient Servant,

CHARLES M'HARDY,
Chief Constable of Dumbartonshire.

Sir Charles Cameron, Bart., M.P.

APPENDIX XLa.

CULTOQUHEY, CRIEFF, N.B.
3*rd September*, 1894.

Departmental Committee (Vagrants).

DEAR SIR,

I was requested, by parties in this County, interested in the subject referred to in the printed paper accompanying, to convene a meeting in Perth for the purpose of considering what information it is desirable to lay before the Committee, which, we are informed, is to visit Perth early in October.

The printed paper was drawn up and sent me by Mr. Mitchell, Vice-President of the Glasgow School Board, and in consequence, two meetings have taken place in Perth in regard to it.

Before proceeding further, I am requested to communicate with you, in order to ascertain the nature and extent of the information required, if the queries drawn up are on the lines of the scope of the committee, and with whom I may correspond for further information regarding the Commission, and the time of its visit to Perth.

I send you a local paper with paragraph on the subject.

I am, dear Sir, yours faithfully,

J. MAXTONE GRAHAM.

To the Right Hon.
Sir GEORGE O. TREVELYAN, Bart., M.P.,
Scottish Office, Whitehall.

P. S.—I have not had the pleasure of meeting you for some time, not having been in London for some years back. When you have to be in the Scottish Office in Edinburgh, at any future time, I shall be glad if you will let me know, when I may have it in my power to renew an acquaintance.

J. M. G.

APPENDIX XLb.

EXTRACT from the Minutes of the Parochial Board of the Barony Parish of Glasgow of date 28th August 1894, forwarded to Sir CHARLES CAMERON, Bart., M.P., Balclutha, Greenock.

Habitual Offenders.

On the motion of Mr. Brand it was unanimously agreed to record the Board's gratification at the appointment by the Secretary for Scotland of a Departmental Commission to inquire into the alleged increase of Habitual Offenders, Vagrants, Beggars, and Inebriates in Scotland, and the Board's desire that the inquiry may be of such a character that legislation may follow the Report of the Commission, and prove the means of checking the evils resulting from the present methods of dealing with the classes named.

APPENDIX XLI.

11 GROSVENOR TERRACE,
HILLHEAD, GLASGOW,
January 30, 1895.

Dr. Sutherland,

DEAR SIR,—With reference to the visit of your Committee to our Hill Street Shelter for Women on 17th November, I think, that in an institution like ours, which is not worked for private gains, and when the sole object is solicitude for the reformation of the women, and their restoration to suitable places in society, the number of hours worked should not be assimilated to those of women under the Factory Act, for this reason, that the amount of work done in the ten hours is considerably less than that done in eight hours in a public laundry or sewing-room.

We find it better for the women to occupy part of their evenings than have them idle; and as I told the Committee in evidence, 'we try to make our Shelters, as much as 'possible, *Homelike*,' and in consequence the women are very happy and contented.

I stated to Sir Charles Cameron, in the last question he put to me, that I thought our Shelters had a claim to the Government Subvention given to Discharged Prisoners' Aid Societies, as we are doing the same work—rescuing women who have been in the police offices and in prison, and those who are fairly on their way to one or both. We would gladly welcome the visits of any 'Visitor or Inspector of Retreats,' who would enquire into the condition of the inmates.—I remain, very sincerely yours,

JANE FERGUSSON,
Hon. President of the Houses of Shelter.

APPENDIX XLII.

RESOLUTION adopted at Meeting of the FIFTEEN LADY VISITORS OF GLASGOW PRISON.

November 14th, 1894.

Resolved,—That from our observation as Prison Visitors, we entertain a strong conviction of the entire uselessness of repeated short sentences either to deter or reform offenders.

For the large class of women who are repeatedly sent to prison for terms of from 24 hours to 14 days for drunkenness, we consider that lengthening periods of detention, with a view to reformation, would be greatly preferable.

On behalf of the Prison Visiting Committee,

MARY WHITE,
Convener.

APPENDIX XLIII.

MEMORANDUM by Mr F. P. WALTON, Secretary to the Lord Advocate, as to the Responsibility of Publicans, &c.

Section 13 of 35 and 36 Vict. c. 94 (English Act) states :—'That if any licensed person permits drunkenness or any 'violent, quarrelsome, or riotous conduct to take place on 'his premises, or sells any intoxicating liquor to any 'drunken person, he shall be liable to a penalty not exceeding for the first offence *ten pounds*, and not exceeding for 'the second or any subsequent offence *twenty pounds*.'

Section 7 of 25 and 26 Vict. c. 35 (Scotland) states :—'That 'he (the licence holder) shall not *knowingly* permit any 'breach of the peace, or riotous or disorderly conduct, 'within his premises, or supply liquors to persons in a 'state of intoxication.'

The penalty for so doing for the 1st offence is £5.
" 2nd " £10.
" 3rd " £20.
9 *Geo. iv. c.* 58, *sec.* 21.

The difference between the English and Scottish Acts lies in the amounts of the penalties imposed for each offence ; and, in Scotland, the licence holder shall not *knowingly* permit, &c., whereas in England the word *knowingly* does not appear.

Under Secretary for Scotland.

The opinion of English counsel seems to cover the questions raised in Mr. Dunbar's letter as to the English law on the matter.

I think the law of Scotland is the same.

In the recent case of *Linton* v. *Stirling*, 1893, 20 R. J. C. 71 (Court of Sessions' Cases, 4th series), it was said by the Lord Justice-Clerk that the publican's certificate, which is given as a schedule to the Public-Houses Acts Amendment Act, 1862 (25 and 26 Vict. c. 35), 'forbids the sale of 'liquor to a person in a state of intoxication. It is sufficient to prove that liquor was sold to a person in that 'state ; it is unnecessary to prove that the publican knew 'he was intoxicated, if it can be proved he was so.'

By Sect. 14 of the Act of 1862, the police may report the names of 'all persons licensed to sell excisable liquors by 'retail from whose premises persons in a state of intoxication have been frequently seen to issue,' and these reports are to be brought under the notice of the Justices of Peace or Magistrates when the application is made for a renewal of the certificate.

If there be any other point as to which I can give any assistance, I shall be delighted to do so.

22/2/95. F. P. WALTON.

APPENDIX XLIV.

MEMORANDUM AND RETURNS by Mr. WILLIAM GEDDES, Governor of Dundee Prison.

H.M. PRISON,
DUNDEE, *7th January* 1894.

DEAR DR. SUTHERLAND,—I enclose a list of the names of persons written out by the prisoner, James Handy (interviewed by Sir Charles Cameron on his recent visit to this prison), and known to him as being reformatory schoolboys, along with a detailed list of convictions, &c., against them.

I also enclose for Sir Charles' information separate returns of offenders committed to prison during the past year who had previously been under detention in reformatory and industrial schools.

I stated in giving evidence before your Committee that a larger proportion of fines, &c., was paid on Saturdays than on any other day of the week, due, of course, to the Saturday pays ; and I enclose a statement showing the percentage of such fines paid on Saturday, and necessarily the following Monday, as against the other four days of the week.—I am, yours faithfully,

WILLIAM GEDDES, *Governor.*

Dr. J. F. Sutherland.

Alexeander M'Cabe, Aruthur Donnely, Mairtian M'Dennel, Patrick Carr, Thomas Clark, Cherles Collins, Frances Kelly, Banerd Kelly, Patrick Gollacher, John Ramsay, Andwerd Fitzpatrick, James Lee, John Henderson, Mairtan Preston, Patrick Helley. I do not no any more at present only by neck names.

A

The convictions of ALEXANDER M'CABE, educated at Dalbeth Reformatory, since 1877, were 7—5 before the Police, and 2 before the Sheriff at Dundee.

20 CONVICTIONS AND IMPRISONMENTS OF A. D.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1876. 22 July.	Theft and p. c.,	10 days, and 4 years R.S.	Police.	Dundee.	Dalbeth.
" 24 May.	Assault,	30 days.	"	"	
" 1 April.	Theft by H. B.,	30 "	Sh. Summ.	"	
1878. 21 Sept.	Absconding from R. school,	...	Police.	"	Sent back to school.
1880. 18 Mar.	Found with intent to steal,	15 days.	"	"	
" 1 Nov.	Malicious mischief,	30 "	S. S.	"	
1881. 28 July.	Breach of peace,	7 "	Police.	"	
" 20 April.	Do.	10 "	"	"	
1882. 9 Jan.	Theft,	20 "	S. S.	"	
" 26 June.	Assault,	10 "	Police.	"	
1883. 19 June.	Breach of peace,	15 "	"	"	
" 27 Aug.	Assault and mal. mischief,	20 "	"	"	
" 14 Nov.	Theft and assault,	60 "	S. S.	"	
1884. 7 Mar.	B. of peace and mal. mischief,	20 "	Police.	"	
" 22 April.	Shebeening,	42 "	"	"	
" 8 Dec.	Assault and robbery,	5 years P. S.	High.	Edinburgh.	
1889. 28 Feb.	H.B. with intent,	Taken to Court and not brought back.	...	...	
" 2 July.	Cont. Crimes Act,	Licence forfeited.	S. S.	Dunfermline.	
1890. 9 May.	H.B. with intent,	5 years P. S.	High.	Edinburgh.	
1894. 20 Nov.	Cont. sec. 7 Crimes Act,	6 months.	Police.	Dundee.	

34 CONVICTIONS AND IMPRISONMENTS OF M. M'D.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1877. 13 Jan.	Theft,	10 days, and 4 years R. S.	Police.	Dundee.	Dalbeth School.
1880. 28 April.	Assault,	7 days.	,,	,,	
,, 6 Dec.	Assault on police,	30 days.	,,	,,	
1881. 12 Mar.	Breach of peace,	5 ,,	,,	,,	
,, 7 April.	Assault on police,	6 months H.L.	S. S.	,,	
,, 31 Oct.	Breach of peace,	7 days.	Police.	,,	
,, 28 Nov.	H.B. with intent to steal,	60 days.	S. S.	,,	
1882. 17 July.	Assault,	8 months.	S. & J. P.	,,	
1883. 29 Dec.	Assault,	Liberated by order of Procurator-Fiscal.	...	...	
1884. 12 April.	Breach of peace,	15 days.	Police.	Dundee.	
,, 5 May.	Riotous behaviour,	10 ,,	,,	,,	
,, 2 June.	Breach of peace,	20 ,,	,,	,,	
,, 23 June.	Assault,	Liberated by order of Procurator-Fiscal.	...	...	
,, 17 Oct.	Malicious mischief,	7 days.	Police,	Dundee.	
,, 30 Oct.	Riotous behaviour,	7 days.	,,	,,	
,, 31 Dec.	Intent to steal,	30 days.	,,	,,	
1885. 17 June.	Assault,	30 ,,	S. S.	,,	
,, 12 Feb.	Breach of peace,	40 ,,	Police.	,,	
1886. 3 May.	Breach of peace,	60 ,,	,,	,,	
,, 25 Oct.	Breach of peace,	60 ,,	,,	,,	
1887. 11 Mar.	Assault on police,	60 ,,	,,	,,	
,, 13 June.	Found drinking in a shebeen,	10 days or 10s.	,,	,,	
,, 27 June.	Breach of peace,	60 days or 60s.	,,	,,	
,, 25 Nov.	Obstructing police,	30 days or 40s.	,,	,,	
1888. 2 July.	Breach of peace,	30 days or 40s.	,,	,,	
,, 28 Sept.	Assault,	Liberated on Procurator-Fiscal's order.	...	...	
,, 10 Oct,	Breach of peace,	40 days or 40s.	Police.	Dundee.	
1889. 7 Jan.	Theft,	30 days.	,,	,,	
,, 2 April.	Breach of peace,	15 days or £1.	,,	,,	
,, 27 May.	Assault,	30 days or 40s.	S. S.	,,	
,, 4 Oct.	Assault,	45 days or 105s.	S. S.	,,	
,, 25 Nov.	Breach of peace,	20 days or 40s.	Police.	,,	
,, 10 Dec.	Assault,	Taken to Court for trial, and not brought back.	...	...	
1890. May 7.	Assault and robbery,	18 months.	...	Glasgow.	As Jos. M Donald.

33 CONVICTIONS AND IMPRISONMENTS OF P. C.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1875. 26 Oct.	Theft,	7 days.	S. S.	Dundee.	
1876. 29 May.	Disorderly conduct,	5 ,,	Police.	,,	
1877. 23 Jan.	Theft,	7 ,,	S. S.	,,	
,, 13 Mar.	Do.	10 days and 4 years' R. S.	,,	,,	Dalbeth School.
1880. 4 June.	Breach of peace,	20 days.	Police.	,,	
,, 8 July.	Intent to steal,	30 ,,	,,	,,	
,, 12 Nov.	Breach of peace,	30 ,,	,,	,,	
1881. 7 Mar.	Do.	30 ,,	,,	,,	
,, 7 April.	Theft,	Liberated on Procurator-Fiscal'sOrder.			
,, 20 ,,	Assault on police,	2 months.	S. S.	,,	
,, 28 July.	Do.	8 ,,	S. and J.	,,	
1882. 31 Mar.	Breach of peace and assault,	40 days.	Police.	,,	
,, 14 Aug.	Assault and prev. con.,	60 ,,	,,	,,	
,, 19 Oct.	Theft,	Taken to Court and not brought back.			
,, 30 ,,	Breach of peace,	60 days.	Police.	,,	
1883. 15 April.	Intent to steal,	60 ,,	,,	,,	
,, 29 Aug.	Theft and prev. con.,	12 months.	S. and J.	,,	
1884. 23 Sept.	Breach of peace and assault,	7 days.	Police.	Edinburgh.	
1885. 10 Oct.	Do.	15 ,,	,,	,,	
1886. 28 June.	Assault and robbery,	5 years' P. S.	High.	,,	
1891. 17 Aug.	Assault,	1 month.	Police.	Dundee.	
,, 16 Sept.	Do.	14 days.	S. S.	,,	
,, 24 Nov.	Cont. of Sec. 12 Crimes Act,	55 ,,	,,	,,	
1892. 17 Feb.	Assault,	60 ,,	Police.	,,	
,, 25 May.	Riotous conduct,	7 ,,	,,	,,	
,, 7 June.	Do.	10 ,, or 15s.	,,	,,	
,, 16 July.	Breach of peace,	20 ,,	,,	,,	
,, 5 Aug.	Desertion from Militia,	Liberated by order of Sheriff-Clerk.			
,, 29 ,,	Breach of peace,	20 days.	Police.	,,	
1893. 2 May.	Do.	20 ,,	,,	,,	
24 July.	Do.	30 ,,	,,	,,	
,, 4 Sept.	Assault, &c.,	60 ,,	S. S.	,,	
1894. 15 Jan.	Breach of peace,	1 month.	Police.	,,	

11 CONVICTIONS AND IMPRISONMENTS OF T. C.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1874. 22 Sept.	Theft, ...	8 stripes.	Police.	Dundee.	
,, 13 Nov.	Theft, ...	10 days and 5 years.	,,	,,	Rossie.
1880. 26 Jan.	Breach of peace, . . .	7 days.	,,	,,	
,, 24 Feb.	Theft, ...	40 days.	,,	,,	
,, 11 Aug.	Theft, ...	4 months.	S. and J.	,,	
1881. 28 July.	Breach of peace, . . .	10 days.	Police.	,,	
,, 21 Oct.	Theft, ...	8 months.	S. and J.	,,	
,, 28 April.	Theft, ...	3 months.	Police.	Sunderland.	As Thos. Stewart.
1884. 14 July.	Breach of peace, . . .	40 days.	,,	Dundee.	
1885. 27 Feb.	Theft and p. c., . . .	8 months.	S. and J.	,,	
1886. 22 April.	Theft, ...	5 years P. S.	Circuit.	Perth.	

15 CONVICTIONS AND IMPRISONMENTS OF C. C.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1877. 14 Dec.	Theft, ...	Admonished.	Police.	Dundee.	
1878. 7 Jan.	Do.	10 days and 4 years.	,,	,,	Dalbeth School.
1882. 17 April.	Do.	14 days.	,,	Glasgow.	
,, 11 July.	Do.	60 ,,	,,	,,	
1883. 2 Nov.	Do. and prev. con., . .	6 months.	S. and J.	Dundee.	
1884. 11 June.	Riotous behaviour, . . .	7 days.	Police.	,,	
1885. 10 Aug.	Breach of peace and assault, .	60 ,,	,,	,,	
,, 20 Oct.	Breach of peace, . . .	60 ,,	,,	,,	
1886. 22 April.	Theft, ...	5 years' P. S.	Circuit.	Perth.	
1890. 1 Sept.	Assault, ...	10 days.	Police.	Dundee.	
,, 6 Oct.	Breach of peace and assault, .	6 months.	S. and J.	,,	Licence revoked.
1892. 8 Feb.	Breach of peace, . . .	10 days.	Police.	,,	
1893. 21 Aug.	Do. . . .	10 ,,	,,	,,	
,, 12 Sept.	Do. . . .	14 ,,	,,	,,	
1894. 16 Jan.	Robbery and prev. con. of theft and assault, . . .	3 years' P. S.	Circuit.	,,	

CONVICTIONS AND IMPRISONMENTS OF J. L.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1873. 30 Sept.	Theft, ...	Admonished.	Police.	Dundee.	
1874. 25 Nov.	Theft, ...	10 days and 5 years.	S. S.	,,	Dalbeth School.
1879. 1 Jan.	Breach of peace, . . .	7 days or 10s. 6d.	Police.	,,	
,, 21 July.	Assault and breach of peace, .	15 days or 20s.	,,	,,	
,, 15 Dec.	Breach of peace, . . .	10 days or 15s.	,,	,,	
1880. 2 Jan.	Theft, ...	15 ,,	,,	,,	
,, 22 July.	Assault, ...	20 ,, or 40s.	,,	,,	
1881. 4 Jan.	Theft, ...	10 months.	S. and J.	,,	
,, 1 Sept.	Theft, ...	60 days.	S. S.	,,	
1883. 6 Jan.	Theft, ...	12 months.	S. and J.	,,	
1884. 14 April.	Breach of peace, . . .	10 days.	Police.	,,	
,, 26 May.	Assault, ...	2 months.	S. S.	,,	
1886. 1 April.	Assault on police, . . .	4 ,,	S. S.	,,	
,, 4 Aug.	Wilful fireraising, . . .	Found to be insane, and removed to West Green Lunatic Asylum.	...	...	

CONVICTIONS AND IMPRISONMENTS OF J. H.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1877. 19 May.	Theft, ...	10 days and 5 years.	Police.	Dundee.	Rossie School.
1882. 13 Mar.	Assault, ...	60 days.	,,	,,	
,, 26 Aug.	Breach of peace, . . .	20 ,,	,,	,,	
,, 15 Sept.	Breach of peace, . . .	20 ,,	,,	,,	
1883. 5 Jan.	Assault, ...	60 ,,	,,	,,	

CONVICTIONS AND IMPRISONMENTS OF M. P.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1873. 31 Dec.	Theft,	10 days and 5 years.	Police.	Dundee.	Dalbet
1878. 12 Oct.	Assault on police,	7 days.	,,	,,	
1880. 23 Jan.	Theft and p. c.,	30 ,,	,,	,,	
,, 3 Nov.	Assault,	40 ,,	,,	,,	
1881. 1 Aug.	Breach of peace,	30 ,,	,,	,,	
,, 3 Oct.	Breach of peace,	40 ,,	,,	,,	
1882. 30 Jan.	Breach of peace,	30 ,,	,,	,,	
,, 2 Oct.	Assault and theft,	8 months H.L.	S. and J.	,,	
1883. 10 July.	Assault on police,	5 months.	S. S.	,,	
1884. 16 Aug.	Assault on police,	6 ,,	,,	,,	
1885. 15 May.	Assault and p. c.,	2 ,,	S. and J.	,,	
,, 25 Aug.	Theft and p. c.,	3 ,,	,,	,,	
,, 8 Dec.	Breach of peace,	20 days.	Police.	,,	
1886. 25 Feb.	Assault and p. c.,	60 days H.L.	S. S.	,,	
,, 6 July,	Assault on police,	6 months.	,,	,,	
1887. 31 Jan.	Begging,	3 days.	Police.	Broughty Ferry.	
1888. 5 May.	Theft,	15 ,,	,,	Dundee.	
1891. 18 Nov.	Desertion from Militia,	12 ,, or £2.	,,	...	

Since 1876, Francis Reilly, educated at Dalbeth, had 5 convictions—the last in 1883.

15 CONVICTIONS AND IMPRISONMENTS OF B. R.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1876. 27 Mar.	Absconding from ind. school,	14 days, and 2 years R. S.	S. S.	Dundee.	Dalbeth School.
1879. 13 Feb.	Theft,	7 days.	Police.	,,	
,, 24 Feb.	Breach of peace,	7 ,,	,,	,,	
,, 30 June.	Assault on police,	40 ,,	,,	,,	
,, 22 Aug.	Drunk,	5 ,,	,,	,,	
1881. 16 April.	Theft by H. B. and p. c. of theft,	3 months.	S. and J.	Aberdeen.	
1882. 26 April.	Theft,	14 days.	S. S.	Dundee.	
,, 20 Nov.	Breach of peace and assault,	60 ,,	Police.	,,	
1883. 19 Mar.	Theft by H. B.,	9 months.	S. and J.	,,	
1884. 2 Jan.	Intent to steal,	30 days.	Police.	,,	
,, 25 Dec.	Riotous conduct,	7/6 forfeited. (Out on bail, and failed to appear for trial on day fixed.)	...	...	
1885. 19 Oct.	Theft and p. c.,	12 months.	S. and J.	Forfar.	
1887. 2 May.	H. B. with intent,	60 days.	S. and J.	Dundee.	
1888. 17 Dec.	Theft and p. c.,	9 months.	S. and J.	Aberdeen.	As Peter Reilly.
1889. 18 Dec.	Theft,	4 months.	S. and J.	Dundee.	

Patrick Gallacher, educated at Dalbeth, had 3 convictions since 1879—the last being in 1884.

24 CONVICTIONS AND IMPRISONMENTS OF A. F.

Date.	Offence.	Sentence.	Court.	Place.	Remarks.
1877. 8 Sept.	Theft,	Admonished.	Police.	Dundee.	
1878. 31 May.	Do.	10 days and 5 years.	,,	,,	Dalbeath.
1883. 5 Dec.	Breach of peace,	30 days.	,,	,,	
1884. 11 Nov.	Shebeening,	42 ,,	,,	,,	
1885. 16 Mar.	Riotous behaviour,	7 ,,	,,	,,	
,, 17 Aug.	Assault,	60 ,,	,,	,,	
1886. 17 Feb.	Breach of peace,	7 ,,	,,	,,	
,, 3 May.	Do.	15 ,,	,,	,,	
,, 10 June.	Theft and p. c.,	30 ,,	,,	,,	
,, 30 Aug.	Breach of peace,	20 ,,	S. S.	,,	
1887. 7 Mar.	Do.	30 ,,	Police.	,,	
,, 24 June.	Theft and p. c.,	3 months.	,,	,,	
1889. 6 Sept.	Do.	12 ,,	S. and J.	,,	
1890. 17 Nov.	Breach of peace,	20 days or 30s.	,,	,,	
1891. 25 July.	Assault,	30 days.	Police.	,,	
,, 14 Sept.	Breach of peace,	10 days or 15s.	,,	,,	
1892. 9 May.	Assault and p. c.,	30 days or 40s.	,,	,,	
1893. 26 July.	Do.	33 days.	S. S.	,,	
,, 25 Sept.	Breach of peace,	14 days or £1.	Police.	,,	
,, 1 Oct.	Theft and p. c.,	60 days.	S. and J.	,,	
1894. 14 May.	Breach of peace,	20 days or 30.	Police.	,,	
,, 18 June.	Do.	Do.	,,	,,	
,, 8 Aug.	Do.	1 month or £2.	,,	,,	
,, 22 Nov.	Assault and p. c.,	45 days.	S. S.	,,	

B

RE-CONVICTIONS OF JUVENILE OFFENDERS, DUNDEE PRISON.

RETURN of Offenders committed during the Year ending 31st December 1894, having been previously under Detention in a Reformatory School.

[Abbreviations—S. S., Sheriff Summary; S. and J., Sheriff and Jury; J. P., Justice of Peace.]

Name.	Age.	Date and Place of Conviction.	Offence.	Sentence.	Reformatory where previously detained.	No. of Imprisonments recorded against each.
		1894.				
A. M.,	34	5 Jan. Dundee Police,	B. of Peace and Assault,	20 days or 80s.,	Rossie,	17
D. C.,	18	10 Feb. ,, ,,	Cont. of Rules & Orders,	1 day or 2s. 6d.,	,,	2
W. M'I.,	37	23 Mar. ,, ,,	Assault on Police,	1 month,	,,	...
Do.	,,	18 Sept. ,, S. and J.	Theft by Housebreaking	30 days,	,,	30 ex convict
D. M'K.,	29	10 Mar. ,, S. S.	Theft and p. c.,	60 ,,	,,	6
J. P.,	24	14 Apr. ,, Police,	Do.	10 ,,	,,	3
Do.	,,	27 ,, ,, ,,	Cont. of Rules & Orders,	1 day or 5s.,	,,	...
R. C.,	21	7 May ,, S. S.	Theft by Housebreaking	7 days,	,,	3
W. G.,	43	22 ,, ,, ,,	Assault,	14 ,,	,,	3
J. G.,	19	9 July ,, Police,	Breach of Peace,	24 hours or 5s.,	,,	1
J. K.,	28	13 Aug. ,, ,,	Assault,	Liberated on bail,	,,	...
Do.	,,	20 ,, ,, ,,	Breach of Peace,	1 month or £2,	,,	17
J. B.,	24	14 Sept. ,, S. and J.	Housebreaking with intent to Steal,	60 days,	,,	...
Do.	,,	27 Nov. ,, Police,	Assault,	14 ,, or £1,	,,	18
P. K.,	28	29 Aug. Arbroath ,,	County Police Act,	10 ,,	,,	...
Do.	,,	27 Sept. ,, ,,	Intent to Steal,	30 ,,	,,	11
W. B.,	22	24 Oct. Dundee S. S.,	Theft by Housebreaking	£1 caution or 11 days,	,,	7
W. T.,	25	29 ,, ,, Police,	Breach of Peace	14 days or £1,	,,	3
J. H.,	20	5 Nov. ,, ,,	Do.	10 ,, or 15s.,	,,	2
P. C.,	30	15 Jan. ,, ,,	Do.	1 month or £2,	Dalbeth,	33 ex convict
J. L.,	20	18 Feb. ,, ,,	Cont. Cl. 331 G. P. Act,	Taken to Court and not returned,	,,	...
Do.	,,	20 Mar. ,, ,,	Do.	Do.	,,	...
Do.	1	9 July ,, ,,	Riotous Conduct,	10 days or 15s.,	,,	8
A. J.,	39	21 Feb. ,, ,,	Breach of Peace,	Do.	,,	25
J. C.,	20	19 Mar. ,, ,,	Con. Sec 3, Trespass Act,	5 days or 7s. 6d.,	,,	3
S. S.,	40	7 April ,, S. S.,	Assault,	30 ,,	,,	42 ex convict
E. D.,	26	9 ,, ,, Police,	Breach of Peace,	40 ,,	,,	...
Do.	,,	22 Oct. ,, ,,	Do.	40 ,,	,,	22
A. F.,	27	14 May ,, ,,	Do.	20 ,, or 30s.,	,,	...
Do.	,,	18 June ,, ,,	Do.	Do.	,,	...
Do.	,,	8 Aug. ,, ,,	Do.	1 month or £2,	,,	...
Do.	,,	22 Nov. ,, S. S.,	Assault,	45 days,	,,	28
P. O'B.,	22	10 Aug. ,, Police,	Theft and p. c.,	Liberated by Fiscal,	,,	...
T. M'G.,	40	16 ,, St Andrews Police,	Theft,	21 days,	,,	20
D. D.,	18	20 Sept. Dundee Police,	Con. of Clause 331, Glasgow Police Act,	30 ,,	,,	4
J. M'G.,	22	5 Nov. ,, ,,	Theft and p. c.,	10 ,,	,,	1
J. C.,	34	17 Jan. ,, ,,	Breach of Peace,	1 month or £2,	,,	...
Do.	,,	3 Sept. ,, ,,	Do.	Do.	,,	...
Do.	,,	21 Nov. ,, ,,	B. of Peace and Assault,	Do.	,,	36
J. S. C.,	21	30 Jan. Leven ,,	Breach of Peace,	14 days or £1,	Oldmill,	1
J. H.,	20	26 Feb. Dundee S. S.	Army Desertion,	10 days' detention,	,,	2
W. S.,	30	4 June Arbroath Police,	Con. Burgh Police Act,	5 days or 5s.,	,,	1
P. B.,	17	26 ,, Cupar J. P.,	Travelling in a Ry. Car. without a Ticket,	3 ,, or 17.,	,,	1
J. D.,	35	... ...	Theft and p. c.,	To be tried before Circuit Court here on 16 Jan. 1895,	,,	7 ex convict
J. C.,	33	17 Oct. Leven Police,	Drunk,	7 days or 10s.,	Inverness,	1
F. H.,	18	8 Feb. Dundee Police.	Theft,	Taken to Court and not returned,	Tranent,	1
J. D.,	21	23 Mar. ,, ,,	Overcrowding his House	20 days or 40s.,	Penicuik,	4
W. M.,	19	7 May Glasgow ,,	Assault,	60 ,,	Paisley,	4
C. P.,	45	26 Oct. Dundee S. S.,	Failing to educate his Children,	4 ,, or 5s.,	Glasgow,	4
C. M'F.,	37	28 Nov. ,, S. and J.	Theft and p. c.,	4 months,	,,	1

C

RE-CONVICTION OF JUVENILE OFFENDERS, DUNDEE PRISON.

RETURN of Offenders committed during the Year ending 31st December 1894, having been previously under Detention in an Industrial School.

[Abbreviations—S. S., Sheriff Summary; S. and J., Sheriff and Jury; J. P., Justice of Peace.]

Name.	Age.	Date and Place of Re-Conviction	Offence.	Sentence.	Industrial School in which previously detained.	No. of Imprisonments recorded against each.
		1894.				
C. R.,	31	22 Jan. Dundee S. S.,	Assault and p. c.,	7 days or 10s.,	Baldovan,	2
W. G. C.,	23	5 Mar. Broughty Ferry,	Assault and B. of Peace,	10 ,, or £1,	,,	3
M. S.,	29	10 ,, Dundee S. S.,	Theft and p. c.,	60 ,,	,,	...
Do.	,,	2 Oct. ,, ,,	Assault and p. c.,	10 ,,	,,	...
Do.	,,	26 Dec. ,, Police	Breach of Peace,	7 ,, or 10s. 6d.,	,,	7
J. M'L.,	14	admitted 4th March certified	Insane and removed to	West Green Asylum, 24	April 1894.	2
J. H.,	19	23 April Dundee Police	Breach of Peace,	20 days or 30s.,	Baldovan,	...
Do.	,,	26 May ,, ,,	Do.	14 ,, or £1,	,,	4
W. B.,	18	3 ,, ,, S. S.	Assault by Stabbing,	20 ,, or 30s.,	,,	6
P. N.,	18	2 July ,, Police	Riotous Conduct,	7 ,, or 10s. 6d.,	,,	...
Do.	,,	20 Nov. ,, ,,	Con. of Clause 331, Glasgow Police Act,	30 ,,	,,	6
E. B.,	25	29 May ,, S. S.	Assault,	7 ,, or 10s.,	,,	6
P. H.,	22	13 June ,, Police	Breach of Peace,	20 ,, or 30s.,	,,	...
Do.	,,	31 July ,, S. and J.	Theft and p. c.,	60 ,,	,,	18
D. M'K.,	18	9 ,, ,, Police	Riotous Conduct,	7 ,, or 10s. 6d.,	,,	1
J. M'I.,	30	21 ,, Cupar S. S.	Theft and p. c.,	21 ,,	,,	13
D. M.,	18	23 ,, Dundee Police	Breach of Peace,	5 ,, or 7s. 6d.,	,,	1
P. M'D.,	24	27 Aug. ,, ,,	Con. of Clause 251, Glasgow Police Act,	Do.	,,	1
J. M'L.,	42	28 ,, ,, ,,	Drunk,	10 ,, or 15s.,	,,	4
T. L.,	22	3 Oct. ,, ,,	Assault on Police,	20 days,	,,	1
D. A.,	21	8 ,, ,, S. S.,	Assault & M. Mischief,	14 ,, or £1,	,,	4
J. C.,	19	8 ,, ,, Police,	Breach of Peace,	10 ,, or 15s.,	,,	4
T. M.,	20	10 Dec. ,, ,,	Assault on Police,	60 ,,	,,	1
P. M.,	37	31 ,, ,, S. and J.	Theft by Housebreaking and p. c.,	Awaiting trial,	,,	5
M. G.,	16	20 Mar. ,, Police,	Breach of Peace,	7 days or 10s. 6d.,	Dundee,	1
G. M'F.,	16	1 Aug. ,, ,,	Theft by Housebreaking,	Liberated by Fiscal,	,,	1
S. M'K.,	20	27 ,, ,, ,,	Breach of Peace,	14 days or £1,	,,	4
W. A.,	29	30 ,, ,, ,,	Theft,	10 ,,	,,	16
P. or J. D.,	22	5 Mar. ,, S. S.,	Desertion from the Army,	10 days' detention,	St Mary's Glasgow,	3
M. P. or Q.,	24	17 Aug. Arbroath Police,	Begging,	5 days or 5s.,	Maryhill	1
T. M'C.,	28	25 Sept. Montrose ,,	Fraudulent Enlistment,	3 months,	Arbroath,	4
W. F.,	24	11 Apr. Dundee Police,	Assault on Police,	1 month or £2,	,,	1
H. M'K.,	17	24 May ,, ,,	Breach of Peace,	24 hours or 5s.,	Mars Training-ship,	...
Do.	,,	25 June ,, ,,	Do.	5 days or 7s. 6d.,	,,	...
Do.	,,	16 July ,, ,,	Theft,	14 ,,	,,	...
Do.	,,	27 Aug. ,, ,,	Breach of Peace,	7 ,, or 10s. 6d.,	,,	...
Do.	,,	20 Sept. ,, ,,	Do.	10 ,, or 15s.	,,	6
D. J.,	21	16 Aug. ,, ,,	Theft,	3 ,, or 7s. 6d.,	,,	1
A. K.,	19	16 ,, ,, ,,	Do.	Do.	,,	1
J. A.,	16	21 Sept. ,, S. S.	Assault by Stabbing,	5 ,, or £1,	,,	3
T. G.,	19	1 Oct. ,, ,,	Army Desertion,	10 days' detention,	,,	2
F. O'N.,	19	2 ,, ,, Police	Con. of Article 29, Police Act,	7 days or 10s. 6d.,	,,	1
A. G.,	23	27 ,, ,, ,,	Con. of Section 7, Crimes Act,	6 months,	,,	8
J. S.,	21	29 ,, ,, ,,	Breach of Peace,	14 days or £1,	,,	3
J. D.,	19	5 Nov. ,, ,,	Do.	10 ,, or 15s.,	,,	...
Do.	,,	31 Dec. ,, ,,	Do.	14 ,, or £1,	,,	2
K. O.,	32	8 Jan. ,, J. P.	Carrying a gun without a Licence,	1 month or £2, 10s.,	,,	...
Do.	,,	15 June ,, S. S.	Breach of Peace,	10 days or 15s.,	,,	...
Do.	,,	4 July ,, ,,	Theft,	14 ,, or £1,	,,	...
Do.	,,	6 Nov. ,, ,,	Do.	60 ,,	,,	10
L. G.,	19	21 Dec. ,, S. and J.	Theft by Housebreaking,	50 ,,	,,	2
L. L.,	15	7 ,, ,, S. S.	Theft,	Taken to Court and not returned,	"Empress" Training Ship,	2
P. G.,	17	26 June Cupar J. P.	Travelling in a Railway Carriage without a Ticket,	3 days or 17s.,	Aberdeen,	
W. M.,	25	26 Nov., Dundee S. and J.	Theft and p. c.,	8 months,	Edinburgh,	13
J. F.,	20	26 ,, ,, Police	Assault,	14 days or £1,	Mars Training Ship,	3
Do.	,,	20 Aug. ,, ,,	Malicious Mischief,	10 ,, or 15s.,	,,	...

APPENDIX XLV.

MEMORANDUM of Mr. Wm. Napier, Governor of Greenock Prison.

To Sir Charles Cameron, Bart., M.P.
Balclutha, Greenock.

H.M. Prison Greenock.
4th Jan. 1894.

I have delayed sending the information you desired from prisoner, Patrick Docherty, till my annual return was completed, in order to show how many Old Reformatory and Industrial School boys and girls were in Greenock Prison during 1894. I attach copy of Reformatory Return. Col. Inglis, Inspector of Reformatories, London, will be able to furnish copies of Returns from all the prisons in Scotland.

Your obediently, Wm. Napier, *Governor.*

Prisoner, Patrick Docherty, says that the first theft he was charged with, and connected for after leaving the Reformatory was for stealing a few sweeties, which another old reformatory boy stole and handed to him. He got 15 days' for that, and when liberated he was apprehended on leaving the prison and charged with stealing a pair of boots, which he got from another thief to pawn ; he admits he knew they were stolen before he pawned them.

He was afterwards charged with theft of an oilskin coat which he found, he says, in a w.c. on the street, and kept it. He was acquitted of this charge.

At another time he was charged with stealing a pipe he got from a man to get a smoke from, and was convicted.

Again he was charged with stealing 35s. which another old reformatory boy stole and gave him share of it ; the boy (M'Intyre) referred to *peached* on him and was taken as a witness he got 6 months for that job.

In regard to old reformatory boys he says he knows a good many going about Greenock, who either cannot get work, or will not work, because they have no trade learned. Slipper-making, he says, is a sham trade, and so is match-box making, which is taught in some reformatories, as work cannot be got at either on liberation.

The names of Old Reformatory boys he knows, and whom he has seen in Greenock Prison after liberation from the Reformatory, are as follows :—

James Harkin's, from Aberdeen Reformatory.
George M'Neil, „
James Docherty, „
Patrick Hickie got two sentences in Dalbeth Reformatory.
James Brady, „ Dalbeth „
John Cairns „ „ „
Michael Loy, „ „ „
James M'Intyre, „ Paisley Reformatory.
Robert Jamieson, „ „ „
Colin M'Arthur, „ „ „
Robert M'Geachan, „ Kilmarnock Industrial School.

I attach copy of the number recognised by prison officers as being in prison during the year 1894, viz. :—

Patrick Docherty, Aberdeen Reformatory.
Patrick Hickie, Dalbeth Reformatory.
Michael Loy, „ „
John Cairns *alias* John Steel, Dalbeth Reformatory.
James Hunter, Dalbeth Reformatory.
John Black, Kibble Reformatory, Paisley.
George Steel, „ „ „
Janet Foster, Dalry Reformatory, Edinburgh.

In Industrial Schools.

Robert Morran, St Mary's, Glasgow.
John M'Quiggan, „ „
John Woodside, Captain Street, Greenock.
Arch. M'Farlane, „ „
Peter Sweeney, „ „
Robert Jamieson, „ „
Colin M'Laughlan, „ „
Andrew M'Culloch, „ „
Robert M'Geachen, Kilmarnock. „
Bridget Gallocher, St Mary's, Glasgow.
Rose Ann Gallocher, „ „
Helen Paterson, „ „
Mary Ann Gallocher, Captain St. Greenock.
Margaret Gallocher, Rothesay.

A few of the above have been in prison several times during 1894.

Wm. Napier, *Governor.*

Patrick Docherty, born in March 1872. On 21st January 1884 he was sentenced to 10 days' imprisonment and 4 years in a reformatory. On 13th, February 1888 he was liberated from Oldmill Reformatory, Aberdeen. His convictions since that time have been 28, 25 before the Police Magistrates, and 3 before the Sheriff, the longest sentence being one of 9 months.

APPENDIX XLVI.

A

ANALYSIS of No. III. Table, Tramps admitted to the Shelter-Houses at Jedburgh and Kelso during the years ending 15th May 1893 and 15th May 1894.

Year.	Place.	Total Number Admitted.	Of whom— Aged.				Scotch.		English.		Irish.		Foreign.		*Dependents.	
			30 Years and under.	30 to 40.	40 to 50.	Over 50.		F.	M.	F.	M.	F.	M.	F.	F.	Ch.
1893	Jedburgh .	1924	552	569	367	333	419	30	995	14	343	7	13	...	61	42
	Kelso . .	2038	530	569	378	380	523	40	886	14	360	13	21	...	86	95
	Total .	3962	1082	1138	745	713	942	70	1881	28	703	20	34	...	147	137
1894	Jedburgh .	2457	688	732	481	402	501	34	1287	34	401	23	23	...	81	73
	Kelso . .	2833	782	801	482	492	734	72	1247	35	428	26	12	3	147	129
	Total .	5290	1470	1533	963	894	1235	106	2534	69	829	49	35	3	228	202

* Dependents are not included in the columns showing age and nationality.

It is a striking fact that fully three-fifths of those admitted to the Shelter-Houses did not exceed 40 years of age, and that more than one-half of them were English.

B

RETURN showing Periods of Imprisonment (including Imprisonment failing Payment of Fines) imposed upon persons convicted of Breach of Peace, and Drunkenness, in the *County of Roxburgh*, during the year ending 31st December 1893.

Offence.	Number of Persons Sentenced to Imprisonment.			Of whom sentenced to terms not exceeding—																	
	3 Days.			7 Days.			14 Days.			21 Days.			30 Days.			60 Days.					
	M.	F.	Tot.	M.	F.	Tot.	M.	F.	Tot.	M.	F.	Tot.	M.	F.	Tot.	M.	F.	Tot.	M.	F.	Tot.
Breach of Peace .	190	63	253	39	13	52	102	19	121	33	21	54	5	8	13	5	2	7	6	...	6
Drunkenness . .	93	22	115	39	11	50	50	8	58	4	3	7	...	...	...	...	...	...	...	...	...
Total . .	283	85	368	78	24	102	152	27	179	37	24	61	5	8	13	5	2	7	6	...	6

C

HABITUAL OFFENDERS.

Number of Convictions, for Offences of all kinds, against prominent non-resident Offenders, in the Counties of Roxburgh, Berwick, and Selkirk, and the Burghs therein, during the 20 years from 1874 to 1893 inclusive.

Name.	Number of Convictions, for Offences of all kinds, during the years stated.																				Total.					Age in 1893.
	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	Total.	Fines imposed. £ s. d.	Alternative Imprisonment. Days.	Imprisonment without option. Days.	Admonitions.	
Rutherford, Robert, . . .	1	4	...	5	...	2	1	8	2	1	4	...	4	3	...	8	3	7	6	6	65	22 0 6	353	552	5	52
Allan or M'Laughlan, William, .	...	...	...	...	...	1	2	2	2	5	5	2	5	6	6	2	8	1	...	...	47	13 16 6	206	888	1	45
Stewart, Thomas, ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	3	5	5	5	22	7 3 6	107	687	...	23
Armstrong, John, . . .	...	...	...	...	...	4	1	1	1	3	3	5	5	3	4	3	3	4	2	1	43	15 5 6	250	660	1	38
M'Gibbon or Armstrong, Cath. .	...	...	...	...	...	...	...	...	...	...	...	...	...	1	6	3	2	4	1	3	20	4 6 ...	176	523	1	38

D

RETURN of TRAMPS and VAGRANTS checked by the Police passing through the Counties of Roxburgh and Berwick, on Four Main Roads, during the Week ending 22nd July 1894.

Roads.	Tramps seeking Work.				Professional Vagrants.				Grand Total.
	M.	F.	Ch.	Tot.	M.	F.	Ch.	Tot.	
Jedburgh and Newcastle, ...	85	2	2	89	3	2	2	7	96
Hawick and Carlisle, ...	62	...	...	62	31	12	5	48	110
Berwick and Kelso, ...	51	6	6	63	81	18	11	110	173
Berwick and Dunbar, ...	16	2	2	20	97	25	16	138	158

Note.—A constable was posted on each of these roads for the special purpose of checking tramps passing along during the time stated.

E

RETURN of TRAMPS and VAGRANTS to whom Tickets were issued by the Police for admission to the Shelter-Houses at Jedburgh and Kelso during the 5 Years ending 15th May 1894.

Year.	Jedburgh.				Kelso.				Grand Total.
	M.	F.	Ch.	Total.	M.	F.	Ch.	Total.	
1890	946	98	86	1148	776	107	64	947	2095
1891	998	74	29	1101	796	77	21	894	1995
1892	1206	75	26	1307	1219	566	35	1820	3127
1893	1770	112	42	1924	1790	153	95	2038	3962
1894	2212	172	73	2457	2421	283	129	2833	5290

Note.—The Shelter-Houses were opened for the admission of all destitute persons in 1893, but, in consequence of the increasing number of persons seeking admission, the Parochial Boards have now restricted the issue of Tickets to females and old and infirm males.

ALEX. PORTER, CHIEF CONSTABLE.

CONSTABULARY OFFICE,
JEDBURGH, 29*th November* 1894.

APPENDIX XLVII.

REGULATIONS under which the Punishment of Whipping to be Inflicted on Juvenile Male Offenders under the Acts 23 & 24 Vic. cap. 105, sec. 74, and 25 & 26 Vic. cap. 18.

1. The punishment to be inflicted with a birch rod in all cases where the age of the offender shall not exceed 14 years. The stripes to be applied to the breech, and not to exceed 12. The punishment of offenders above the age of 14 shall be inflicted with leather taws or a birch rod. The stripes to be applied to the breech, and in no case to exceed 36. Such birch rods and leather taws shall be approved of by the sheriff or sheriff-substitute of each sheriffdom. The punishment to be sufficiently severe to cause a repetition of it to be dreaded.

2. The person who inflicts punishment shall be named by the sheriff, and where the person so named is a police constable he shall be bound to act.

3. The punishment shall be inflicted in such police office or cell, or other suitable place, if possible within or adjoining the court house, as shall be fixed by the sheriff; and the sheriff shall see that such proper place is provided in each town within his jurisdiction where sheriff, justice of the peace, or burgh criminal courts are in use to be held. The punishment shall take place in presence of the chief constable or of an officer of police of rank not below a sergeant, and, when so directed by the court or magistrate pronouncing the sentence, of the police surgeon or other duly qualified Medical Practitioner.

4. The surgeon or medical practitioner, where his presence as aforesaid has been directed, shall examine the offender before the punishment is inflicted, and where he shall consider that the prescribed number of stripes, or any part thereof, cannot be inflicted consistently with the health of the offender, he shall certify the same in writing, and fix the number of stripes, which shall thereupon be limited in terms of such certificate; but where the said certificate shall bear that one-half of the prescribed punishment cannot be safely inflicted, the offender shall be deemed to be unfit for this mode of punishment, and no part of the same shall be inflicted.

5. The surgeon or medical practitioner, where his presence as aforesaid has been directed, shall always have it in his power to stop the infliction of the punishment in its course, even though one-half has not been suffered, if a continuation would, in his opinion, prove hurtful to the health of the offender, and he shall certify his having done so accordingly.

6. Where whipping is to be substituted for imprisonment, or for imprisonment and hard labour, the same shall be inflicted immediately after sentence, or as soon thereafter as conveniently may be; not later than the day of sentence.

7. Where whipping is ordered in addition to imprisonment, or imprisonment and hard labour, the punishment shall take place as soon after sentence as possible, and before the offender is transmitted to prison.

8. A register of all offenders sentenced to be whipped shall be kept by the chief constable or other officer in charge of the premises where such sentence is carried out, and registers for this purpose will be supplied by the Prison Commissioners for Scotland, 130 George Street, Edinburgh, to whom returns of such sentences shall be made from time to time as may be demanded by them.

Note.—In all cases where whipping is *substituted* for imprisonment or imprisonment and hard labour, it will be proper that a warrant be inserted in the interlocutors to transmit the offender to the place approved by the sheriff, in order to undergo his sentence, and to detain him until such sentence is carried into effect; and in order to provide for the contingency of the offender being deemed by the surgeon or other medical practitioner to be unfit for this mode of punishment, the sentence should also contain an alternative, depending on that contingency, of such other punishment as would have been awarded before the passing of the said Act 25 & 26 Vict. cap. 18, or should direct the discharge of the offender.

J. B. BALFOUR.

I hereby signify my approval of the above Regulations.
HUGH C. E. CHILDERS.

WHITEHALL, 11*th June* 1886.

APPENDIX XLVIII.

JUVENILES received into Prison prior to 1886 with Sentences of Whipping, and Juveniles ordered to be whipped elsewhere than in Prisons since 1886, under the Lord Advocate's Regulations of 11th June 1886.

Juveniles received into Prison to be whipped.					*Average for 5 Years ended 1885.*	Juveniles ordered to be whipped elsewhere than in Prison.					Average for 5 Years ended 1891.	Juveniles ordered to be whipped, 1892.	Juveniles ordered to be whipped, 1893.
1881	1882	1883	1884	1885		1887	1888	1889	1890	1891			
205	230	251	300	265	250	279	309	329	397	354	334	363	335
Increase per cent. on Average for 5 years ended 1885, ...						12	24	32	59	42	34	45	34

EDINBURGH, 21*st November* 1894.

WM. DONALDSON, *Secy.*

APPENDIX XLVIIIA.

Proportion of Prisoners without Scottish Settlements.

PRISON COMMISSION FOR SCOTLAND,
EDINBURGH, 25*th April* 1895.

SIR,—With reference to the Table of Nationalities given of late years in the Scottish Prison Reports, I estimate that about 20 per cent. of the prisoners returned as English, Irish, and Foreigners, are without a legal settlement in Scotland.

I am,
Sir,
Your most obedient servant,
WM. DONALDSON,
Secretary.

SIR CHARLES CAMERON, Bart., M.P.,
80 St George's Square,
London, S.W.

APPENDIX XLIX.

PARTICULARS of Offences of Male Prisoners in Glasgow Prison whose Imprisonments were Six and upwards.

No.	Initials of Prisoner.	Number of Times in Prison during 1893.	Whereof for					
			Assault and Breach of Peace.	Drunk and Disorderly.	Begging, &c.	Petty Thefts.	Serious Thefts.	Contraventions of Local Acts.
1	D. M'G.	6	2	4	...	...	...	...
2	T. M'G.	6	6	...	...	...	...	...
3	T. C.	7	5	...	...	...	2	...
4	W. M.	7	3	4	...	...	...	...
5	W. G.	8	2	4	...	...	1	1
6	J. M.	8	...	7	...	...	...	1
6		42	18	19	...	...	3	2

APPENDIX L.

TABLE I.—Handed in by Miss J. F. MILLER, Matron of H.M. Prison, Glasgow, Showing a Fortnight's Admissions for the last Two Weeks in September 1891, compared with the last two in September 1894, as regards the Duration of Sentences and the Nature and Proportion of Petty Offences.

1891.

Hours. 24	Days. 2	Days. 3	Days. 4	Days. 5	Days. 7	Days 8	Days. 10	Days. 14	Days. 15	Days. 20	Days. 21	Days. 30	Days. 40	Days. 42	Days. 60	TOTAL. ...	Average Length of Sentence.
8	6	21	40	94	87	17	16	104	1	1	10	29	1	1	6	442	

1894.

Hours. 24	Days. 2	Days. 3	Days. 4	Days. 5	Days. 7	Days. 8	Days. 10	Days. 14	Days. 15	Days. 20	Days. 21	Days. 30	Days. 40	Days. 42	Days. 60	TOTAL.	
	3	71	35	66	87	18	25	84	10	3	11	26	...	...	3	442	

Offences.	1891.	1894.
Drunk and Incapable,	135	139
Drunk and Disorderly,	159	136
Breach of the Peace,	32	21
Petty Assault,	20	22
Petty Theft,	16	16
Importuning,	65	80
Miscellaneous Offences,	15	28
	442	442

TABLE II.—Female Prisoners in Custody on 26th September 1894, including Liberations and Admissions—411.

Times in Prison.	First.	Second.	Third	Fourth.	Fifth.	6–10	11–19	20–49	50–99	100 and upwards	TOTAL.
	47	37	30	31	25	67	62	63	23	26	411

174, or 42 per cent.

AGES.

Years. 15	Years. 16	Years. 17–21	Years. 22–30	Years. 31–40	Years. 41–49	Years. 50 and upwards.	TOTAL.
1	1	53	180	98	50	28	411

235, or 57 per cent.

UNTRIED 15.

Theft. 9	Assault. 3	Assault and Robbery. 1	Perjury. 1	Neglecting her Children. 1

TABLE III.—Called for by Colonel M'Hardy, showing the Offences of the 393 Female Prisoners in Custody on Saturday, 27th October 1894.

Offences.	No.
Attempt to Steal	1
Vagrancy,	1
Begging,	1
Perjury,	1
Culpable Homicide,	1
Keeping a Brothel,	1
Rogue and Vagabond,	1
Cruelty to Children,	1
Overcrowding Dwelling-house,	1
Shebeening,	2
Fraud,	4
Reset,	5
Further Powers Act,	7
Breach of the Peace,	35
Assault,	35
Drunk and Disorderly,	39
Drunk and Incapable,	40
Theft,	72
*Importuning,	145
	393

* The 145, or 37 per cent. of the whole, had the following Sentences :—

10 Days,	2
14 ,,	24
20 ,,	1
21 ,,	12
30 ,, and One Month,	106
	145

SENTENCES.

Days. 3	Days. 4	Days. 5	Days. 7	Days. 8	Days. 10	Days. 14	Days. 15	Days. 20	Days. 21	Days. 30	Days. 40	Days. 42	Days. 60	
4	4	11	44	5	11	70	1	3	21	128	6	...	18	
Months 3	Months 4	Months 5	Months 6	Months 8	Months 9	Months 10	Months 12	Months 15	Months 18	Years. 2	Years. 5	Untried.		Total.
10	10	3	11	1	15	2	6	1	2	1	1	14		393

AGES.

Years. 14	Years. 15	Years. 16	Years. 17	Years. 18	Years. 19	Years. 20	Years. 21	Years. 22	Years. 23	Years. 24	Years. 25	Years. 26	
1	2	6	7	5	11	9	19	19	28	16	16	22	
Years. 27	Years. 28	Years. 29	Years. 30	Years. 31	Years. 32	Years. 33	Years. 34	Years. 35	Years. 36	Years. 37	Years. 38	Years. 39	
18	22	18	24	5	13	11	5	6	6	7	13	7	
Years. 40	Years. 41	Years. 42	Years. 43	Years. 44	Years. 45	Years. 46	Years. 47	Years. 48	Years. 49	Years. 50	Years. 51	Years. 52	
17	1	8	4	2	5	4	5	1	3	8	5	1	
Years. 54	Years. 55	Years. 56	Years. 57	Years. 60	Years. 62	Years. 63	Years. 64	Years. 65	Years. 77				Total.
2	1	1	1	2	1	1	2	1	1				393

J. F. MILLER, *Matron.*

APPENDIX LI.

ANALYSIS of the Offences of which Female Habitual Offenders in Glasgow Prison were convicted during 1893.

No.	Initials.	Number of Times in Prison.	Whereof for								No.	Initials.	Number of Times in Prison.	Whereof for							
			Breach of Peace, &c.	Drunk, &c.	Begging.	Importuning.	Petty Theft.	Fraud.	Theft.	(Other Offences.)				Breach of Peace, &c.	Drunk, &c.	Begging.	Importuning.	Petty Theft.	Fraud.	Theft.	(Other Offences.)
1	R. A.	7	1	4	...	1	...	...	...	1	43	J. S.	6	...	4	...	2	...	...	...	...
2	E. B.	6	...	1	...	5	...	...	...	...	44	A. S.	6	...	5	...	1	...	...	...	...
3	E. B.	6	...	3	...	3	...	...	...	...	45	M. S.	7	...	4	...	2	...	...	...	1
4	M. B.	7	...	6	...	...	...	...	...	1	46	S. S.	6	2	1	...	3	...	...	...	...
5	C. B.	6	...	6	...	...	...	...	...	...	47	M. S.	6	...	6	...	..	...	...	...	...
6	C. B.	7	...	2	...	4	...	...	...	1	48	J. S.	6	1	3	...	2	...	...	...	...
7	L. C.	6	...	6	...	...	...	...	...	...	49	A. S.	6	1	5	...	...	...	...	...	...
8	E. C.	6	...	6	...	...	...	...	...	...	50	A. S.	7	1	5	...	...	...	...	...	1
9	E. C.	6	1	3	...	2	...	...	...	...	51	C. T.	6	...	6	...	...	...	...	...	...
10	A. C.	7	...	5	...	1	...	...	...	1	52	M. T.	6	...	2	...	4	...	...	...	...
11	N. C.	8	6	...	...	...	...	...	...	2	53	MT.	6	2	4	...	...	...	...	...	...
12	C. C.	7	...	6	...	...	...	...	...	1	54	M. W.	6	...	3	...	3	...	...	...	...
13	N. C.	7	...	5	...	1	...	...	1	...	55	M. W.	7	1	1	...	4	...	...	1	...
14	M. D.	6	2	4	...	...	...	...	...	...	56	C. M'C.	6	...	6	...	...	...	...	...	...
15	M. E.	6	...	1	...	5	...	...	...	...	57	C. M'C.	6	...	2	...	4	...	...	...	...
16	C. F.	7	...	6	...	...	...	...	...	1	58	J. M'D.	6	5	1	...	...	...	...	...	...
17	A. F.	7	...	3	...	3	...	...	...	1	59	M. M'D.	7	...	5	...	1	...	...	1	...
18	J. F.	6	...	6	...	...	...	...	...	...	60	A. M'D.	6	...	1	...	5	...	...	...	...
19	S. G.	6	3	3	...	...	...	...	...	...	61	A. M'E.	6	...	6	...	...	...	...	...	...
20	M. G.	6	...	4	...	2	...	...	...	...	62	M. M'G.	6	1	4	...	1	...	...	...	...
21	M. G.	6	1	2	...	3	...	...	...	...	63	F. M'I.	6	...	6	...	...	...	...	...	...
22	A. G	6	...	5	...	1	...	...	...	...	64	A. M'I.	7	...	4	...	2	...	...	1	...
23	M. G.	6	...	3	...	3	...	...	...	...	65	M. M'L.	6	...	6	...	...	...	...	...	...
24	S. G.	6	...	6	...	...	...	...	...	...	66	M. M'L.	7	...	4	...	2	...	...	1	...
25	M. G.	6	...	3	...	3	...	..	...	...	67	M. B.	8	...	1	...	6	...	...	...	1
26	M. G.	6	1	5	...	...	...	...	...	...	68	M. C.	7	...	6	...	1	...	...	...	...
27	J. G.	6	...	6	...	...	...	...	...	...	69	H. C.	7	...	5	...	2	...	...	...	...
28	A. H.	7	...	6	...	...	...	...	...	1	70	M. C.	7	...	7	...	...	...	...	...	...
29	J. H.	6	...	6	...	...	...	...	...	...	71	E. C.	7	...	1	...	6	...	...	...	...
30	C. H.	6	...	6	...	...	...	...	...	...	72	S. C.	8	...	7	...	...	...	...	1	...
31	A. H.	6	...	5	...	1	...	...	...	...	73	M. D.	8	...	6	...	1	...	...	...	1
32	M. M.	6	2	4	...	...	...	...	...	...	74	A. D.	7	...	4	...	3	...	...	...	...
33	C. M.	6	...	6	...	...	...	...	...	...	75	J. D.	8	3	3	...	1	...	...	1	...
34	M. M.	6	...	3	...	3	...	...	...	...	76	H. F.	7	...	7	...	...	...	...	...	...
35	M. M.	6	...	5	...	1	...	...	...	...	77	M. F.	8	...	6	...	1	...	...	...	1
36	M. M.	6	...	6	...	...	...	...	...	...	78	M. G.	7	1	6	...	...	...	...	...	...
37	E. M.	7	1	3	...	2	...	...	...	1	79	M. H.	7	...	7	...	...	...	...	...	...
38	C. P.	7	...	5	...	1	...	...	1	...	80	M. H.	7	...	3	...	4	...	...	...	...
39	A. R.	7	...	5	...	1	...	...	...	1	81	M. K.	7	1	2	...	4	...	...	...	...
40	M. R.	6	...	6	...	...	...	...	...	...	82	M. K.	9	...	7	...	...	...	...	2	...
41	E. R.	6	...	2	...	4	...	...	...	...	83	S. M.	7	...	6	...	1	...	...	...	...
42	E. R.	6	...	6	...	...	...	...	...	...	84	J. M.	7	...	2	...	5	...	...	...	...
		266	18	184	-	50	-	-	2	12			283	19	180	-	71	-	-	8	5

APPENDIX LI.—*continued.*

ANALYSIS of the Offences of which Female Habitual Offenders in Glasgow Prison were convicted during 1893.

No.	Initials.	Number of Times in Prison.	Whereof for								No.	Initials.	Number of Times in Prison.	Whereof for							
			Breach of Peace, &c.	Drunk, &c.	Begging.	Importuning.	Petty Theft.	Fraud.	Theft.	(Other Offences).				Breach of Peace, &c.	Drunk, &c.	Begging.	Importuning.	Petty Theft.	Fraud.	Theft.	(Other Offences.)
85	R. M.	8	...	7	...	...	...	...	..	1	132	E. S.	9	..	8	..	..	.	.	1	..
86	H. O.	7	...	2	...	5	..	.	...		133	A. S.	8	1	3	..	1	.	.	.	
87	M. Q.	7	...	2	...	5	..	...	.		134	C. T.	8	.	2	..	6	.	.	.	.
88	M. R.	7	...	7	..	...	.	.	...	.	135	A. M'C.	10	.	8	.	.	.	.	.	2
89	J. S.	7	...	1	...	6	...	...	...	...	136	C. M'C.	8	.	3	.	5	.	.	.	
90	J. S.	7	...	2	...	4	1	...	...	...	137	H. M'D.	8	1	5	.	2	.	.	.	.
91	E. S.	8	1	4	...	2	...	...	...	1	138	C. M'D.	8	.	5	.	3	..	.	.	
92	M. S.	7	...	1	...	5	1	...	...	...	139	M. M'E.	8	1	6	.	1	.	.	.	
93	M. U.	7	2	3	...	2	...	...	...	...	140	S. M'I.	9	.	2	.	6	.	.	.	1
94	C. W.	7	...	3	...	4	...	...	...	...	141	H. M'K.	8	..	8	.	.	1	.	.	
95	H. W.	8	...	4	...	3	...	...	...	1	142	E. M'N.	8	.	5	.	3	.	.	.	
96	C. Y.	7	...	4	...	3	...	...	...	...	143	S. M'N.	8	...	8	...	...	1	.	.	
97	M. M'C.	7	...	7	...	...	...	...	..	...	144	M. M'P.	9	.	5	.	3	.	.	.	1
98	M. M'D.	8	6	1	...	...	...	...	...	1	145	J. A.	9	.	6	.	3	.	.	.	.
99	M. M'F.	8	...	6	...	1	...	...	...	1	146	C. A.	9	.	8	.	1	.	.	.	
100	A. M'G.	10	...	6	...	1	...	...	..	3	147	A. C.	9	.	4	.	5	...	.	.	
101	S. M'G.	7	...	5	...	2	...	...	...	...	148	C. D.	9	...	9	.	.	.	.	.	
102	M. M'G.	7	1	6	...	...	...	...	...	...	149	M. D.	9	..	6	...	3	.	.	.	
103	J. M'L.	7	1	5	...	1	...	...	...	...	150	M. D.	10	. .	7	..	2	.	.	1	
104	C. M'L.	7	...	2	...	1	1	..	.	...	151	M. G.	9	.	9	.	.	.	.	.	.
105	A. M'L.	7	...	4	...	3	..	..	..	..	152	M. H.	11	.	9	...	.	.	.	2	...
106	R. M'L.	7	...	6	...	1	...	..	..	.	153	A. M.	9	.	9	.	..	.	.	.	.
107	M. M'M.	7	7	...	...	...	...	...	...	.	154	A. M.	11	.	8	.	1	.	.	2	.
108	J. A.	8	...	4	...	4	...	...	...	...	155	A. M.	9	.	9	..	..	.	.	...	
109	J. B.	8	...	4	...	3	.	..	1	..	156	M. M.	10	1	5	.	3	.	.	1	
110	B. B.	8	...	7	...	1	...	.	..		157	S. P.	9	.	9					.	
111	C. B.	8	1	1	...	6	...	...	...	...	158	C. P.	9	...	6	...	3			.	
112	M. C.	9	...	8	...	...	...	...	...	1	159	E. T.	9	...	4	...	5			.	
113	S. C.	9	...	6	...	2	...	...	...	1	160	J. Y.	10	...	8	...	1			..	1
114	M. D.	8	7	...	...	...	1	...	...	...	161	C. M'A.	9	...	6	...	3				
115	J. D.	8	1	5	...	2	...	...	...	...	162	A. M'G.	9	...	6	...	3				
116	A. G.	8	6	2	...	...	...	...	...	...	163	M. M'L.	9	...	3	...	5	1			
117	C. G.	8	3	2	...	3	...	...	...	...	164	M. M'P.	9	...	5	...	4				
118	M. G.	8	...	4	...	4	...	...	...	...	165	S. B.	11	...	5	...	5				1
119	M. G.	8	...	6	...	2	...	...	...	...	166	M. B.	11	1	7	...	2				1
120	A. H.	8	1	1	...	6	...	...	...	...	167	J. C.	11	3	4	...	3				1
121	E. J.	8	1	7	...	...	...	...	...	...	168	A. E.	10	...	6	...	4				
122	H. K.	8	...	8	...	...	...	...	...	...	169	A. F.	10	...	5	...	5				
123	M. K.	8	1	7	...	...	...	...	...	...	170	A. F.	12	...	7	...	3				2
124	S. K.	8	...	5	..	3					171	M. G.	10		9						
125	J. O.	8	...	4	..	4					172	A. L.	11		5		5			1	
126	E. R.	9	1	7	..	..	..	.	1	..	173	. M.	13		4		8				
127	J. R.	8	...	2	..	5	1		..	..	174	. .	13	1	3						
128	R. S.	8	...	6		2	.			..	175	A. S.	11		4		6				1
129	E. S.	8	...	6		2					176	A. S.	11		10						
130	E. S.	9	...	2		7		.	1		177	J. S.			7						
131	M. S.	8	...	4		4	..				178	A. S.	17		14						
Total		963	40	195		11	3		1											2	11

APPENDIX LI.—*continued.*

Analysis of the Offences of which Female Habitual Offenders in Glasgow Prison were convicted during 1893.

No.	Initials.	Number of Times in Prison.	Whereof for								No.	Initials.	Number of Times in Prison.	Whereof for							
			Breach of Peace, &c.	Drunk, &c.	Begging.	Importuning.	Petty Theft.	Fraud.	Theft.	(Other Offences.)				Breach of Peace, &c.	Drunk, &c.	Begging.	Importuning.	Petty Theft.	Fraud.	Theft.	(Other Offences.)
179	S. M'G.	10	...	2	...	8	...	...	...	...	210	M. M'T.	12	...	9	...	3	...	...	...	...
180	M. M'K.	11	2	4	...	4	...	...	1	...	211	B. M'K.	12	1	11	...	...	...	...	...	...
181	M. M'L.	12	...	2	...	8	...	...	...	2	212	J. M'L.	13	...	11	...	1	...	...	...	1
182	A. M'M.	10	...	10	...	...	...	...	...	...	213	J. M'M.	13	4	7	...	...	1	...	...	1
183	J. M'P.	11	...	9	...	1	...	...	...	1	214	M. M.	15	2	8	...	3	...	...	...	2
184	M. M'V.	10	1	4	...	5	...	...	...	...	215	C. Y.	13	...	9	...	4	...	...	...	...
185	M. B.	13	2	9	...	...	...	...	1	1	216	C. M'D.	13	...	9	...	4	...	...	...	...
186	M. B.	12	...	11	...	...	...	...	...	1	217	R. F.	15	1	7	...	6	...	...	...	1
187	B. F.	11	...	7	...	4	...	...	...	...	218	S. H.	14	...	14	...	...	...	...	...	...
188	M. G.	12	1	3	...	7	...	...	1	...	219	B. M.	14	3	4	...	6	1	...	...	...
189	M. G.	11	...	11	...	...	...	...	...	...	220	M. D.	15	...	15	...	...	...	...	...	...
190	J. L.	11	...	4	...	7	...	...	...	...	221	C. F.	15	1	14	...	...	...	...	...	...
191	M. L.	11	...	5	...	6	...	...	...	...	222	M. F.	15	5	10	...	...	...	...	...	...
192	M. M.	11	...	11	...	...	...	...	...	...	223	M. W.	15	1	10	...	4	...	...	...	...
193	M. M.	11	...	10	...	1	...	...	...	...	224	M. B.	16	...	13	...	3	...	...	...	...
194	H. O.	11	...	8	...	3	...	...	...	...	225	J. D.	16	...	16	...	...	...	...	...	...
195	M. S.	12	6	2	...	3	...	...	...	1	226	E. G.	16	...	16	...	...	...	...	...	...
196	C. S.	12	...	5	...	6	...	...	...	1	227	J. M.	16	...	16	...	...	...	...	...	...
197	A. M'D.	12	...	9	...	2	...	...	...	1	228	H. S.	16	...	10	...	6	...	...	...	...
198	M. M'L.	11	...	6	...	5	...	...	...	...	229	E. M'K.	17	8	4	...	5	...	...	...	...
199	H. M'L.	12	...	9	...	2	...	...	...	1	230	M. G.	17	...	17	...	...	...	...	...	...
200	M. M'L.	11	...	11	...	...	...	...	...	...	231	M. H.	18	...	17	...	...	...	...	1	...
201	E. B.	12	...	11	...	1	...	...	...	...	232	L. S.	17	...	15	...	2	...	...	...	...
202	B. C.	12	...	5	1	6	...	...	...	...	233	M. B.	19	3	9	...	7	...	...	...	...
203	M. G.	12	1	8	...	3	...	...	...	...	234	M. C.	19	...	17	...	2	...	...	...	...
204	E. H.	13	...	11	...	1	...	...	...	1	235	H. J.	19	2	17	...	...	...	...	...	...
205	M. J.	12	...	12	...	...	...	...	...	...	236	J. M'D.	19	...	14	...	5	...	...	...	...
206	C. R.	12	...	8	...	4	...	...	...	...	237	C. M'G.	19	...	18	...	...	1	...	...	...
207	M. S.	13	4	7	...	...	1	...	1	...	238	E. A.	20	...	18	...	2	...	...	...	...
208	M. Y.	12	...	9	...	3	...	...	...	...			458	31	355	...	63	3	...	1	5
209	A. M'C.	12	...	8	...	4	...	...	...	...	Total Offences of the 238 females, and per centage of each offence,		2173	134	1438	1	511	10	...	26	53
		358	17	231	1	94	1	...	4	10			...	6 %	66 %	...	23 %		1 %		2 %

APPENDIX LII.

CITY OF DUNDEE.

ABSTRACT of particulars *re* Habitual Offenders dealt with in Table C of printed Return required by the Departmental Committee on Habitual Offenders, &c., *i.e.*, persons apprehended or cited above four times during 1893, whose cases were dealt with before the Dundee City Police Court.

No.	Males.	Age.	Breach of the Peace and Petty Assaults.	Drunk and Disorderly, and Drunk and Incapable.	Begging and Vagrancy.	Importuning or Prostitution.	Petty Thefts punished by 14 days and under.	Total appearances during 1893.	Total appearances for all kinds of Crimes and Offences known to Dundee City Police.
1	J. B. B.	59	5	1	–	–	–	6	39
2	A. M.	35	2	4	–	–	–	6	16
3	J. M'G.	21	4	1	–	–	–	5	17
	Females.								
1	E. H.	20	–	–	–	4	2	6	13
2	M. S.	22	2	1	–	2	–	5	12
3	C. H.	28	1	3	–	1	–	5	12
4	J. B.	37	–	1	–	4	–	5	15
5	J. M.	27	5	2	–	–	–	7	17
6	M. C.	22	2	2	–	3	–	7	14
7	H. N. M'C.	35	–	5	–	2	–	7	16
8	S. W.	22	3	–	–	3	–	6	15
9	M. D.	22	1	3	–	5	–	9	13
10	M. A. Y. W.	43	6	2	–	2	–	10	14
11	J. W. M'K.	32	5	–	–	–	1	6	11
12	J. T.	32	4	2	–	3	–	9	93
13	M. P.	24	3	2	–	1	–	6	17
14	B. M.	50	–	9	–	4	–	13	54
15	M. L. H.	45	2	3	–	–	–	5	30
16	M. B.	36	2	4	–	–	–	6	14
17	E. R.	43	1	1	–	5	–	7	24
18	R. A. T.	21	4	2	–	4	–	10	16
19	A. M. L.	34	5	–	–	–	–	5	27
20	E. S.	24	4	–	–	2	–	6	15
21	E. D.	33	1	–	–	4	–	5	43
22	B. O.	20	6	–	–	1	–	7	17
23	M. K.	20	12	1	–	1	1	15	30
24	A. R.	36	1	3	–	2	–	6	17
25	J. B. M'L.	45	3	–	–	2	–	5	80
26	A. S.	35	10	1	–	–	–	11	24
27	C. H.	47	–	5	–	–	–	5	24
28	H. M'K.	22	1	1	–	3	–	5	19
29	M. C. C.	49	4	1	–	–	–	5	48
30	M. N.	24	1	–	–	5	–	6	15
31	J. M.	44	–	–	–	10	–	10	28
32	C. D.	27	2	–	–	4	–	6	18
33	M. Y. M'K.	34	1	5	–	–	–	3	17
34	H. M.	25	–	–	–	5	–	5	16
35	M. N. C.	49	1	5	–	–	–	6	25
36	G. B.	31	2	4	–	2	–	8	22
37	E. G.	24	7	6	–	4	–	17	40
38	R. A. M'G. F.	34	1	4	–	6	–	11	61
39	R. A. G.	44	4	2	–	1	–	7	44
40	A. D. S.	23	4	6	–	2	–	12	25
41	J. S. W.	53	1	10	–	–	–	11	58
42	J. B.	20	1	3	–	3	–	7	22
43	H. R.	32	4	2	–	–	–	6	75
44	A. L. M.	52	4	1	–	–	–	5	154
45	H. C.	41	2	2	–	6	–	10	35
46	M. S. P.	33	1	3	–	3	–	7	9
47	M. A. W. A.	26	5	–	–	–	–	5	14
48	M. S.	22	1	–	–	4	–	5	7
49	A. M'K.	21	2	–	–	4	–	6	8
50	E. C. G.	53	5	6	–	–	–	11	132
51	J. C. S.	38	12	2	–	–	–	14	86
52	M. A. M'A. M'G.	21	1	1	–	4	–	6	19
53	M. W. M'D.	64	–	5	–	–	–	5	24
54	M. T.	26	–	2	–	3	–	5	18
55	H. M'K.	22	4	2	–	6	–	12	46
56	M. T.	24	1	3	–	3	1	8	22
57	A. M'M.	24	7	4	–	5	–	16	28
58	M. O'B.	23	7	–	–	1	–	8	40
59	C. R.	26	1	1	–	6	–	8	27
60	J. J.	22	3	5	–	1	–	9	37
61	C. D.	22	2	–	–	3	–	5	19
62	A. G.	33	2	3	–	1	–	6	57
63	T. C.	19	2	1	–	5	–	8	28
64	M. A. C.	32	6	–	–	2	–	8	60
65	M. A. C. M.	36	4	2	–	–	–	6	15
66	A. J.	28	1	1	–	3	–	5	23
67	M. M'K.	28	4	1	–	–	–	5	27
68	H. P. D.	22	4	3	–	1	–	8	43
69	M. A. G.	23	4	2	–	1	–	7	24
70	M. K.	23	6	2	–	–	–	8	26
71	M. A. M.	34	4	1	–		–	6	28
72	M. A. S.	32	3	2	–		–	6	141
73	M. M'D.	24	2	4	–			8	40
74	E. C.	25	1	4	–		–	7	26
75	M. H	30	5	1	1		–	7	60
76	M. H B.	33		5	–		–	11	69
77	M H	31	5	–	–		–	5	63
78	J. M'G. B.	42	1	1	5	–	–	5	22
79	B. T.	27	3	3	–	1	–	7	47
	Total Offences of the 79 females, and percentage of each offence,	...	238	171	4	169	5	590	...
		...	40%	30%	6%	28%	...	...	...

D. DEWAR, *Chief Constable.*

APPENDIX LIII.

ANALYSIS of the Offences of Males apprehended in Edinburgh upwards of Four times in 1893.

Consecutive No.	Age.	Breach of Peace and Assault.	Incapable.	Begging.	Theft.	Total.	Consecutive No.	Age.	Breach of Peace and Assault.	Incapable.	Begging.	Theft.	Total.
1	61	5	...	...	...	5	27	37	8	2	...	...	10
2	39	5	...	...	...	5	28	24	5	...	...	...	5
3	48	6	1	2	...	9	29	34	4	2	2	...	8
4	38	7	...	...	...	7	30	37	5	...	...	...	5
5	38	6	4	...	...	10	31	71	...	1	5	...	6
6	48	...	3	2	...	5	32	36	4	1	...	...	5
7	34	4	3	...	...	7	33	24	5	...	...	...	5
8	58	...	5	...	...	5	34	32	...	5	...	...	5
9	41	3	...	...	3	6	35	44	4	4	1	...	9
10	32	5	...	...	...	5	36	36	1	4	...	...	5
11	26	6	...	...	...	6	37	29	6	...	...	1	7
12	31	5	...	...	...	5	38	20	5	...	...	...	5
13	29	2	5	...	1	8	39	18	4	...	...	1	5
14	43	3	...	2	...	5	40	30	4	2	...	...	6
15	39	2	...	2	3	7	41	30	...	5	...	...	5
16	31	5	...	...	...	5	42	56	...	...	5	...	5
17	33	3	1	...	1	5	43	53	1	5	...	...	6
18	38	5	...	...	...	5	44	28	7	...	...	...	7
19	33	...	7	...	...	7	45	24	2	4	...	...	6
20	26	5	...	...	...	5	46	18	3	...	...	5	8
21	28	8	...	...	...	8							
22	48	5	...	...	...	5							
23	43	7	1	...	...	8	Total Offences of		182	65	21	17	285
24	38	6	...	...	1	7	the 46 males,						
25	33	5	...	...	...	5	and per centage		64 %	22 %	7 %	6 %	...
26	27	6	...	...	1	7	of each offence,						

ANALYSIS of the Offences of Females apprehended in Edinburgh upwards of Four times in 1893.

Consecutive No.	Age.	Breach of Peace and Assault.	Incapable.	Begging.	Prostitution.	Theft.	Total.	Consecutive No.	Age.	Breach of Peace and Assault.	Incapable.	Begging.	Prostitution.	Theft.	Total.
1	39	3	3	...	1	...	7	41	36	6	...	...	...	...	6
2	51	5	1	...	...	...	6	42	26	3	1	...	1	...	5
3	51	7	...	...	...	...	7	43	32	3	...	...	2	...	5
4	54	5	...	...	...	...	5	44	44	4	2	...	...	2	8
5	32	1	10	...	...	...	11	45	37	2	1	...	3	...	6
6	32	...	4	...	1	...	5	46	26	7	3	...	...	...	10
7	40	3	4	...	1	...	8	47	27	6	2	...	3	...	11
8	32	3	1	...	1	...	5	48	29	8	...	...	10	...	18
9	33	6	...	...	6	1	13	49	28	5	2	...	...	...	7
10	32	13	7	...	...	...	20	50	27	4	...	...	1	...	5
11	56	1	4	...	...	...	5	51	47	...	3	...	10	...	13
12	36	4	1	...	2	...	7	52	47	...	3	...	...	2	5
13	36	3	...	...	4	1	8	53	29	3	...	...	3	...	6
14	37	6	4	...	...	...	10	54	28	4	2	...	2	...	8
15	70	3	...	...	...	3	6	55	43	5	5	...	...	4	14
16	34	...	...	...	1	4	5	56	28	2	6	...	3	...	11
17	48	4	2	...	8	...	14	57	28	2	4	...	2	...	8
18	34	6	...	...	...	...	6	58	25	5	4	...	...	...	9
19	38	15	1	...	...	...	16	59	24	1	5	...	1	1	8
20	58	1	3	1	...	...	5	60	28	13	8	...	1	...	22
21	40	1	2	...	3	...	6	61	36	...	...	...	5	...	5
22	34	1	3	...	...	2	6	62	29	3	...	...	5	1	9
23	31	2	4	...	2	...	8	63	34	...	4	...	1	...	5
24	40	5	5	...	...	...	10	64	26	17	1	...	2	2	22
25	53	...	6	1	...	...	7	65	25	3	1	...	1	...	5
26	40	6	1	...	...	1	8	66	28	1	...	...	6	...	7
27	30	3	...	...	...	2	5	67	27	1	1	...	3	...	5
28	37	...	2	...	5	...	7	68	31	3	...	2	...	...	5
29	33	1	2	...	3	...	6	69	30	5	7	...	1	...	13
30	33	3	1	...	2	...	6	70	24	3	2	...	...	...	5
31	28	4	...	...	1	1	6	71	26	2	3	...	...	...	5
32	34	10	3	...	1	...	14	72	24	2	3	...	1	...	6
33	35	3	2	...	7	...	12	73	25	15	7	...	1	...	23
34	37	...	5	...	...	4	9	74	25	4	2	...	2	...	8
35	38	2	3	...	...	2	7	75	27	5	...	...	1	...	6
36	37	...	3	...	4	...	7	76	26	2	2	...	8	...	12
37	40	8	...	...	...	...	8	77	24	5	...	...	1	...	6
38	34	1	...	...	5	...	6	78	34	5	...	...	3	...	8
39	32	...	5	...	2	...	7	79	35	1	3	...	1	...	5
40	39	1	1	...	8	1	11	80	24	2	4	...	2	...	8

APPENDIX LIII—*continued.*

ANALYSIS of the Offences of Females apprehended in Edinburgh upwards of Four times in 1893—*continued.*

Consecutive No.	Age.	Breach of Peace and Assault.	Incapable.	Begging.	Prostitution.	Theft.	Total.	Consecutive No.	Age.	Breach of Peace and Assault.	Incapable.	Begging.	Prostitution.	Theft.	Total.
81	28	6	3	...	4	...	13	113	23	2	4	..	...	...	6
82	33	5	7	...	1	...	13	114	26	1	7	...	6	3	17
83	35	3	1	...	4	...	8	115	26	...	6	...	3	...	9
84	31	1	1	...	3	...	5	116	28	2	1	...	5	...	8
85	36	6	1	...	...	...	7	117	24	3	4	...	1	...	8
86	32	4	1	...	1	1	7	118	22	6	...	...	1	...	7
87	25	1	2	...	2	...	5	119	70	...	5	1	...	...	6
88	43	8	...	...	...	...	8	120	56	4	1	...	...	...	5
89	23	3	...	...	2	...	5	121	19	...	4	...	1	...	5
90	23	3	4	...	...	...	7	122	60	2	3	...	...	...	5
91	26	6	...	...	1	...	7	123	40	...	3	1	1	1	6
92	30	1	1	...	3	...	5	124	38	1	4	...	...	...	5
93	25	1	4	...	1	...	6	125	23	4	...	...	...	1	5
94	23	...	3	...	3	...	6	126	30	...	...	...	5	...	5
95	29	7	...	...	...	...	7	127	33	3	2	...	...	...	5
96	23	2	1	...	3	1	7	128	20	3	1	...	1	...	5
97	27	1	4	...	3	...	8	129	18	7	2	...	...	...	9
98	23	4	1	...	9	...	14	130	17	5	1	...	...	...	6
99	30	2	2	...	3	...	7	131	17	4	2	...	...	...	6
100	27	1	1	...	3	...	5	132	17	6	1	...	...	...	7
101	19	4	1	...	1	2	8	133	18	5	...	...	...	..	5
102	25	3	4	...	4	...	11	134	25	4	...	...	2	...	6
103	34	6	3	...	1	...	10	135	23	5	1	...	...	1	7
104	22	4	...	...	4	1	9	136	39	6	1	...	...	...	7
105	25	3	5	...	...	...	8	137	34	7	1	...	...	1	9
106	26	4	5	...	6	...	15	138	36	...	7	...	...	...	7
107	25	7	...	...	5	...	12								
108	20	3	3	...	2	...	8								
109	21	...	10	...	...	...	10	Total offences of		489	320	6	260	46	1121
110	26	3	2	...	1	...	6	the 138 females,							
111	31	2	...	...	5	...	7	and per centage		43 %	28 %	·5 %	23 %	4 %	...
112	23	3	5	...	5	...	13	of each offence,							

WILLIAM HENDERSON,
Chief Constable.

APPENDIX LIIIA.

AMOUNT of Money paid for Liberation of Prisoners after Reception in Prison, for the year ending 31st March 1895.

	Sheriff Courts.	Police Courts.	Justice of Peace Courts.
	£ s. d.	£ s. d.	£ s. d.
Glasgow,	99 10 0	918 5 4	...
Barlinnie,	36 18 10	921 4 6	50 5 0
Edinburgh,	86 12 6	147 4 6	8 10 0
Aberdeen,	16 6 6	164 6 0	...
Ayr	68 5 0	36 15 0	15 18 6
Greenock,	8 10 0	193 7 0	0 12 6
Perth	54 9 9	67 18 0	...
Dundee,	50 17 6	233 5 6	10 15 0
Total,	421 10 1	2,682 5 10	86 1 0

APPENDIX LIV.

TABLE showing Particulars of Accommodation for Casual Sick Poor in Scotland at 1st January 1895.

COUNTY AND DISTRICT.	Number of Parishes.	Number of Parishes having Accommodation in					Number of Parishes having no Casual Sick Poor Accommodation.
		Casual Sick House.	Room.	Common Lodging House.	Poorhouse.	Local Hospital.	
NORTHERN HIGHLAND DISTRICT.							
Banff,	23	2	2	1	...	...	18
Elgin,	19	1	1	1	2	3	11
Nairn,	4	...	...	...	2	...	2
Inverness,	32	4	2	1	3	...	22
Ross,	33	1	4	1	4	...	23
Sutherland,	13	2	2	...	1	...	8
Caithness,	10	2	3	...	...	...	5
Orkney,	24	4	...	...	1	1	18
Shetland,	14	...	...	...	2	...	12
Total,	*172	16	14	4	15	4	119
SOUTHERN HIGHLAND DISTRICT.							
Aberdeen,	83	16	19	3	...	1	†44
Argyll,	38	...	7	...	...	...	†31
Bute,	6	...	...	...	...	...	†6
Dumbarton,	12	1	2	...	...	...	†9
Forfar,	53	6	4	1	...	1	†41
Kincardine,	19	1	4	...	...	...	†14
Perth,	71	3	13	8	...	1	†46
Total,	282	27	49	12	...	3	†191
SOUTH-EASTERN DISTRICT.							
Berwick,	32	14	5	2	...	1	10
Clackmannan,	5	1	1	2	...	...	1
Edinburgh,	30	7	7	1	9	...	6
Fife,	63	9	9	...	6	1	38
Haddington,	24	6	1	...	1	2	14
Kinross,	5	3	1	...	...	...	1
Linlithgow,	13	2	1	1	1	...	8
Peebles,	14	3	4	...	4	...	3
Roxburgh,	31	5	7	...	3	...	16
Selkirk,	6	‡2	1	...	...	...	3
Stirling,	23	3	3	1	1	1	14
Total,	246	55	40	7	25	5	114
SOUTH-WESTERN DISTRICT.							
Ayr,	46	3	5	4	6	4	24
Dumfries,	43	19	12	...	1	...	11
Kirkcudbright,	28	3	6	1	3	1	14

W. DONALDSON, Secy.

APPENDIX LV.

PRISONS, SCOTLAND.

COMMITMENTS AND RECOMMITMENTS—1864–1893.

Year.	Commitments, less Transfers.			Recommitments within the Year.			Percentage Recommitted.		
	M.	F.	Total.	M.	F.	Total.	M.	F.	Tot.
1864,	14,822	10,006	24,828	3,058	4,234	7,292	21	42	29
1865,	15,133	9,882	25,015	3,411	3,861	7,272	23	39	29
1866,	15,051	10,055	25,106	3,345	3,941	7,286	22	39	29
1867,	15,817	9,909	25,726	3,542	3,552	7,094	22	36	28
1868,	16,471	10,372	26,843	3,564	3,794	7,356	22	37	27
1869,	16,954	10,206	27,160	3,681	4,849	8,530	22	48	31
1870,	17,607	11,243	28,850	4,093	5,984	10,077	23	53	35
1871,	16,939	10,957	27,896	4,027	5,746	9,773	24	52	35
1872,	19,055	12,672	31,727	4,285	6,543	10,828	22	52	34
1873,	20,659	12,160	32,819	4,387	5,182	9,569	21	43	29
Decennial Average,	16,851	10,746	27,597	3,739	4,769	8,508	22	44	31
1874,	22,901	13,224	36,125	4,866	5,629	10,495	21	43	29
*1875,	26,787	16,606	43,393	*6,946	*9,457	*16,403	26	57	38
1876,	27,448	16,420	43,868	6,863	7,771	14,634	25	47	33
1877,	28,987	17,183	46,170	7,120	8,488	15,608	25	49	34
1878,	30,411	18,335	48,746	6,834	8,495	15,329	22	46	31
1879,	28,484	16,491	44,975	4,914	7,777	12,691	17	47	28
1880,	31,746	19,045	50,791	5,239	7,672	12,911	17	40	25
1881,	30,750	17,094	47,844	7,020	7,236	14,256	23	42	30
1882,	31,579	16,927	48,506	6,019	7,174	13,193	19	45	27
1883,	31,479	17,441	48,920	6,136	7,814	13,950	19	45	29
Decennial Average,	29,057	16,877	45,934	6,196	7,751	13,947	21	46	30
Increase per cent. on Average for 1864–73,	72	57	66	66	63	64	...	...	...
1884,	32,958	18,515	51,473	6,433	7,872	14,305	20	43	28
1885,	29,475	16,758	46,233	5,295	7,166	12,461	18	43	27
1886,	28,641	16,942	45,583	5,648	7,364	13,012	20	43	29
1887,	28,895	15,213	46,108	4,678	7,713	12,391	16	45	27
1888,	30,321	17,294	47,615	5,167	7,784	12,951	17	45	27
1889,	29,032	17,867	46,899	5,781	8,060	13,841	20	45	30
1890,	30,574	18,015	48,589	7,009	7,733	14,742	23	43	30
1891,	30,560	17,944	48,504	6,537	7,766	14,303	21	43	29
1892,	30,874	17,857	48,731	6,800	7,430	14,230	22	42	29
1893,	32,088	18,660	50,748	7,005	8,250	15,255	22	44	30
Decennial Average,	30,342	17,706	48,048	6,035	7,714	13,749	20	44	29
Increase per cent. on Average for 1874–83,	4	5	5	(Decrease per cent. 3	...	1	...	...	...

* Year 1875. In Glasgow Prison alone there were 2000 Males and 3800 Females recommitted over previous year.

WM. DONALDSON, *Secy.*

APPENDIX LVI.

SCOTTISH PRISONS.

Juveniles under Twelve Years of Age committed to Prisons and Legalised Police Cells in the Years 1883, 1888, and 1893.

Prisons and Police Cells.	1883.			1888.			1893.		
Prisons.	M.	F.	Tot.	M.	F.	Tot.	M.	F.	Tot.
Aberdeen,	8	...	8	6	...	6	4	...	4
Ayr,	1	...	1	7	...	7	1	...	1
Barlinnie,	...	...	...	11	...	11	...	...	...
Dundee,	10	...	10	13	...	13	4	1	5
Edinburgh,	10	...	10	23	3	26	14	...	14
Glasgow,	61	3	64	25	2	27	10	1	11
Greenock,	4	...	4	3	...	3	7	...	7
Inverness,	4	...	4	6	1	7	3	...	3
Kirkwall,	1	...	1	...	...	...	...	...	...
Lerwick,	...	...	...	...	...	...	...	...	...
Maxwelltown,	6	...	6	6	...	6	1	...	1
Perth General,	...	...	...	2	...	2	...	...	...
Stornoway,	...	...	...	2	...	2	1	...	1
Prisons now closed.									
Cupar,	4	...	4	...	...	...	...	...	...
Dingwall,	4	...	4	...	...	...	...	...	...
Dumbarton,	4	...	4	...	...	...	...	...	...
Elgin,	1	1	2	...	...	...	...	...	...
Haddington,	1	...	1	...	...	...	...	...	...
Jedburgh,	1	...	1	...	...	...	...	...	...
Linlithgow,	11	...	11	...	...	...	...	...	...
Paisley,	6	...	6	...	...	...	...	...	...
Perth Local,	5	...	6	...	...	...	...	...	...
Selkirk,	6	...	6	...	...	...	...	...	...
Stirling,	5		5						

Prisons and Police Cells.	1883.			1888.			1893.		
Police Cells.	M.	F.	Tot.	M.	F.	Tot.	M.	F.	Tot.
Banff,	3	...	3	1	...	1	1	...	1
Campbelltown,	1	1	2	6	...	6	...	...	...
Dunblane,	...	...	...	...	...	...	...	...	...
Dunfermline,	...	...	...	...	...	...	...	...	...
Dunoon,	...	...	...	...	...	...	...	...	...
Falkirk,	2	...	2	1	1	2	4	1	5
Forfar,	...	...	...	1	...	1	...	...	...
Fraserburgh,	...	...	...	...	...	...	...	...	...
Galashiels,	...	...	...	1	...	1	1	1	2
Greenlaw,	4	...	4	...	...	...	...	...	...
Haddington,	...	...	...	1	...	1	...	...	...
Hawick,	...	...	...	3	...	3	...	...	...
Huntly,	...	...	...	...	...	...	...	...	...
Kinross,	...	...	...	1	...	1	...	...	...
Lochgilphead,	...	1	1	...	...	...	...	...	...
Montrose,	2	...	2	...	...	...	2	...	2
Oban,	...	...	...	...	...	...	...	2	2
Peterhead,	...	...	...	...	...	...	...	...	...
Portree,	...	...	...	...	...	...	...	...	...
Stonehaven,	...	...	...	...	...	...	...	...	...
Thurso,	...	...	...	...	...	...	...	...	...
Wigtown,	...	...	...	1	...	1	...	...	...
Edinburgh,	1	...	1	14	1	15	5	...	5
Total,	166	6	172	134	8	142	58	6	64

APPENDIX LVII.

PRISONS, SCOTLAND.

AVERAGE DURATION OF CONFINEMENT OF CRIMINAL PRISONERS—1864-93.

Year.	Days.	Year.	Days.	Year.	Days.	Year.	Days.
1864	32	1881	18	Decennial Average,	30½	*1888	16
1865	31	1882	17			*1889	14
1866	31	1883	16			*1890	14
1867	30			1874	26	*1891	15
1868	31	Decennial Average,	20½	1875	23	*1892	14
1869	32			1876	23	*1893	15
1870	31			1877	21		
1871	31	1884	16	1878	21	Decennial Average,	15½
1872	29	1885	17	1879	21		
1873	27	1886	17	1880	19		
		1887	16				

* Convicts in Peterhead General Convict Prison excluded in these years.

WM. DONALDSON, *Secy.*

APPENDIX LVIII.

SCOTLAND.

RETURN of Prisoners under Sixteen Years of Age in Prisons and Legalised Police Cells on Tuesday, 18th December 1894, with particulars of the state of their Education.

PRISONS.	Prisoners under 16 Years of Age.			READING.										WRITING.								ARITHMETIC.							
				Wholly Ignorant.		Reads Primer.		Reads Reader						Wholly Ignorant.		Can form Letters.		Can Write from Copy.		Can Write from Book.		Wholly Ignorant.		Able to do					
								No. 1.		No. 2.		No. 3.												Short Addition Sums.		Simple Sums.		Easy Money Sums.	
	M.	F.	Total.	M.	F.	M.	F.	M	F.	M	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F
Barlinnie,	4	...	4	...	...	2	...	...	...	...	...	2	...	2	...	...	...	...	...	2	...	2	...	...	...	..	...	2	...
Edinburgh,	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	1	...
Glasgow,	...	2	2	...	...	...	1	...	...	...	...	...	1	...	1	...	1	...	...	...	...	...	...	...	2	...	...	...	...
Inverness,	1	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	1	...
	6	2	8	...	...	2	1	...	...	...	...	4	1	2	1	...	1	...	...	4	...	2	...	...	2	...	...	4	
				8										8								8							

The above are the only Prisons, &c., in which Prisoners of the above class were in confinement on the day named.

WM. DONALDSON, *Secy.*

APPENDIX LIX.

COST OF PRISONERS RECOMMITTED FOUR TIMES AND UPWARDS.

Number of Days in which Prisoners committed to Prison Four Times and upwards during the Year 1893 for specific Offences, were in confinement in the Year 1893.

FEMALES.

Prisons.	4 Times.	5 Times.	6 Times.	7 Times.	8 Times.	9 Times.	10 Times.	11 Times.	12 Times.	13 Times.	14 Times.	15 Times.	16 Times.	17 Times.	19 Times.	20 Times.	34 Times.	Total Days.
	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.	
Aberdeen,	156	342	160	96	233	115	80	43	104	116	79	117	94	225	...	...	212	2172
Ayr,	161	67	106	405	194	79	...	166	...	...	348	...	...	...	...	...	...	1526
Dundee,	1233	1326	741	991	801	700	204	510	281	235	296	198	...	...	...	...	...	7516
Edinburgh,	796	973	987	429	256	492	101	...	308	154	281	330	...	112	...	...	...	5219
Glasgow,	9763	7156	5195	4146	3814	2108	2624	2504	1748	514	461	743	1119	552	999	286	...	43732
Greenock,	162	763	655	501	298	125	...	...	...	129	...	...	...	...	...	...	...	2633
Inverness,	156	233	...	...	...	137	...	...	...	...	...	...	...	...	...	...	...	526
Maxwelltown,	47	120	234	70	...	...	...	...	...	...	...	...	...	...	...	...	...	471
Perth,	633	723	163	146	163	...	295	...	...	...	...	...	...	...	...	...	...	2133
Total,	13112	11703	8246	6784	5759	3756	3304	3223	2441	1148	1465	1388	1213	889	999	286	212	65928

MALES.

Prisons.	4 Times.	5 Times.	6 Times.	7 Times.	8 Times.	9 Times.	10 Times.	11 Times.										Total Days.
	Days.	Days.	Days.	Days.	Days.	Days.	Days.	Days.										
Aberdeen,	129	125	48	...	...	...	...	54	...	...	...	...	...	...	...	...	...	356
Ayr,	172	143	136	53	...	...	...	...	...	...	...	...	...	...	...	...	...	504
Barlinnie,	1417	1034	441	98	237	114	335	...	...	...	...	...	...	...	...	...	...	3676
Dundee,	773	520	144	114	...	...	...	...	...	...	...	...	...	...	...	...	...	1551
Edinburgh,	1245	957	339	126	...	...	84	...	...	...	...	...	...	...	...	...	...	2751
Glasgow,	1010	551	84	278	178	...	...	...	...	...	...	...	...	...	...	...	...	2101
Greenock,	342	98	167	..	92	...	...	...	...	...	...	...	...	...	...	...	...	699
Inverness,	236	65	152	...	259	...	...	...	...	...	...	...	...	...	...	...	...	712
Maxwelltown,	137	..	182	99	...	...	...	...	...	...	...	...	...	...	...	...	...	418
Perth,	482	395	73	...	...	...	...	...	...	...	...	...	...	...	...	...	...	950
Total Males,	5943	3888	1766	768	766	114	419	54	...	...	...	...	...	...	...	...	...	13718
Total Females,	13112	11703	8246	6784	5759	3756	3304	3223	2441	1148	1465	1388	1213	889	999	286	212	65928
Grand Total,	19055	15591	10012	7552	6525	3870	3723	3277	2441	1148	1465	1388	1213	889	999	286	212	79646

The 79646 days in which such Prisoners were in Prison represent a daily average number throughout the Year of 218½. At the rate of £20 per annum for each Prisoner, the cost is £4364.

WM. DONALDSON, *Secy.*

APPENDIX LX.

DUNDEE CITY POLICE.

Return showing persons brought before the Dundee Police Court during the month of November 1894, for Assault, Breach of the Peace, and Disorderly Conduct, and the number under the influence of liquor and the number sober when offence committed.

Crime or Offence.	Under the Influence of Liquor.			Sober.			Grand Total.			Remarks.
	M.	F.	T.	M.	F.	T.	M.	F.	T.	
Assault,	44	7	51	10	3	13	54	10	64	86$\frac{44}{171}$ % drink. 13$\frac{77}{171}$ % sober.
Breach of the Peace,	62	22	84	5	2	7	67	24	91	
Disorderly Conduct,	7	6	13	2	1	3	9	7	16	
Total Persons,	113	35	148	17	6	23	130	41	171	

Note.—This return does not include cases against persons for being drunk and incapable, driving without lights, football playing on streets, brothel keeping, shebeening, controventions of local bye-laws, &c.

D. Dewar,
Chief Constable.

APPENDIX LXI.

THE ELMIRA REFORMATORY, NEW YORK STATE.

Charges against the Managers and Superintendent.

The Decision of the Governor of New York State.

Governor Flower made public the reports of Dr. Austin Flint and Assemblyman Israel T. Deyo, the majority of the Commission, on the 10th December 1894, and with them his own decision dismissing the charges against the Board of Managers, on the ground that cruelty had not been practised at the institution, and that they were groundless. He also made public the minority report, signed by Ex-Judge William L. Learned. This report, while it sustains some of the charges, gives no excuse for the gross and libellous assaults on Superintendent Brockway.

In his decision, which is in part as follows, the Governor says:—

'The Governor has no power to remove or to appoint a superintendent of the Reformatory. That power is lodged with the Board of Managers. I have power to remove the managers, after giving them an opportunity to be heard upon written charges. This is the proceeding now before me. It naturally involves primarily the charges against Superintendent Brockway. If he is guilty of inflicting the inhuman, degrading, and cruel punishments attributed to him, the managers are certainly negligent in permitting such practices to continue.

'Within eight days after the service of the charges upon them the managers entered a general denial, and thereupon a committee was appointed to take testimony, and to report to me the material facts found. That Commission consisted of the Hon. William L. Learned of Albany, formerly Justice of the Supreme Court, Dr. Austin Flint of New York City, one of the foremost physiologists of the world, and the Hon. Israel T. Deyo of Binghamton, a lawyer of ability, who has served a long time in the State Legislature, and is familiar with our State reformatory and prison system.

'It is a source of much gratification that the testimony shows, according to both reports of findings, that there was no truth in the harrowing statements published in newspapers of injuries alleged to have been inflicted by the General Superintendent or his subordinates upon inmates of the Reformatory. Upon this point all three Commissioners find substantially the same facts, and exonerate the managers and the superintendent.

CORPORAL PUNISHMENT LAWFUL.

'Before proceeding further in this direction, it becomes necessary to consider whether corporal punishment in the Reformatory is not prohibited by statute. The question is not strictly pertinent to this inquiry, for it was not claimed in the charges against the managers that corporal punishment is unlawful, or that they were violating the law in permitting the superintendent to inflict corporal punishment. But the claim was made by counsel on the submission of the case to the Commissioners. At most, the unlawfulness of corporal punishment in the Reformatory is a disputed point, with the weight of authority in favour of the managers.

THE CASE OF MOSES AARON.

'There is one other conspicuous case of flogging which deserves consideration. It is that of Moses Aaron, who was flogged several times, and punished in "seclusion" and "rest-cure" cells, although it appeared afterward that he was insane, and that during a part of the period of his punishment he was under the observance of the Reformatory physician as to his sanity. This is the only case of the kind recorded by the majority of the Commission as established by the evidence. It was established that the Board of Managers had no knowledge of the unfortunate circumstances connected with the case; indeed, that no one seemed aware of the facts until the full details were brought out by this investigation.

'Corporal punishment necessarily implies physical pain, and all pain is not cruelty. All the Commissioners agree that the evidence exonerates Mr. Brockway from any cruelties which inflicted serious or permanent injuries upon convicts. Whether he was "cruel" in spanking too many times, or too severely within that limitation of not producing injury, is partially a matter of fact and partially a matter of sensitiveness, depending upon the point of view. I do not think that an assertion of cruelty is justified by the facts. Of course the superintendent may have been unnecessarily harsh in some instances; I believe he was, but in the main he seems to have exercised his authority to inflict corporal punishment with great moderation and care, and his occasional lapses have not justified a sweeping or general condemnation of his methods and practices. But whether corporal punishment is advisable or not, the law as it affects all penal institutions ought to be clear, and if public sentiment is opposed to corporal punishment, the Legislature should voice that sentiment in unmistakable language. Commissioners Flint and Deyo, however, find that corporal punishment, under proper restrictions and regulations, is preferable to other methods of punishment, which must necessarily take its place if corporal punishment shall be abolished.

'The findings relative to other methods of punishment, including the so-called "seclusion" and "rest cure" cells, do not show confinement, except for conduct in wilful violation of the just requirements of the institution. Discipline must be observed, and convicts cannot be humoured.

THE PAROLE SYSTEM.

'There is no evidence that the power to grant paroles has been abused. On the other hand, it is shown that the rules and regulations adopted by the managers, relating to the release of prisoners on parole, are reasonable and proper.

TRANSFERS TO STATE PRISON.

'The matter of transfers of incorrigible prisoners from the Reformatory to the State prisons was referred to at length in my annual message to the Legislature last January, and later in a special message. It is a matter for legislation, and reflects no blame upon the managers, although, in order to reduce the number of convicts in the Reformatory, they may at times have alternated somewhat the degree of incorrigibility requisite for a transfer. I pointed out in my communication to the Legislature, as Judge Learned again points out in his findings in this investigation, that the transfer of prisoners to State prison practically consigns them to prison for the longest term prescribed by the Penal Code for their offences, and I added:—"In my judgment this system should be altogether abolished, or else so far modified as effectually to prohibit abuse. The managers ought not to be clothed with the arbitrary power of committing to prison for long terms persons

sent by the courts to the Reformatory for purposes of reformation. Transfers should be made only for good cause, and upon application to the court in which the person sought to be transferred was convicted, so that the punishment may be properly adjusted, or else other legal proceedings should be required as may be necessary to prevent injustice. I respectfully recommend such legislation as will correct the evils now existing."

'No change in the law was made, however, and the evil still exists. Six hundred and eight transfers have been made under the statute, and, in the opinion of the Commissioners, the power has in no case been abused by the managers.

THE CHARGES NOT JUSTIFIED.

'I have given painstaking study to the consideration of the charges against the managers, and my conclusion is that the evidence does not justify their removal from office. While in some respects the managers deserve criticism, as do their subordinates, they are not guilty of permitting gross abuses in the infliction of punishment, or in the management of the institution. The managers are honourable men, devoted to the interests of the institution, and jealous of its fair name. They receive no compensation for their services, and consequently cannot be expected to give all their time to its interests. A large part of the details of the management must necessarily be entrusted to their superintendent and other subordinates. The managers are of course responsible if abuses exist, but in spite of the vehemence of the attacks upon the institution it has not been successfully shown that grave abuses do exist, or have existed under the present management.

'The charges are, in the main, not proven, and are therefore dismissed. 'ROSWELL P. FLOWER.'

THE ELMIRA REFORMATORY.

MAJORITY REPORT.

DR. AUSTIN FLINT AND ASSEMBLYMAN ISRAEL DEYO FIND MUCH TO PRAISE, LITTLE TO CONDEMN.

The majority report, signed by Dr. Austin Flint and Assemblyman Israel T. Deyo, begins by relating the appointment and organisation of the Committee, and regrets that Judge Learned dissents. It says :—

'We diverged so widely, however, in our views upon many of the material points involved, that we are unable to unite in a report, without either admitting certain findings which all of us deemed essential, or yielding honest convictions, a proposition which none of us could entertain.'

After setting forth the power of the Governor to remove the managers, though not the General Superintendent, the nature and scope of the inquiry is discussed, and it is stated :—

'A thorough personal examination has been made of the Reformatory from time to time during the progress of the investigation. Every courtesy and facility was afforded to us to inspect the actual workings of the institution, in its various branches, and to converse privately with the inmates, of which we freely availed ourselves.

'The complainants, without restriction to any specific issues, were permitted, without objection, to introduce evidence to support, upon any theory of the case, the general charges preferred against the managers, of "misconduct, incompetency, and neglect of duty." All the books and records of the institution called for were placed before us, and the complainants had ample opportunity to examine the same.'

'In many instances, however,' the report continues, 'we deemed it advisable to go outside the line of prosecution and defence marked out by the attorneys for the respective parties, and called witnesses on our own account relative to any matter which would throw light on the management of the Reformatory.

'This course was taken because we deemed it our duty to lay before the Governor the fullest information obtainable within the limits of our Commission, regarding the practical workings of the Reformatory, and the alleged abuses connected with its management. We believe our report covers every material fact upon which a finding was requested, whether embraced by the charges specifically preferred against the managers or not.'

HISTORY AND DEVELOPMENT.

'The history and development of the Reformatory is taken up next, and under that head the Act creating the Reformatory is cited, and the appointment of the Board of Managers and Mr. Brockway, General Superintendent, and the early history of the institution is gone into. The report says :—"The statute, in very broad and general terms established, or indicated rather, the outlines of a reformatory system. The development of that system, putting it into practical operation, and the working out of a multitude of details, were left almost wholly to the Board of Managers."

GENERAL FEATURES OF THE REFORMATORY.

'In view of the excellent results that have been accomplished at the Elmira Reformatory in the reformation of criminals, and of the recognised prominence of the institution as an example of a practical application of the highest scientific theories to the treatment of the criminal, we should fall far short of our duty, and do inexcusable injury to the cause of prison reform, did we omit to clearly distinguish between the defects or errors in the internal management of the institution and the institution itself.

'From our personal examination, as well as from the evidence brought before us on this investigation, we have been deeply impressed with the magnitude and general excellence of the work that is being accomplished at the Reformatory. Certain defects or errors in the internal management were brought to light. To those we shall refer later.'

The institution, taken as a whole, is a remarkable exhibition of detailed organisation. It combines within itself a prison, a school of letters, a school of technology, a school of physical training, a series of manufacturing departments, and a military camp, wherein the pupil, the worker, and cadet, is a felon whom society, for its own protection, has been compelled to deprive of his liberty.

'The convicts received here are felons sentenced to the Reformatory for offences among the gravest known to our laws. They come largely from the lowest stratum of society, ungoverned and ungovernable, ignorant, intemperate, contaminated from early youth by bad home surroundings and associations, without trades or legitimate callings. All, however, are not instinctive or natural criminals. Some clearly belong to that class known as accidental or occasional criminals, who, with different training and surroundings, might have been, instead of a hindrance, an aid to the advancement and progress of society. The problem, the solution of which has been attempted at the Elmira Reformatory, is how to take this class of vicious and unfortunate men, and return them to society, honest, law-abiding, self-supporting citizens; how to protect society through the reformation of the criminal.

'The machinery employed at the Elmira Reformatory, looking toward the solution of this problem, is complex and intricate. The statute does not describe it. Indeed, the statute itself, as it has been modified from time to time, is but the expression in general terms of the ideas which were being worked out at Elmira at the various stages of their growth and development.'

The indeterminate sentence, accompanied by reductions and promotions in grade and release on parole, lies at the foundation of the whole system. Theoretically, at least, the prisoner may, within certain limits, terminate or continue the period of his imprisonment at will.

'Under the rules adopted by the managers to carry into effect this provision of the statute, it is possible for any prisoner, for whatever offence he may have been convicted, and regardless of the maximum length of term for which he might have been imprisoned, to obtain by good conduct his release upon parole in twelve months, and his absolute release in six months longer.

'The marking and the wage-earning plans are really parts of a single system. Each convict is debited and credited in dollars and cents., according to a certain scale, with gains and losses in school, labour, and deportment. From the time of his admission the convict is put in the position of a wage-earner, being charged for his board, clothing, losses in labour and demeanour, and credited with his earnings. To maintain his standing in grade the convict must maintain a credit balance to his account; and, as a condition to his release on parole, he must have accumulated sufficient money to carry him to his destination and defray his expenses until he receives his first wages. These general provisions are modified by some exceptions, whereby monetary losses may, for special reasons, be remitted or recovered.

'Under this system convicts may, and in many instances do, earn a considerable balance to their credit before parole, which is paid to them in money.

THE INMATE MONITOR SYSTEM.

'Under the inmate monitor system it is possible for charges to be preferred against a convict through malice or jealousy, or to be withheld through favour, which might affect his standing, his subsequent treatment, and even the duration of his imprisonment. This would be possible under any system. Reasonable precautions are, however, taken to protect a convict from undeserved reports, and we think the dangers from this source are slight, and the instances in which injustice has been done are exceedingly rare. Each inmate monitor, while on duty, is constantly under the eye of a citizen officer, and his reports are supervised and examined by his superiors. Every charge against a convict in the usual course of administration, which could by any possibility affect his standing in grade, is made in writing, and a copy is handed to the accused, who may deny the charge if not guilty, in which case it is investigated by the General Superintendent or his first officer; or, if there be extenuating circumstances, he may explain, the offence may be excused, and the marks cancelled. If the charge is sustained by the officer making the investigation, the convict may have a trial by court-martial. In any case of real or fancied grievances, opportunity is offered by which any convict may lay his case before the Board of Managers.

'As the prisoner advances in grade, his wages for labour are increased, he has a better quality of food and clothing, better prison accommodations, and greater privileges and comforts; and

in the meanwhile he is gradually approaching the time when he will be entitled to his release on parole. Reduction in grade is accompanied with a corresponding loss of advantages and privileges, followed, perhaps, by other measures which are more punitive and deterrent in their character.'

After stating the method of promotion in grade the report continues:—

'While in the Reformatory, convicts get instruction in a well-organised school of letters, embracing primary, elementary, and academic branches of learning. During the year ending Sept. 30, 1893, more than 2000 convicts received instruction in the school of letters. A well-organised trade system of trade schools gives opportunity for technical training. Such instruction was given during the year ending Sept. 30, 1894, in thirty-four different trades, to more than 1800 convicts.

'Military drill is given to every able-bodied convict. The Reformatory population is organised into a regiment of four battalions, each consisting of sixteen companies, with staff and officers. They hold dress parade daily, and regimental drills twice a week. The men are armed with "dummy" guns, weighing five or six pounds, and the drills are held under the supervision of one civilian officer. A well-equipped gymnasium, with suitable appliances, and Turkish baths, furnish the means whereby systematic training is given to men of defective physical condition. A library, lectures, concerts, and religious services, are among the means employed for the recreation and improvement of the inmates. The school of letters, the trade schools, the military department, and the gymnasium are well organised, and in them satisfactory results have been accomplished. In the trade schools especially the men manifest a degree of interest and enthusiasm in their efforts to acquire a trade whereby they may earn an honest living outside of the Reformatory that is both surprising and encouraging.

'The buildings and cells are clean, neat, and well ventilated. Very strict discipline is enforced, and good order prevails. Obedience to constituted authority is first learned in the Reformatory by many convicts.

GOVERNMENT OF THE REFORMATORY.

'The government of the Reformatory is vested by law in a Board of Managers, who have authority to appoint a General Superintendent, and to remove him for cause after opportunity shall be given him to be heard on written charges, and to make all rules and regulations necessary and proper for the employment, discipline, instruction, education, removal, and temporary or conditional release of the convicts. The Board of Managers have general charge and supervision of the Reformatory.

'While the General Superintendent is the agent of the Board of Managers in the immediate charge of the Reformatory, he is, nevertheless, to a large extent independent of them.

'The statutes intrust to him the exclusive authority to appoint and remove at pleasure all officers, guards, and employees of the Reformatory, except foremen, instructors, and the financial agent.

'The Board of Managers has from time to time adopted such rules and regulations as were necessary and proper under the requirements of the statute for the government of the Reformatory, and the guidance and control of the convicts. Some of these rules and regulations have been adopted by formal action of the Board. The Board, however, never has passed a formal resolution adopting any rules or regulations in respect to corporal punishment, or defining the grounds upon which such punishment might be administered. The particular methods of administration were left largely to the judgment and discretion of the General Superintendent. The General Superintendent, however, reported to and consulted with the managers in respect to the use of corporal punishment as a means of discipline and punishment in the Reformatory. They were fully advised with reference to the general nature, character, and extent to which corporal punishment and other disciplinary measures were used in the Reformatory, and they fully acquiesced in and approved of the same.

RECORDS WELL KEPT.

'The records of the Reformatory, excepting those of the medical department, to which we refer elsewhere, have been kept according to a well conceived, convenient plan, carried out with great fulness. The history of each man, from the time he is received into the Reformatory until his discharge, is recorded in detail.

'The records appear to have been kept with great care and accuracy, and have supplied the statistical data contained in this report.

GRANTING OF PAROLE.

'The statute does not specify the conditions upon which a prisoner may be released on parole, nor does it fix the minimum term of imprisonment before parole. These questions are left to the Board of Managers. The Board of Managers sit as a parole court four times a year—in January, April, July, and October. These meetings are usually attended by the full Board. Notice of such meetings is given to the convicts. All convicts who have been four months in the upper first grade are called before the Board, except in special cases. A list of such men is prepared and placed before the Board, with the recommendation of the General Superintendent as to each case. As the name of each man on the list is called, he is brought before the Board, when he is questioned by the managers, and his record is examined. Upon the record of the convict in the institution, his answers to the inquiries, his general appearance and manner, and on the recommendation of the Superintendent, parole is either authorised or refused. When released on parole the convict gets his certificate of parole, containing a printed endorsement of the conditions of parole to be observed, as follows:—

Then follows the paper in full with this finding:—

'We find that the rules and regulations adopted by the managers relating to the release of prisoners on parole are reasonable and proper, and their authority in this respect has been exercised with care and prudence, with due regard to the interest of the prisoner and the welfare of society, and in no case has any convict been unjustly or improperly refused his parole.'

CANCELLATION OF PAROLE AND RE-ARREST.

Under the authority conferred by the statute, agents have been appointed by the managers in different parts of the State, who are charged with the duty of supervising prisoners who have been released on parole, to whom the paroled men are required to report in person once a month, and by whom the reports must be certified. The agent of the New York Prison Association performs those duties in New York city and vicinity. Chiefs of police and district attorneys in other places perform similar duties. Such agents also assist in investigating matters relative to alleged violations of parole.

Whenever a paroled man fails to make his monthly report to the Reformatory, or when information is received that he is violating other conditions of his parole, the case is investigated by the Reformatory Authorities, through their agents, by messenger or by correspondence. If it is ascertained that a paroled man is failing to conform to the conditions of his parole, he is at once re-arrested and brought back to the Reformatory.

Of the entire number of prisoners paroled prior to September 30, 1893, there have been re-arrested and returned to the Reformatory, for violation of parole, 259 men, or 7 per cent. of the entire number paroled, of which 110 were subsequently paroled a second time, and 10 a third time.

The warrant for the re-arrest of paroled men who have violated their parole are signed in blank by the managers and delivered to the General Superintendent, who was authorised by the Board, in his discretion, to fill in the name of the convict to be returned, and to issue the warrant, without consultation with or special directions from the Board of Managers or any member thereof.

We find this method of signing warrants of arrest in blank, and empowering the General Superintendent to declare the conditions of parole violated, and to issue the warrants, if not illegal and void, is not within the spirit and intent of the statute; but that no hardship or injustice has in fact resulted from it to any man. We also find that in no case has the parole of any man paroled to employment outside the Reformatory been concelled, and the man re-arrested and brought back to the Reformatory, except for wilful violation of his parole. We also find that in no case has any parole been cancelled, except for wilful violation of the conditions upon which the parole was granted, or upon evidence that abundantly justified the authorities in believing that the man had been guilty of such violation.

TRANSFERS TO STATE PRISON.

The statute gives the Board of Managers power, with the consent of the Superintendent of Prisons, to transfer to a State prison any convict confined in the Reformatory, 'who 'shall be shown to have been at the time of his conviction 'more than 30 years of age, or to have been previously con-'victed of crime,' or 'any apparently incorrigible prisoner 'whose presence in the Reformatory appears to be detri-'mental to the well-being of the institution.'

Under this provision of the statute since the opening of the Reformatory 608 have been transferred to State prison. In making such transfers, the Board of Managers act upon the recommendation of the General Superintendent. Upon the certificate of the warden of the State prison that the applicant is a worthy convict so transferred may be returned to the Reformatory, and several have been brought back under this regulation. In only one instance, a case where the convict had but 6 months to serve to complete his maximum term, has the request of a convict to be returned, accompanied by the certificate of the warden, been refused by the managers of the Reformatory. In no case does it appear that any convict has been transferred from the Reformatory to a State prison under protest. In many instances the Board of Managers have refused requests of convicts to be transferred to State prisons. As a rule, a convict does not regard his transfer to State prison as a hardship, and this fact is somewhat indicative of the character and disposition of the men transferred. Among the large number of convicts brought back from State prison

to testify before us on this investigation, all without exception, of whom inquiry was made, expressed a strong desire to go back to the State prison, assigning various reasons, such as lighter labour, not so strict discipline, shorter hours, and the privilege of using tobacco.

We find that in all cases when convicts have been transferred to State prisons, such transfers have been made in conformity with the provisions of the statute relating thereto. In no case has the power to transfer convicts been abused.

LEGALITY OF THE USE OF CORPORAL PUNISHMENT IN THE REFORMATORY.

No claim is made to the charges referred to the Governor against the managers that the use of corporal punishment in the Reformatory was prohibited by statute. Such claim was made, however, on the submission of the case before us, and argued at great length.

We do not consider that question within our province to determine. It is a pure question of law, and any expression of opinion we might give would be binding upon no one. We have no power to adjudicate that question.

As bearing upon the good faith of the managers, however, in the matter, we find as follows :—

'1. That no secret has ever been made of the fact that corporal punishment was used in the Reformatory.

'2. That the managers have embodied information respecting its use in their annual report to the Legislature.

'3. That the State Board of Charities, in the exercise of their visitorial powers, have been acquainted with the use of that method of punishment in the Reformatory, and have referred to it in their annual report to the Legislature.

'4. That a committee of the Legislature in 1882, after an investigation of the matter, reported back to the Legislature with reference to this method of discipline in the Elmira Reformatory as follows: — We are not prepared therefore, to recommend the abolition of corporal punishment or to put our judgment in opposition to that of men who have given many years of close observation and study to the solution of this question.

'5. That the Reformatory is not a State prison within the intent and meaning of that term as used in chapter 362 of the laws of 1889, which contains the provision relative to the use of corporal punishment in State prisons.'

In the sixth finding, the case of *The People* v. *Simmons*, tried before the late William Murray, a Justice of the Supreme Conrt in Chemung County in 1891, is mentioned. Simmons killed a keeper who was trying to get him out of his cell, where he had barricaded himself. The object of getting him out was to punish him. In that case the Justice charged that punishment was legal, and the General Term—Judge Leonard presiding—agreed. The conviction of Simmons was affirmed.

'7. That the managers were entirely justified in believing that the use of corporal punishment was not forbidden by statute in the Reformatory

CORPORAL PUNISHMENT.

The Board of Managers never by formal resolution gave any directions as to the infliction of corporal punishment, or defined the grounds upon which it might be administered. They were, however, aware, that spanking was employed by the General Superintendent as a method of punishment and discipline, and received from the Superintendent information from time to time respecting the extent to which it was resorted to and the number of blows inflicted, and they permitted and approved the same.

The spankings were administered by the General Superintendent in person, with a strap 22 inches long, 3 inches wide, and 3-16 inch thick, moistened in water so as to make it soft and pliable, invariably applied to the bare buttocks. In two or three instances, many years ago, a short piece of rubber-hose was used in place of the strap.

The records of the Reformatory enable us to submit very complete data relative to the frequency and extent of these punishments.

During the five years immediately preceding September 26, 1893, since which date that method of punishment has not been employed, the ratio of the number of spankings inflicted to the average daily convict population for each year has remained practically the same except for the year 1889, to which we have just referred.

The number of spankings, in proportion to the average daily population for each year, is as follows:—

1889. 46 spankings to 100 population.
1890. 44 spankings to 100 population.
1891. 45 spankings to 100 population.
1892. 44 spankings to 100 population.
1893. 46 spankings to 100 population.

This does not indicate, however, the number of convicts spanked inasmuch as some were spanked more than once.

During the same five years there were 3922 different convicts in the Reformatory. Of that number 1150, or 29½ per cent., at some time during the period of their confinement received one or more spankings; while 2772, or 70½ per cent., were never spanked. The total number of spankings administered—2589, aggregating 19,597 blows—were inflicted upon 1150 convicts so spanked. Of the 1150 convicts spanked, 580, or $50\frac{4}{10}$ per cent. were spanked once only; while 240, or $20\frac{9}{10}$ per cent. were spanked twice only; leaving 330, or 8 per cent., of the entire convict population during that period who were spanked more than twice; 137 convicts were spanked three times only, leaving 193, or less than 5 per cent., of the entire convict population during the five years, who were spanked more than three times.

Spankings have been seldom, if ever, inflicted for a single act or breach of discipline, however gross Such punishments were resorted to, as a rule, for continued, persistent, and wilful refusal to comply with reasonable and proper regulations, after admonitions, warnings, reduction in grade, and other incentives to good conduct had failed. In 4261 instances during these five years, convicts were sent to the bathroom for interviews with the General Superintendent. In 1668 of these instances, or 39 per cent. of the entire number, a simple reproof or admonition, without corporal punishment, was sufficient, and in 2589 instances spankings were inflicted upon the 1150 convicts above mentioned. During the same period the General Superintendent sent to convicts written admonitions or warnings to the number of 18,695, of which 9529 were addressed to the 1150 convicts who were spanked.

In no case were the managers notified in advance of the intention of the General Superintendent to inflict corporal punishment upon a prisoner, nor were the number of blows inflicted determined beforehand. The Board of Managers never investigated any case where corporal punishment was to be inflicted before the infliction of the same, either as to its severity or whether it was deserved. Such matters were trusted entirely to the General Superintendent, under the impression that his judgment was a mature one, and that punishments were inflicted only because they were deserved; believing, also, that, with his personal acquaintance with the convict, and with his record and deportment in the Reformatory, such matters could be safely left to his judgment and discretion. In no instance does it appear that a prisoner has been spanked on account of his inability to accomplish his required task or to pass his examination in school.

On September 23, 1891, the General Superintendent sent for the convict Rosenthal the following communication in writing:—

'I have made a very careful inquiry into your capacity to study, having consulted Mr. Ogden and referred to your record here. I cannot reduce you in class. You will probably be permitted to remain in P. 1. Unless you pass your examination now I will apply to you every month physical treatment.

'GENERAL SUPERINTENDENT.'

Rosenthal was not spanked after the date of this notice until May 11, 1893, when he was spanked for licentiousness.

Failure to perform tasks at labour, when believed to be intentional and wilful, have, however, entered into the causes which led up to the punishment in the bathroom. In one instance it appears that a convict (Facey) was spanked for refusing to give evidence concerning an offence in which it was believed at the time he was himself implicated, a proceeding which we find to be unjustifiable and improper.

The blows with the strap were applied with sufficient force frequently to cause redness and discoloration, but in no instance does it appear that the force and character of the blow was sufficient to break or cut the skin or to cause the blood to flow, except in one or two instances from a pimple on the buttocks, which was broken by the blow. In no case does it appear that any convict has fainted or fallen to the floor from the effects of the spanking. In no case does it appear that a convict ever received any serious or permanent injury or any injury leaving a permanent mark, as a result, directly or indirectly, of a spanking inflicted by the General Superintendent.

During the administration of the punishment by spanking it sometimes occurred that a convict would throw himself upon the floor and refuse to stand in position against the wall to receive his punishment, and in cases of persistent refusal of this kind, handcuffs were sometimes placed upon his wrists, and by means of a cord attached to the handcuffs, running over a pulley, he was raised to his feet and held in an upright position. In one or two instances while being thus raised the prisoner was for an instant lifted clear from the floor, and in no case does it appear that a prisoner was ever 'strung up' clear of the floor

while being spanked or otherwise punished. The convict, during the process of spanking, invariably rested, or could rest, his entire weight upon his feet.

The General Superintendent occasionally inflicted slaps across the face with the strap in the bathroom because of the refusal of the prisoner to obey the injunction to keep his head turned in a certain direction, and also occasionally struck a man a slight blow over the head with the strap. In some instances these blows were of sufficient force to cause discoloured faces, bloody noses, and swollen eyes. Such occurrences were not frequent, and when a prisoner's nose was caused to bleed this result was accidental and unintentional, and the injury in all cases was temporary.

The General Superintendent did occasionally also strike a prisoner a light blow with his open hand or with his closed fist. These occasions were exceedingly rare, and the blows were of such a character as to leave no perceptible effect.

In no case does it appear that convicts were ever struck or kicked by an officer in the bathroom (except as he was struck by the General Superintendent as herein found) unless for the purpose of subduing a refractory convict, in which case only so much force was used as was reasonable and proper to accomplish that purpose. In no case does it appear that a convict was ever struck or kicked by an officer with the knowledge, consent, or approval of the General Superintendent, except in such manner and for such purposes. The rules of the institution prohibit the use of violence by officers and keepers towards prisoners except in such cases.

Assuming that it is wise and proper to employ corporal punishment in the Reformatory, we find :—

'1. That the use of a strap such as has been described, moistened to the extent of rendering it soft and pliable, is a suitable and effective method ; and, as appears from the evidence, the experience of the Reformatory shows that this method is free from danger of serious or permanent injury.

'2. It does not appear from the evidence that the General Superintendent went beyond what the occasions required, either in the frequency or the severity of the spankings, except in the case of Facey.

'3. That it was eminently proper, as a safeguard against abuse, that punishments should have been administered by the General Superintendent personally. His intimate acquaintance with the convict character, with the convicts individually, his freedom from passion and malice, and his high sense of the responsibilities devolving upon him rendered him the suitable person to perform this duty, however repugnant to him it might be.

'4. That the administration of corporal punishment without previously determining the number of blows, is in harmony with the general reformatory system of the institution. The nature and extent of the disciplinarian measures used with a convict sent to the bathroom for correction depends upon the disposition which he manifests regarding his past conduct and his future course. In 39 cases out of 100, as found, a chiding, admonition, or warning has proved to be sufficient to bring about the desired effect.

'5. That the occasional infliction by the General Superintendent of blows upon the head or face of convicts is not a suitable part of the system of corporal punishment, is improper, and unjustifiable on any theory.'

METHOD OF DISCIPLINE USED SINCE THE SUSPENSION OF CORPORAL PUNISHMENT.

Since September 26, 1893, spanking has not been employed in the Reformatory. The method of punishment or discipline employed in the place of spanking has been confinement in the 'seclusion' cells with mechanical restraint. The prisoners are handcuffed in a standing position to the door of the cell during the hours when the other convicts are employed in their regular duties, to wit, from 7 o'clock in the morning until 8.30 or 9 o'clock in the evening, being released once in the middle of the day to go to the closet, and at such other times as they may desire to go to the closet, having the freedom of the cell during the night. A chain connecting the handcuffs is passed round one of the upright bars of the cell door above a crossbar, which is four feet nine inches from the floor. The chain is of sufficient length to permit the convict's hands to be brought down several inches below the crossbar.

The prisoners are thus confined, not for an indefinite period, and are visited each day by an officer, and released whenever they give satisfactory evidence of a disposition to conform to the prison regulations, prisoners thus having the power to terminate the period of their confinement at any time. While thus confined, their usual diet is bread and water twice a day, consisting of five to seven ounces of bread in the morning and the same quantity at night, with all the water desired. This diet we find to have been proper and sufficient for the circumstances of each case.

OFFENCES OF FIGHTING.

During the five years immediately preceding September 30, 1893, when the use of corporal punishment in the Reformatory was suspended, 373 inmates were reported for fighting, an average of 37·3 for each period of six months during that time. During the six months immediately following the suspension of corporal punishment, 172 inmates were reported for the same offences, or more than 4½ times as many as the average number reported for that offence during the corresponding period of six months within the five preceding years.

CORPORAL PUNISHMENT IN ITS RELATION TO REFORMATORY TREATMENT OF CRIMINALS.

Nothing can take the place of corporal punishment in the Reformatory except long confinement, with or without mechanical restraint, with low diet, loss of certain comforts and privileges, and of all opportunity for improvement and relaxation. Such persons as would render themselves subject to such punishment have a strong aversion to labour of any kind and to study. They have committed crimes largely for the reason that they are unable to do honest work. They regard society as their enemy, as they are the enemies of society. They would regard any ordinary confinement, with the ordinary diet, &c., as preferable to work in the schools and at the trades.

In our opinion, long and unusual confinement would tend to foster the ideas antagonistic to society which have led them to commit crime, and to strengthen the resistance which they naturally offer to reformatory efforts. The probabilities are that a prisoner would go out of a long period of confinement a more intractable subject rather than a better man, having lost during such confinement many valuable opportunities for improvement in education and in technical instruction, and having rendered more remote the time when he might be expected to be entitled to his release on parole. Convicts are sentenced to the Reformatory, if possible reformed ; and any mode of discipline which would militate against reformation is to be avoided as far as practicable.

On the other hand, spanking is a sharp and short mode of punishment. The effect upon the prisoner is immediate. It does not interfere with his education in any way. The prisoner is put at work soon after the punishment. His mind and attention are occupied, and he is not very likely to brood long over fancied injuries and injustice.

We find that corporal punishment, under proper restriction and regulation, is preferable to other modes of punishment which must necessarily take its place if corporal punishment should be abolished.

There is no systematic examination by the physician of convicts on their admission to the Reformatory. Regular visits are not made by the physician to the convicts in 'seclusion' cells or 'rest cure.' The physician has nothing to do with the corporal punishment of convicts, as regards to propriety in individual cases from a medical point of view. Notwithstanding all this, however, in no instance, save one, does it appear from the evidence that any convict has suffered injury or injustice. Still, injury and injustice may at any time occur under the present medical organisation, which has not grown in due proportion to the development of the institution. Were the records kept in the manner we have indicated, by the physician or an assistant physician, who should reside in the Reformatory, if each convict on admission were subjected to a medical examination, such convict examined before he receives corporal punishment, the physician being present at such punishment ; if daily visits were made by the physician, or an assistant physician, to each convict confined in 'seclusion' or 'rest cure' cells, no error could occur such as the one to which we now refer.

Moses M. Aaron was received at the Reformatory, April 1, 1892. On April 2, 1892, Mr. Hoppe reported to Mr. Brockway that Aaron was feigning insanity. During Aaron's stay in the Reformatory, from April 1 to September 8, 1892, he was punished repeatedly by confinement in 'seclusion' and 'rest cure' cells and with the paddle. On September 8, he was transferred to the Asylum for Insane Criminals on certificate of the physician of the Reformatory. Dr. Wey testified that he had Aaron under observation regarding his mental condition for two months before his transfer. As it appears by the testimony, the physician did not know that Aaron was punished while he was under medical observation, and the General Superintendent did not know that Aaron was in fact insane, or even that he was under observation to determine his mental condition at the time he administered corporal punishment. These facts show a want of harmony of action between the

General Superintendent and the physician, which could hardly occur with a medical organisation adequate to the requirements of the institution. In this case it is evident that there was a misunderstanding or blunder between the General Superintendent, the physician, and Mr. Hoppe, who first noticed the symptoms of insanity, and who testified that he reported the fact to the Superintendent and mentioned it to the physician. We are unable to determine from the evidence whether the Superintendent or the physician, or both, are responsible for this unfortunate occurrence.

It is fair to qualify our findings, however, to some extent. It is often a question difficult to determine, even by a professional expert in insanity, whether insanity, especially in convicted criminals, is feigned or genuine. The physician may well be excused for not making a prompt diagnosis of this case. Since his appointment in 1878 many thousands of convicts have been under his observation, and this is the only instance in which a serious error is made chargeable directly or indirectly to the medical department. The General Superintendent cannot be expected to be an expert in insanity, and has often to deal with malingerers, especially those feigning insanity.

In point of fact, however, no convict has been transferred who was not insane, and no insane convict has been improperly retained in the Reformatory.

CONFINEMENT IN 'SECLUSION' AND 'REST CURE' CELLS.

The method of discipline and confinement employed by the Reformatory prior to September 26, 1893, included :—

1. Confinement in 'seclusion' cells.
2. Confinement in 'rest cure' cells.

The manner of the confinement is stated at length, and the food such prisoner received. Then the report says :—

'It does not appear that any time within the period covered by this investigation solitary confinement, according to the technical meaning of the term has been employed in the Reformatory. When confined either in 'seclusion' or 'rest-cure' cell, the convict may see through the grated door into the corridor, and communicate, when necessary, with officers and keeper.

'He is sent into such confinement for some breach of discipline or other manifestation of insubordination, not for a definite time, but is released as soon as he gives satisfactory evidence that he will conform to the requirements of the situation, and subordinate his will to the authority of the Reformatory. Each day he is visited by an officer or given some opportunity to do this, and the daily report of men in cells and the count, morning, noon, and night, shows where he is.'

In no case does it appear that a convict has been confined either in a 'seclusion' or 'rest cure' cell except for conduct in violation of the just and lawful requirements of the institution, nor does it appear that such confinement has continued beyond the time when the prisoner has given satisfactory evidence of his willingness to submit to the rules and regulations of the Reformatory.

We find that the diet of the convicts thus confined is low, as it is designed to be, but sufficient to the circumstances of each case brought to our attention.

THE CASE OF FRANK WALLACE.

Under this head, Wallace's case is described in detail. He is the prisoner who wouldn't tell the name or address of his parents, and therefore the star case of the prosecution.

USE OF THE HOT IRON.

In one instance, several years ago, a keeper of the Reformatory was attacked by a convict in his cell and killed. Thereafter, upon six or eight different occasions, when a convict had barricaded himself in his cell and armed himself with some weapon and refused to come out, a long piece of gas pipe with a curve at one end, heated red-hot, was used to compel the prisoner to come out of his cell. The bar was run through the grating and the curved end passed behind the prisoner and drawn toward the cell door, the prisoner invariably yielding without being in any manner burned by the iron. The cells were about eight feet deep, and the iron twelve feet long. The object in heating the iron was to prevent the prisoner from grasping it. Otherwise, having the advantage of the long end of the lever, it would be ineffectual for the purpose, at least without danger to the prisoner.

In no instance does it appear that a prisoner has been burned by the use of the hot iron. Such instrument has not been used for several years.

The practice of unmentionable vices did, in fact, exist to an alarming extent in the Reformatory at that time, and the facts and circumstances brought to the attention of the managers of the Reformatory abundantly justified them in believing that the several convicts found guilty by the authorities of participation in the licentious practices were in fact guilty of the same.

TREATMENT OF CONVICT WITNESSES.

The convicts who were called as witnesses in the investigation conducted by the committee of the State Board of Charities, and also those called in this investigation were assured by the Reformatory authorities that they might testify freely, and that they should not be made to suffer by reason of so testifying.

During the progress of this investigation it developed that witnesses who testified in each proceeding were not taken immediately back to the cell and employment from which they were called to testify, but were taken to cells in the 'rest cure' gallery, where they were detained for a few days, after which they were sent back to their ordinary places of confinement and duties. It does not appear that any such witness was restrained or reduced in grade, or that his standing or progress was affected in any particular by reason of the evidence he gave or refused to give.

The object of this was solely to keep the witness who had testified separate from those who were to be called upon to testify at the same hearing, in order to guard against any collusion.

Considering the remarkable ease and rapidity with which information of every kind passed among the prisoners, we deemed the precautions that were taken entirely reasonable and proper, and certainly not in any violation of the spirit of the assurance that was given.

PERMANENT INJURIES.

In no case does it appear that a convict has received any serious or permanent injury, mental or physical, at the hands of the General Superintendent or any of the subordinate officers or keepers of the Reformatory, or even an injury leaving any permanent mark.

The charges that convicts have died or been maimed from the effect of violence or neglect on the part of the officers of the Reformatory, or any of them, are unsubstantiated in every particular.

RESULTS ACCOMPLISHED.

The statements published by the managers from time to time relative to the ratio of probable reformation of paroled men is accompanied by the data and basis of calculation indicating upon their face that such statements are only estimates or probable results made from the data and upon the basis given.

The managers established that probably 31·9 of the convicts paroled prior to September 30, 1893, have been reformed. That result is arrived at by comparing the number of men paroled prior to that date, 3723, with the estimated number reformed, 3051. Compared with the whole number of indefinites discharged during the same period, 4797, whether by parole, expiration of maximum term, or any other ways, the ratio of probable reformation would be 63 6.

In the years 1887 and 1888 an effort was made to verify the estimates of probable reformation as to the 1722 prisoners who had been paroled prior to September 30, 1887. Inquiries were sent to every prison where they might possibly be or have been imprisoned, and to relatives, employers, and acquaintances of the men. Definite information was received as to 1125 of those paroled. Of that number, reliable information was received that 78·5 per cent. had not fallen into crime. A full statement of the method of prosecuting this inquiry and the results by years arrived at was published in the annual report of the Board of Managers in 1888.

CONCLUSION.

There is no evidence that the Board of Managers had any knowledge whatever that the prisoners were occasionally struck upon the face or head a light blow or slap by Mr. Brockway prior to the time when the fact was brought to their attention through the recent investigation by the committee of the State Board of Charities, since which time no such occurrence has taken place.

The members of the Board of Managers frequently visited and inspected the institution. They have stated meetings at the Reformatory every month for the transaction of ordinary business, and once in three months has a parole court. At all of these meetings prisoners have

ready access to the managers, and do in fact often come before them in considerable numbers. It does not appear that any complaint was ever made to the Board by the prisoners concerning the blows over the head and face. The indignity of such blows was more serious than the physical effect.

The Board of Managers had no actual knowledge of the unfortunate circumstances connected with the iron case, nor can knowledge be imputed to them. Indeed, no one seemed to be aware of the facts in that case before the full details were brought out in the progress of this investigation.

The Elmira Reformatory is not a perfect institution in all respects, as this report indicates. There is room for improvement in some matters that could not properly be covered in this report. As it is organised and conducted, however, it is a model reformatory. Its results have been extraordinary as regards its success in the reformation of criminals. It probably stands pre-eminent among the reformatories of the world. These results are due to the unselfish devotion of the managers and the extraordinary qualities of Mr. Brockway as an organiser and executive officer, added to his intimate knowledge of the criminal character. The managers are fully justified in the confidence they have reposed in their General Superintendent. Whatever defects we have noticed, as brought out by this investigation, have in no way involved hardship or injustice to any inmate, as far as has been shown by the evidence, except in the single case of Aaron. This case is one among more than 6000 convicts who have been received at the institution since its establishment.

A very few changes not difficult to effect and involving but little additional cost would render this an ideal institution of the kind.

'1. The number of inmates should never exceed the number of cells, and the number of cells should not be increased. Doubling up has evident evils to which it is unnecessary to refer. Intelligent and efficient treatment of inmates requires a close study of individual characteristics. We believe that the work of the Reformatory could be better done with a population of 600 than with 1200.

'2. The Reformatory physician should have an assistant, who should reside in the Reformatory, and the medical care and supervision of inmates should be conducted on the lines indicated in the body of this report.

'3. Should the administration of corporal punishment be restored, no blows should be given except on the buttocks except in self-defence or in instances of violent resistance. Very respectfully submitted.

'AUSTIN FLINT,
'ISRAEL T. DEYO, } Commissioners.'

Dated Dec. 7, 1894.'

MINORITY REPORT.

JUDGE LEARNED THINKS PUNISHMENTS WERE EXCESSIVE, THEREFORE CRUEL.

While in his conclusion Ex-Judge Learned differs with Dr. Flint and Mr. Deyo, he agrees with them in declaring the maliciousness and wickedness of nearly all the allegations brought by the *New York World*. He declares, particularly with regard to blows on the kidneys: 'The statements by witnesses that they were struck on the kidneys seem to have been made through ignorance of the location of those organs.'

THE LAW AT FAULT.

In the first part of the decision Judge Learned devotes a good deal of time to objecting to various things in the Reformatory system, such as the indeterminate sentence and the parole systems. Then he says:—

'Whoever drafted the statute in 1887 seems to have intended to put the Superintendent as firmly as possible in possession of his office, so long as he had the good will of the managers, for they seem to be made the tribunal to hear charges against him. It might be a serious question how far their decision on such charges, however palpably erroneous, would be evidence of misconduct, incompetency, or neglect of duty. But that is not for us to determine, for the managers have taken no action whatever in regard to the Superintendent tending to an examination of the charges. On the contrary, they have, at least in a general way, known of his conduct in the matters complained of, and they justify and uphold him, and have always done so.'

The report then sets forth the duties of the Board of Managers, and alleges that those duties have illegally been transferred to the Superintendent. It says:—

'The Board of Managers have had the utmost confidence in Mr. Brockway. They have accepted his plans and have approved of his mode of conducting the Reformatory. Nothing which has been shown has shaken their confidence.'

Then the fact that the Board depends largely on Mr. Brockway's advice in granting parols is stated, with this conclusion:—

'I have no reason to think that the Superintendent has ever intentionally abused this power. But the statute gives the authority to retake to the Board, not to the Superintendent.'

The report also cites as instances where power has been delegated to the Superintendent the transfer to State prison system and the transfer to insane asylum system. 'The evil,' it says, 'of thus neglecting to exercise the authority given to the Board in all these cases is that Mr. Brockway has been made practically absolute.'

The transfer to State prison system, which is provided for by law, is attacked, and then it is asserted that it was the duty of the Board of Managers to prescribe regulations under which corporal punishment should be inflicted, and, because it didn't, the report says the Board was negligent in its duty. The subject of corporal punishment is discussed at length, and it is concluded that any sort of corporal punishment is illegal whether or not the law fails particularly to specify the Reformatory when it forbids it in State prisons.

NO PERMANENT INJURIES.

The system of keeping records in vogue in the institution is complimented, and then the report says:—

'The proof presented has not showed satisfactorily that in any case a prisoner has ever been permanently injured by a flogging in the Reformatory. Men have claimed that eyesight and hearing have been made defective by their cause, and rupture produced. Very possibly these claims have been made in good faith, for the rupture, or the defective eyesight, or defective hearing existed. But they have not been caused by the flogging. Nor do I think that any teeth were broken out by blows of the Superintendent's fist, or scars of any magnitude made by his punishments, either by the blows of the strap or by the handcuffs. A charge is made that the Superintendent was frequently profane in language towards prisoners. The evidence is conflicting. Some witnesses testify as to language unquestionably profane. Others say that, having many opportunities to hear him talk, they never heard such language. The Superintendent himself says that he addressed to the prisoner the word "damn." It is not necessary to inquire whether the use of the word would have been a violation of the statute against profane swearing as it existed. Its use is ordinarily considered to be profanity. And use of such a word is a bad example in one working as a reformer, especially as on the chocolate, or first-class report, profanity is named as one of the offences. The example of the Superintendent is naturally followed by some of the officers under him. Officers should not be allowed to "damn" any prisoner.'

The inmate monitor system is condemned on the ground that it permits one class of convicts to inflict abuse and injustice on another class.

There is then a long description of the corporal punishment practised at the Reformatory, and an argument is made and testimony quoted at length to show that it is painful. There are also descriptions of assaults which occurred in the bath-room, and the testimony of the witnesses of the prosecution is cited in support of the charge of cruelty. The paddle is described, so are the slaps over the head. As to Mr. Brockway's testimony that punishments are not punitive, it is disputed. The subject of punishments is then divided under three heads. First, punishments inflicted to compel confession and testimony; second, punishments inflicted on insane convicts; third, other punishments as to their frequency and severity.

WALLACE AND FACEY CASES.

Under the first head the cases of Wallace and the pervert Facey are discussed. There was no law, the report says, compelling Wallace to give the names of his parents.

'One may give Mr. Brockway credit for sincerity in the belief that it would be good for Wallace to do exactly what Mr. Brockway wished. But that is no justification for such cruel confinement.'

Regarding Facey's case, the report says:—

'Now, whatever may be thought of the propriety of compelling by corporal punishment the prisoner to tell of the crimes of others, it is manifest that to compel him by such punishment to confess his own crime is wrong and unjust.'

Under the second head, the case of Aaron is discussed in the same tenor as in the majority report. There are two other cases mentioned.

Under the third head it is asserted that the act of punishing a person does brutalise the person who inflicts the punishment, and testimony that Mr. Brockway gave in 1882 is quoted. It is concluded :—

'It seems to me that a system that can only be carried on successfully by one person (or possibly a few whom he could designate) is not one which should exist in this institution.'

Tables follow this showing the number of punishments and the blows, and then confinement in 'seclusion' cells and in 'rest cure' are discussed unfavourably :—

'In considering the question of cruelty,' says the report toward the end, 'it might be unreasonable simply to take up particular cases. The superintendent of such an institution might well be excused if in any one or two instances he should misjudge, and should inflict severer punishments than the circumstances justified. One must take the whole course of dealings during the time investigated, and say whether the punishments were or were not too frequent or too severe. Looking at all the facts, I feel satisfied that the punishments have been excessive in number, and in severity, and therefore have been cruel.'

The report concludes :—

'I have no doubt that Mr. Brockway is sincere, and that he acts as he thinks is for the good of the inmates. But not infrequently men with good intentions and with good motives take cruel means to accomplish their objects. History is full of such instances. Knowing that their motives are good, and believing that the objects aimed at are desirable, they think, as is said, that the end justifies the means. Especially is this so when they are placed beyond the restraint of public opinion. "No man," says a recent writer, "can be raised above the authority of law and opinion without developing into insolence and presumption."

'It now remains with you, the Governor, to say whether these punishments shall continue.'

WILLIAM L. LEARNED.

APPENDIX LXII.

REPORT by the Committee of the School Board of the Burgh of Wick and Pulteneytown, appointed to inquire and report as to the measures which may be available to the Board for the purpose of bringing Tinker Children within the compulsory provisions of the Education Acts, or, in the absence of any statutory provisions in the matter, what measures should be recommended for the education of these children.

Remit dated 14th August 1894.

COMMITTEE.

JOHN DUNNET, Esq., Mill Manager, Wick, *Convener.*
HECTOR SUTHERLAND, Esq., Town Clerk, Wick.
JAMES EDWARD HARPER, Esq., Auctioneer, &c., Wick.

The Committee, after careful consideration of the subject of the remit, is satisfied that, under the existing provisions of the Education statutes, School Boards are powerless to bring the children of vagrant tinkers under the compulsory provisions of these statutes. The Committee, in course of its deliberations, thought it expedient to address the Secretary for Scotland on the subject, and a copy of the Clerk's letter to Sir George Trevelyan, and of the reply thereto, will be found in the Appendix to this Report.

The numbers of tinkers who habitually frequent the county, and who may be said to make it their 'domicile,' is about 130, of whom there are about 30 adult males and the same number of adult females. From statistics which have been obtained by the Committee through the kindness of the Chief-Constable, it would appear that, as at the end of 1894, there were 26 children under five years of age, and 43 of school age. The above numbers are, however, often increased principally during the summer season, by families of tinkers from other counties. All these tinkers form a distinct and exclusive class or community by themselves, and they recruit their numbers by inter-marriage within their own caste only. The families who may be said to be more or less indigenous to Caithness wander about from place to place, living in rock-caves, or camping in secluded or sheltered places near the sea-coast or in the open country, so that it is, under the existing provisions of the Education Acts, impossible for any district or parish School Board to fix a tinker parent with the necessary legal domicile to found jurisdiction over him.

While this defect in the statutes sufficiently enables tinker parents to elude the compulsory clauses, and makes School Boards helpless to compel provision for the education of the tinker children, there are other grave difficulties which the School Boards of landward parishes and small burghal districts would have to contend with in providing for the education of these children, assuming that Boards had the jurisdiction to enforce the compulsory provisions of the statutes. Perhaps the chief of these difficulties would be one of finance in erecting and maintaining a proper institution for the reception, maintenance, and education of the children. After much careful and anxious consideration, the Committee is strongly of opinion that, owing to the very low social status and intercourse of the tinker families, their filthy habits, and the total want of what may be termed proper up-bringing for their children, resulting from the absence of anything in the shape of a home or home-comforts, in any sense of the term, the common public school would be quite unsuited for meeting the educational requirements of these children, even were it prudent or right—which is certainly not obvious—to inmix these children with the other pupils of our public schools.

Through the kindness of Dr. Sutherland, Secretary of the Departmental Committee on Habitual Offenders, Vagrants, &c., the Committee has been favoured with a copy of the evidence given before that Committee by a deputation from the Perthshire Committee on Vagrancy; and it is to be observed that the Perthshire Committee recommended the institution of Homes for the reception of tinkers, and that the cost of these Homes should be defrayed out of the county rates. Your Committee, however, after maturely considering the probable working of such a scheme, has, in view of the hereditary nomadic habits of the tinker community, especially in the adult man and woman, serious doubt that the scheme would result in supplying the remedy for which it is extended, and which is so much desiderated. But to meet the educational wants of the children, as well as to secure a reform in the social and moral habits of the adult tinker, your Committee is of opinion that such institutions as Homes would not meet the necessities of the case. Of course your Committee is only concerned with the educational aspect of the question in so far as it affects the youthful tinker of school age, but it requires no argument to demonstrate that, if an effectual remedy of the present state of matters—that is, the whole question of the reformation or naturalisation of the entire tinker class, and their assimilation or absorption among the ranks of the general community,—the training and educational development of the young should be the first consideration. After due consideration of the different aspects of the question, your Committee is convinced that perhaps the only method of overcoming the difficulties in the way of providing education and a better moral training for these tinker children, is by the establishment of an Industrial School under the Industrial Schools Act, 1866, for the whole county of Caithness, in which the tinker children of school age could be housed, maintained, and educated. Perhaps one such school might be sufficient for the wants of the counties of Ross, Sutherland, Caithness, Orkney, and Shetland, and if one school were to be provided for these counties your Committee would suggest that it should be situated in Caithness as being the most central, while, at the same time, it is believed that the number of tinkers who frequent it is considerably larger than in the other counties named. There is no good reason, so far as the Committee can see, why any part of the cost connected with such an institution, in so far as the moral reclamation of these children is concerned, should be borne by the local rates. The tinker community is composed of a tribe or family quite alien to the local population, among whom they do not mix in social life or intercourse, neither work nor help in any way to alleviate the burden of local taxation, but by their mode of life, their obscene ways and conversation, their squalor and drunken habits, are a menace to our very civilisation. The Committee is therefore very clearly of opinion that the cost of such an institution as is desiderated should be defrayed from the public purse of the Imperial Exchequer.

Further, the Committee would suggest that, if such a scheme were adopted, power should be given to School Boards, or their officers, as well as all police officers, to take possession of all these tinker children of school age where the parents cannot at once show that they are possessed of the facilities of providing for the housing and education of their children. Without such powers your Committee gravely doubt the successful working of the scheme which is recommended.

(Signed) JOHN DUNNET, *Convener.*
D. W. GEORGESON, *Clerk.*

APPENDIX TO ABOVE REPORT.

COPY LETTER by Mr D. W. Georgeson, Clerk to the Wick (Burgh) School Board, Wick, to Sir George Trevelyan, Secretary for Scotland, dated 13th September 1894.

EDUCATION OF TINKER CHILDREN.

SIR,—The Wick School Board have had before them the matter of the education of the tinker children who frequently come within the district of the Board, and live or camp in the vicinity of the town. A considerable number of tinker families wander about the county of Caithness and adjoining counties. Sometimes they live in caves in the rocks, immediately beyond the boundary of the district of the Board, and, at other times camp in the fields adjoining the town. They seldom live in any one locality for any length of time; and hence the School Board have experienced difficulty in bringing the children within the compulsory clauses of the Education Acts.

Tinker children are constantly wandering about the streets of the town, and their conduct and conversation are often such as must have a demoralising effect upon other young children who may come in contact with them.

While the School Board are most anxious that those tinker children should be educated, and, by this means, that their moral tone should be improved, it seems that in present circumstances the Board are powerless to do anything in the matter.

I have been directed by the Board to bring the facts under your notice, in order to ascertain if you can suggest or do anything with the object of helping the Board, and other School Boards who are placed in a similar position, to reach those tinker children, so that the compulsory clauses of the Education Acts may be put in force against them.—I am, Sir, your most obedient servant,

(Signed) DAN. W. GEORGESON,
Clerk.

COPY REPLY to the foregoing Letter, dated 20th September 1894.

1. Tinker children.
2. Wick (Burgh).
A. Caithness.

SIR,—Adverting to your letter of the 13th instant, I am directed to state that my Lords fear that, without the aid of fresh legislation, School Boards can do little or nothing in the way of putting in force the compulsory clauses of the Education Acts in the case of wandering tinker children, inasmuch as under these Acts the Local Authority can only proceed against parents who are *resident* within their district.—I have the honour to be, Sir, your obedient servant,

(Signed) T. SHUTE ROBERTSON.

APPENDIX LXIII.

Mr. David M'Laren's Comparative Tables of 1860–61 to 1862–63, compared with corresponding figures for 1891, 1892, and 1893, with figures for the Prison of Dundee added.

TABLE I.

Showing the Number of Recommitments within the same Year in the Prisons of Edinburgh, Glasgow, and Perth for the Years 1860–61 to 1862–63, compared with corresponding figures for 1891, 1892, and 1893, with the figures for Dundee Prison added.

(*a*) Edinburgh Prison, including Court Buildings Prison.

	1860–61.			1861–62.			1862–63.			1891.			1892.			1893.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
Total Commitments,	2,282	2,879	5,161	2,308	3,087	5,395	2,365	3,019	5,384	4,063	2,492	6,555	3,849	2,113	5,962	4,035	2,064	6,099
Recommitments in the same year,	*383	1,130	1,513	471	1,432	1,903	451	1,330	1,781	996	1,230	2,226	897	1,075	1,972	900	921	1,821
Percentage,	*17*	*39*	*29*	*20*	*46*	*35*	*19*	*44*	*33*	*25*	*49*	*34*	*23*	*51*	*33*	*22*	*45*	*30*

(*b*) Glasgow Prison, including Barlinnie General Prison, in 1891–92–93, less transfers between the two Prisons.

Total Commitments,	2,192	1,684	3,876	2,007	1,614	3,621	2,918	2,233	5,151	15,107	9,700	25,107	15,590	9,475	25,065	15,863	10,297	26,160
Recommitments in the same year,	391	507	898	440	507	947	1,092	1,215	2,307	3,300	4,400	7,740	3,445	4,124	7,569	3,717	4,692	8,409
Percentage,	*18*	*30*	*23*	*19*	*31*	*34*	*37*	*54*	*44*	*21*	*46*	*31*	*22*	*44*	*30*	*23*	*45*	*32*

(*c*) Dundee Prison.

Total Commitments,	556	411	967	541	433	974	641	547	1,188	2,268	1,413	3,681	2,157	1,250	3,407	2,553	1,778	4,331
Recommitments in the same year,	85	138	223	98	178	276	104	173	277	587	598	1,185	619	505	1,124	656	964	1,620
Percentage,	*15*	*34*	*23*	*18*	*41*	*28*	*16*	*32*	*23*	*26*	*42*	*32*	*29*	*40*	*33*	*26*	*54*	*37*

* Figures for Court Buildings Prison omitted in Mr. M'Laren's Tables for the year 1860–61.

TABLE II.

Showing the Number of Criminals committed to Edinburgh Prison in Quarters ended 31st March 1864 and 31st December 1894, who had previously been in custody in said Prison more than 29 times.

(*Each prisoner is only counted once, however often he may have been committed in the periods to which the Table applies.*)

Quarter ended	30 and under 40 times.		40 and under 50 times.		50 and under 60 times.		60 and under 70 times.		70 and under 80 times.		80 and under 90 times.		90 and under 100 times.		100 and under 110 times.		110 and under 120 times.		120 and under 130 times.		130 times and over.		Total.			Average length of Sentence passed upon the foregoing during the Quarters named.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	T.	M.	F.
31st March 1864,	2	18	...	17	...	8	...	2	...	3	...	3	...	3	...	1	...	...	1	...	...	...	3	55	58	30	31
31st December 1894,	23	20	5	7	3	6	3	4	...	5	1	5	1	...	...	2	...	1	...	1	...	2	36	63	89	23	23
Increase on 1864,	21	2	5	...	3	...	3	2	...	2	1	2	1	...	...	1	...	1	...	1	...	2	33	...	31	...	...
Percentage,	*1050*	*11*	...	...	...	...	...	*100*	...	*66*	...	*66*	...	...	...	*100*	...	...	...	...	...	...	*1100*	...	*51*	...	...
Decrease on 1864,	...	...	...	10	...	2	...	...	...	...	...	...	...	3	...	...	...	...	1	...	...	...	...	2	...	7	8
Percentage,	...	...	...	*59*	...	*25*	...	...	...	...	...	...	...	*100*	...	...	...	...	*100*	...	...	...	...	4	...	*23*	*26*

Table III.

(All the Prisons of Scotland).

Showing the previous Imprisonments in the same Prison, of Prisoners received in the Quinquennial periods named.

(Prisoners Recommitted within the Year are only counted once).

Yearly Number on an average of five years ended.	Previously Imprisoned.								
	Once.	Twice.	Thrice.	4 times.	5 times.	6 to 9 times.	10 to 19 times.	20 to 50 times.	Above 50 times.
1856	1857	944	554	385	257	422	298	186	25
1861	1436	714	480	342	244	453	353	196	39
Decrease	421	230	74	43	13	...	...	...	...
Percentage	*23*	*24*	*13*	*11*	*5*	...	...	...	...
Increase	...	...	...	...	...	31	55	10	14
Percentage	...	...	...	...	...	*7*	*18*	*5*	*56*
1893	4546	2636	1709	1189	819	1774	1386	939	318
Increase on 1856	2689	1692	1155	804	562	1352	1088	753	293
Percentage	*145*	*179*	*208*	*209*	*219*	*320*	*365*	*405*	*1172*
,, 1861	3110	1922	1229	837	575	1321	1033	743	279
Percentage	*217*	*269*	*256*	*247*	*236*	*292*	*292*	*380*	*715*

Table IV.

Showing the Average Total Commitments in all the Prisons of Scotland (less transfers), and the Ages of the Prisoners for the Quinquennial periods named.

	Total.	Age under 16.	16 to 18.	18 to 21.	21 to 50.	Above 50.
5 Years ended 1856,	21,372	1,887	1,504	3,018	13,585	1,377
5 Years ended 1861,	18,575	1,224	982	2,357	12,657	1,355
Decrease,	2,797	663	522	661	928	22
Percentage,	*13*	*35·1*	*34·7*	*21·2*	*6·8*	*1·6*
5 Years ended 1893,	48,694	773	1,433	4,341	36,190	5,956
Increase on 1856,	27,322	...	...	1,323	22,605	4,579
Percentage,	*127·9*	...	...	*43·8*	*166·4*	*332·5*
Increase on 1861,	30,119	...	452	1,984	23,533	4,601
Percentage,	*162·2*	...	*46*	*84·2*	*185·9*	*339.6*
Decrease on 1856,	...	1,114	70	...	...	...
Percentage,	...	*59*	*4·7*	...	...	...
Decrease on 1861,	...	451	...	...	...	...
Percentage,	...	*36·9*	...	...	...	...

APPENDIX LXIV.

NUMBER of Persons in the Cities and Burghs convicted from 10 to 20 times and above in the period

Burghs.	(1) From 1st Jan. 1890 to 31st Dec. 1894.										(2) From 1st Jan. 1892 to 31st Dec. 1894.									
	10 times and under 15.			15 times and under 20.			20 times and over.			Total.	10 times and under 15.			15 times and under 20.			20 times and over.			Total.
	M.	F.	T.	M.	F.	T.	M.	F.	T.		M.	F.	T.	M.	F.	T.	M.	F.	T.	
Glasgow,	238	201	439	122	156	278	58	174	232	949	187	117	254	53	82	135	24	78	102	491
Edinburgh,	91	120	211	46	85	131	38	158	196	538	41	77	118	23	50	73	16	87	103	294
Dundee,	69	75	144	27	51	78	3	53	56	278	28	70	98	5	25	30	...	17	17	145
Aberdeen,	8	42	50	...	16	16	1	16	17	83	8	30	38	...	11	11	1	13	14	63
Govan,	21	8	29	2	7	9	1	4	5	43	6	4	10	...	...	...	...	1	1	11
Greenock,	26	37	63	8	24	32	6	41	47	142	16	29	45	4	18	22	...	9	9	76
Leith,	15	18	33	9	4	13	1	3	4	50	9	8	17	2	2	4	...	2	2	23
Paisley,	7	5	12	2	1	3	3	5	8	23	2	1	3	...	2	2	...	2	2	7
Partick,	7	2	9	1	1	2	...	1	1	12	...	2	2	...	...	...	...	...	...	2
Perth,	8	16	24	4	7	11	1	6	7	42	5	15	20	2	3	5	...	4	4	29
Ayr,	...	6	6	...	1	1	...	...	...	7	...	5	5	...	1	1	...	...	...	6
Hamilton,	6	2	8	1	...	1	...	1	1	10	3	...	3	...	1	1	...	...	...	4
Dumbarton,	20	13	33	6	2	8	2	3	5	46	7	5	12	2	1	3	...	...	...	15
Kilmarnock,	8	3	11	...	5	5	3	7	10	26	5	7	12	3	4	7	...	3	3	22
Kirkcaldy,	10	4	14	2	1	3	...	...	...	17	4	3	7	...	...	...	...	...	...	7
Stirling,	6	2	8	2	1	3	...	4	4	15	1	1	2	1	2	3	...	2	2	7
Dumfries,	4	5	9	3	2	5	...	...	...	14	4	2	6	...	...	...	...	...	...	6
Inverness,	10	..	10	1	1	2	6	3	9	21	3	1	9	...	2	2	2	1	3	14
Hawick,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dunfermline,	19	6	25	5	...	5	1	...	1	31	9	5	14	2	...	2	...	...	...	16
Airdrie,	1	4	5	2	...	2	...	1	1	8	2	...	2	...	...	...	...	...	...	2
Port-Glasgow,	3	...	3	3	...	3	...	...	...	6	2	...	2	...	...	...	...	...	...	2
Arbroath,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Johnstone,	7	1	8	...	...	...	1	...	1	9	2	...	2	1	...	1	...	...	...	3
Alloa,	4	1	5	...	...	...	1	...	1	6	1	...	1	...	...	...	...	...	...	1
Galashiels,	6	1	7	1	...	1	...	...	...	8	...	...	...	...	...	...	...	...	...	...
Renfrew,	3	1	4	1	...	1	1	...	1	6	...	...	...	1	...	1	...	...	...	1
Rothesay,	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Montrose,	1	...	1	...	1	1	...	...	...	2	...	1	1	...	...	...	...	...	...	1
Forfar,	2	...	2	...	...	...	...	1	1	3	...	...	...	...	1	1	...	...	...	1
Brechin,	...	1	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Broughty-Ferry,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total,	602	574	1176	248	366	614	127	481	608	2398	300	383	683	99	205	304	43	219	262	1249

APPENDIX LXV.

NUMBER of Persons in the Counties convicted from 10 to 20 times and above in the period

Counties.	(1) From 1st Jan. 1890 to 31st Dec. 1894.										(2) From 1st Jan. 1892 to 31st Dec. 1894.									
	10 times and under 15.			15 times and under 20.			20 times and over.			Total.	10 times and under 15.			15 times and under 20.			20 times and over.			Total.
	M.	F.	T.	M.	F.	T.	M.	F.	T.		M.	F.	T.	M.	F.	T.	M.	F.	T.	
Lanark,	13	3	16	1	1	2	...	...	...	18	1	1	2	...	...	...	...	...	...	2
Ayr,	14	12	26	6	1	7	...	1	1	34	2	...	2	...	2	2	...	...	...	4
Stirling,	1	1	2	...	3	3	...	...	...	5	1	1	2	...	...	...	...	...	...	2
Edinburgh,	3	1	4	...	...	...	...	...	..	4	...	...	...	...	...	...	...	...	...	...
Fife,	32	2	34	3	...	3	...	...	...	37	19	1	20	2	...	2	...	...	...	22
Dumbarton,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Linlithgow,	7	2	9	1	1	2	1	...	1	12	1	...	1	...	...	...	...	...	...	1
Renfrew,	14	4	18	9	1	10	1	1	2	30	9	4	13	2	...	2	...	...	...	15
Perth,	7	7	14	2	2	4	...	...	...	18	2	3	5	...	...	...	...	...	...	5
Aberdeen,	6	1	7	4	2	6	1	...	1	14	4	1	5	...	...	...	...	...	...	5
Elgin,	2	...	2	1	...	1	...	...	...	3	...	...	...	...	...	...	...	...	...	...
Haddington,	9	3	12	3	1	4	...	1	1	17	1	2	3	...	...	...	...	...	...	3
Argyll,	7	1	8	2	1	3	2	2	4	15	4	...	4	1	2	3	1	...	1	8
Ross and Cromarty,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Banff,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Roxburgh,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dumfries,	2	1	3	...	...	...	...	...	...	3	1	...	1	...	...	...	...	...	...	1
Wigtown,	2	...	2	1	1	2	1	1	2	6	2	...	2	...	1	1	...	1	1	4
Kincardine,	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...
Berwick,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kirkcudbright,	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
Caithness,	1	1	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...
Inverness,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Forfar,	1	...	1	...	...	...	...	.	...	1	..	...	...	...	...	...	...	...	...	...
Peebles,	1	3	4	1	...	1	...	...	...	5	1	...	1	...	...	...	...	...	...	1
Clackmannan,	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Selkirk,	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	..
Kinross	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	..	...	...
Sutherland,	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...
Nairn	...	...	...	1	...	1	...	...	...	1	1	...	1	...	...	...	...	...	...	1
Bute,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Shetland,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Counties,	125	42	167	35	14	49	6	6	12	228	49	13	62	5	5	10	1	1	2	74
*Total Burghs,	...	...	1176	...	...	614	...	...	608	2398	...	...	683	...	...	304	...	...	262	1249
Grand Total,	...	...	1343	...	...	663	...	...	620	2626	...	...	745	...	...	314	...	...	264	1823

* Page 610.

APPENDIX LXVA.

RETURN showing the number of Prisoners committed to Prison from 10 to 20 times and above in the period.

Prisons.	(1) From 1st January 1890 to 31st December 1894.									(2) From 1st January 1892 to 31st December 1894.								
	10 times and under 15.			15 times and under 20.			20 times and over.			10 times and under 15.			15 times and under 20.			20 times and over.		
	Males.	Females.	Totals.	Males.	Females.	Totals.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Totals.	Males.	Females.	Totals.
Aberdeen,	33	26	59	10	19	29	18	39	52	18	26	44	3	12	15	2	20	22
Ayr,	53	17	70	11	11	22	30	31	61	43	16	59	11	9	20	28	28	56
Barlinnie,	85	...	85	25	...	25	28	...	28	33	...	33	17	...	17	7	..	7
Dundee,	55	68	123	23	32	55	5	44	49	22	50	72	5	23	28	...	12	12
Edinburgh,	70	98	168	19	43	62	19	71	90	49	60	109	6	22	28	2	33	35
Glasgow,	63	346	399	16	205	221	7	337	344	20	261	281	3	128	131	...	149	149
Greenock,	69	66	135	16	30	46	10	38	48	23	36	59	3	21	24	2	6	8
Inverness,	4	3	7	1	...	1	6	4	10	5	1	6	1	2	3	1	1	2
Maxwelltown,	8	8	16	3	1	4	2	2	4	6	3	9	1	1	2	...	..	..
Perth,	26	19	45	5	6	11	1	6	7	8	12	20	2	3	5	...	3	3
Police Cells.																		
Campbelltown,	3	2	5	...	...	...	...	...	...	...	...	..	..	...	...	..	...	...
Falkirk,	1	1	2	...	3	3	...	...	...	1	1	2	...	...	...	...	...	...
Forfar,	1	...	1	...	2	2	...	...	...	...	2	2	...	...	...	...	...	...
Greenlaw,	2	...	2	...	...	...	...	..	...	...	...	..	...	...	...	...	...	..
Montrose,	1	1	2	...	...	...	...	...	...	...	1	1	...	...	...	...	...	...
Oban,	3	...	3	...	1	1	1	...	1	...	1	1	1	...	1	...	...	...
Stirling,	...	2	2	...	...	...	...	2	2	...	...	...	...	1	1	...	...	...
Edinburgh,	4	31	35	1	9	10	..	4	4	2	29	31	1	6	7	...	3	3
Total,	481	688	1,169	130	362	492	122	578	700	230	499	729	54	228	282	42	255	297
			Total, 2361									Total, 1308.						

Note.—The Governor of Barlinnie General Prison states in regard to the 85 prisoners committed 10 times and under 15 in 5 years ended 1894. "Probably from 12 to 18 should be added to this number on account of transfers who had not enough convictions here, or in Glasgow Prison to make them count, but who had sufficient convictions if the two prisons were counted as one."

APPENDIX LXVI.

Recidivism.

Return prepared by Dr. J. F. SUTHERLAND of Previous Imprisonments of Prisoners committed to 13 Prisons and 19 Licensed Cells in Scotland during Year ended 31st March 1893.*

PRISONS* AND LICENSED CELLS.	Total previously Imprisoned from one up to hundreds of times.			Number of Previous Imprisonments in any Prison, so far as known to the Prison Officials.							
				Six Times and under Ten.		Ten Times and under Twenty.		Twenty Times and under Fifty.		Fifty Times and upwards.	
	M.	F.	T.	M.	F.	M.	F.	M.	F.	M.	F.
Glasgow,*	2,609	4,020	6,629	279	620	105	510	25	398	1	121
Barlinnie, General,*	2,116	.	2,116	303	.	94	.	27	.	2	.
Edinburgh,*	1,461	606	2,067	165	71	162	97	96	78	13	35
Dundee,*	1,074	562	1,636	121	82	116	88	68	67	7	27
Ayr,*	650	190	840	50	20	25	16	18	10	1	5
Greenock,*	453	254	707	47	25	68	41	37	41	5	33
Perth, General,*	389	187	576	68	33	32	28	2	5	.	2
Aberdeen,*	314	147	461	49	17	39	20	42	26	4	14
Maxwelltown,*	199	45	244	32	9	12	8	3	3	2	.
Inverness,*	132	33	165	7	3	9	2	6	4	.	1
Stirling,	70	65	135	6	7	7	10	4	16	2	2
Hawick,	75	43	118	4	1	1	.	.	.	1	.
Jedburgh,	82	19	101	7	1	3	1	.	.	.	.
Haddington,	64	27	91	5	5	4	2	.	.	.	.
Forfar,	67	13	80	7	1	5	2	.	.	.	.
Campbeltown,	46	21	67	3	5	3	3	1	1	.	.
Kirkcaldy,	44	21	65	1	1	2	1	.	.	.	.
Dunfermline, Burgh,	29	17	46	.	1	.	1	.	.	.	.
Falkirk,	18	22	40	2	2	3	8	.	2	.	1
Dunblane,	26	12	38	2	2	2	.	.	.	.	.
Banff,	31	6	37	.	.	1	.	3	1	.	.
Dunfermline, County,	24	10	34	3	.	2	.	.	.	.	.
Dingwall,	27	6	33	1	.	1	1	.	.	.	.
Greenlaw,	23	9	32	5	.	.	.	.	.	.	.
Montrose,	10	7	17	1	.	1	2	.	.	.	.
Stornoway,*	10	1	11	4	.	.	.	.	.	.	.
Lerwick,*	6	4	10	2	.	.	1	.	.	.	.
Kirkwall,*	8	1	9	1	.	1	.	.	.	.	.
Thurso,	6	2	8	.	.	1	.	1	1	.	.
Fort William,	6	2	8	1	.	.	.	.	.	.	.
Stonehaven,	4	3	7	.	.	2	2	.	.	.	.
Portree,	6	.	6	.	.	1	.	.	.	.	.
Total,*	10,079	6,355	16,434	1,176	906	707	844	333	653	38	241
				11%	14%	7%	13%	3%	10%	.	3·8%

N.B.—This table gives the truest index of *recidivism*.

Times.	Males.	Females.
10-19	707 or 7%	844 or 13%
20-49	333 or 3%	653 or 10%
50 and upwards to 100s	38 or	241 or 3·8%
Total,	1078 or 10 %	1738 or 27·3%
	2816 or 17%	

* From 55th Annual Report of Prison Commissioners for Scotland. Prisoners transferred from one Prison to another are only accounted for in the Prison of first committal.

APPENDIX LXVII.

TABLE showing the Number of Persons who have been *convicted* of (*a*) Breach of Peace and Petty Assaults; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Begging and Vagrancy; (*d*) Prostitution; (*e*) Petty Thefts with sentences of 14 days and under, during the year 1894, and who had in every case been *convicted* 3 times, 4 times, 5 times and upwards, during the 12 months preceding their last conviction in 1894.

Burghs.	Males.			Females.		
	3 times.	4 times.	5 times and upwards.	3 times.	4 times.	5 times and upwards.
Glasgow,	351	197	162	361	230	285
Edinburgh,	80	62	72	82	46	225
Dundee,	77	24	10	70	37	88
Aberdeen,	25	12	12	13	19	30
Govan,	18	4	3	14	4	4
Greenock,	28	6	8	28	13	33
Leith,	43	12	24	31	16	27
Paisley,	11	5	4	5	1	7
Partick,	6	1	2	7	1	...
Perth,	9	1	...	23	3	2
Ayr,	19	8	11	13	4	5
Hamilton,	11	3	2	...	...	2
Dumbarton,	26	15	9	16	1	4
Kilmarnock,	8	4	7	6	3	19
Kirkcaldy,	10	8	2	4	4	2
Stirling,	2	5	6	2	4	4
Dumfries,	10	3	3	2	2	1
Inverness,	9	...	2	3	...	2
Hawick,	18	5	1	7	2	...
Dunfermline,	26	4	6	5	3	1
Airdrie,	5	4	4	5	5	3
Port-Glasgow,	10	1	4	...	...	1
Arbroath,	1	...	...	1	4	...
Johnstone,	2	1	1	...	...	...
Alloa,	0	1	1	1	...	...
Galashiels,	0	1	2	1	...	...
Renfrew,	2	1	...	2	1	...
Rothesay,	2	...	...	1	...	1
Montrose,	...	...	...	...	...	3
Forfar,	2	1	...	...	...	...
Brechin,	2	...	...	...	...	...
Broughty-Ferry,	...	...	...	...	...	...
Total,	331	389	358	703	403	749
		747			1152	

APPENDIX LXVIII.

TABLE showing the Number of Persons who have been *convicted* of (*a*) Breach of Peace and Petty Assaults; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Begging and Vagrancy; (*d*) Prostitution; (*e*) Petty Thefts with sentences of 14 days and under, during the year 1894, and who had in every case been *convicted* 3 times, 4 times, 5 times and upwards, during the 12 months preceding their last conviction in 1894.

Counties.	Males.			Females.		
	3 times.	4 times.	5 times and upwards.	3 times.	4 times.	5 times and upwards.
Lanark,	32	9	5	12	5	2
Ayr,	38	15	11	20	9	2
Stirling,	33	4	1	14	6	10
Edinburgh,	2	8	4	2	4	...
Fife,	18	4	1	3	...	...
Dumbarton,	14	5	3	5	4	4
Linlithgow,	21	4	5	4	3	4
Renfrew,	8	2	...	5	2	1
Perth,	9	7	1	6	8	1
Aberdeen,	1	2	1	2	...	...
Elgin,	7	5	2	5	1	1
Haddington,	5	2	1	3	1	1
Argyll,	14	7	3	5	2	4
Ross and Cromarty,	2	...	...	—	—	—
Banff,	6	1	...	2	...	...
Roxburgh,	13	7	3	5	4	1
Dumfries,	4	1	...	1	—	...
Wigtown,	...	2	2	—	—	5
Kincardine,	...	1	1	—	—	...
Berwick,	11	6	...	3	3	...
Kirkcudbright,	4	1	...	—	—	—
Caithness,	5	4	1	1	—	—
Inverness,	1	1	2	...	1	...
Forfar,	1	...	...	2	...	...
Peebles,	3	5	...	1	1	1
Clackmannan,	...	...	...	...	...	...
Selkirk,	...	...	...	...	...	...
Kinross,	2	...	...	1	...	...
Sutherland,	...	...	...	—	—	—
Nairn,	2	...	1	...	...	...
Bute,	—	...	...	—	—	...
Shetland,	...	...	...	...	1	...
Total Counties,	256	103	48	102	55	37
Total Burghs,	831	389	358	703	403	749
Grand Total,	1087	492	406	805	458	786
		898			1244	
		2142				

APPENDIX LXIX.

STATISTICAL RETURN, covering a period of Fifty Years, furnished by Chief-Constable Dewar of Dundee, showing—(1) Number of Persons accused of Drunkenness; (2) of Breaches of the Peace and Disorderly Conduct; (3) Total Apprehensions.

Year.	1. Persons accused of Drunkenness.	2. Persons accused of Assault, Breach of Peace, and Disorderly Conduct.	3. Total Number Apprehended or Cited.	Return of Certificates for Sale of Excisable Liquors.				Population of Dundee.	Proportion of Population apprehended for Drunkenness.	Proportion of Population to each Licence for Sale of Excisable Liquors.	Remarks by Chief-Constable.
				Inns and Hotels.	Public Houses.	Grocers.	Total.				
1844	488	2138*a*	4008	...	...	...	...	1841—62,794			*a* I found on making careful inquiries as to the condition of all persons apprehended or cited in Dundee in November last for the crimes or offences under this heading that 87 per cent. of them were under the influence of liquor when they committed the crime or offence charged, and 13 per cent. of them were sober.
1845	769	2827	5098								
1846	697	2111	4106								
1847	667	1579	3817								
1848	544	1803	4158								
1849	760	1637	3866								
1850	930	1267	3619								
1851	1194	1767	4269	...	...	...	...	1851—78,931			
1852	1465	1762	4625								
1853	1625	1854	4950								
1854	1352	1752	4602	18	298	201	517*b*				*b* In August **1854** The Forbes Mackenzie Act was passed.
1855	952	1640	3697	14	230	155	399				
1856	1130	2222	4521	16	232	148	396				INLAND REVENUE SPIRIT DUTY.
1857	876	1748	3450	15	235	146	396				From 1841 to 1852, 3/8 per gallon,
1858	696	1637	2958	12	233	162	407				1853, 3/8, 4/8 ,,
1859	598	1406	2525	14	225	172	411				1855, 4/8, 5/8, 6/- ,,
1860	566	915	2095	15	250	178	443				1856, 6/-, 7/10, 8/- ,,
1861	482	994	2086	18	260	185	463	1861—91,664	·5%	200	1857-8-9, 8/- ,,
1862	472	1161	2152	19	272	182	473*c*				1860, 8/-, 8/1 ,,
1863	597	1089	2455	20	276	178	474				,, 1861 to 1885, 8/1, 10/- ,,
1864	989	1294	3027	22	273	179	474				,, 1886 to 1890, 10/-, 11/-, 10- ,,
1865	1231	1282	3243	21	320	183	524				,, 1891 to 1893, 10/-, 10/6 ,,
1866	1242	1430	3444	24	291	230	545				1894, 10/6, 11/- ,,
1867	1147	1418	3371	21	337	236	594				
1868	935	1193	2930	21	312	242	575				
1869	907	1184	2767	23	307	241	571				
1870	813	1436	3075	22	274	239	535				
1871	980	1493	3528	16	280	235	531	1871—120,724	·8,,	227	
1872	1133	2139	4808	13	276	237	526				
1873	1446	2351	5446	12	252	234	498				
1874	1907	3385	7366	10	246	220	476				
1875	1656	2968	6435	9	246	209	464				
1876	1612	3292	6502	8	250	201	459*d*				*d* In July 1876 The Publicans' Certificates (Scotland) Act, 1876, was passed, and in 1877 an amending Act was passed.
1877	1980	3784	7772	8	242	196	446				
1878	2262	3623	7674	8	238	197	443				*e* There are at present 279 Habitual Offenders in Dundee who have made from 20 to 160 appearances before the Magistrates during their criminal career. During the year 1894, 826 persons made from two to thirteen appearances, and as they are chronicled in the Return as a person on each appearance, these individuals greatly tend to swell the number of apprehensions. By deducting the number of appearances in excess of one for each of these habitual offenders during 1894, the number of individuals apprehended or cited during said year is found to have been 4820 instead of 6265. What is stated in this connection as regards 1894 is also applicable to previous years, and also requires to be taken into account when judging of the Return giving the proportion of population said to have been apprehended for Drunkenness.
1879	1819	2819	6579	8	237	198	443				
1880	1878	3067	6853	8	235	201	444				
1881	1813	2888	6422	8	238	212	458	1881—142,154	1·2,,	310	
1882	1587	3064	6416	7	237	216	460				
1883	2027	3514	7455	7	234	215	456				
1884	1573	3172	7217	8	231	212	451				
1885	1182	2253	5457	8	229	211	448				
1886	1176	2731	5842	8	228	210	446				
1887	1202	2770	5919	8	228	211	447				
1888	1061	2605	5442	8	228	211	447				
1889	1241	2727	5689	8	227	211	446				
1890	1133	3291	6102	8	227	211	446				*f* This number does not include five Table Beer Certificates.
1891	1131	2803	5904	8	227	211	446	1891—155,985	·7,,*e*	350	
1892	1110	2388	5504	8	226	211	445				On 1st August 1892 a local Police Act came into operation in Dundee, making the penalty for being drunk and incapable 40/- or one month's imprisonment, instead of 5/- or 24 hours imprisonment, as formerly, under the Public Houses Act.
1893	1615	2896	6989	8	225	210	443				
1894	1385	2608	6265*e*	8	220	212	440*f*				

APPENDIX LXX.

SWITZERLAND.

Summary of Laws in Force in Switzerland with regard to the Treatment of Inebriates. By Dr J. F. Sutherland.

The Laws and Regulations of 13 Cantons of Switzerland and their sub-divisions with regard to the Treatment of Inebriates.

These Laws and Regulations seem to differ little from each other in their essential points, and may be looked upon in principle as effective measures against intemperance by affording sufficient powers to the agents of the law in repressing the evil in question, for not only are those persons who indulge in strong drinks to excess liable to fine or imprisonment, and subject in some localities, when such indulgence is persisted in, to confinement for many months in a home for inebriates, such as that described at length under the heading of Zurich; but considerable responsibility is incurred by publicans who supply strong drinks knowingly to persons under age, to those already intoxicated, or who are by reason of their habitual intemperance forbidden to enter taverns.

I.—Zurich.

Rules for the Ellikon Home for Inebriates.

For reception into the retreat there is required—

1. A written agreement to remain in the institute for a definite time, to be fixed by the president of the committee of administration, in special cases by the principal of the establishment (Hausvater), and to submit to the rules and regulations of the said principal. The duration of stay agreed upon must, as a rule, not be less than 4 months. Only in quite peculiar cases may an agreement for 3 months be granted. In the case of wards, and persons in receipt of charity, the agreement of the inebriate can be replaced by that of his legal representative.

2. A previous certificate from a medical witness testifying that the person in question is not insane, and in which the cause or the habit and the general circumstances of the said person are clearly shown forth.

3. Production of certificate of place of origin (Heimatschein).

4. Payment of caution money for cost of residence for first quarter, or satisfactory guarantee for same. Extra costs must also be previously covered.

The cost of maintenance is generally reckoned to the day of leaving the institute. The caution money is not returned in any part, when—

(*a*) The inmate quits the institute before expiry of first quarter;
(*b*) Or quits the institute without the consent of the principal of the institute and the president of the committee of administration before expiration of course of treatment;
(*c*) Or is expelled.

The main principle for the treatment of inebriety is complete abstinence—that is, entire abstinence from all alcoholic drinks.

Accordingly the principal, his family, and the entire staff must abstain from all spirituous liquors, so that in the whole house no mischievous example may be set to the inmates.

The institute will therefore form a temperance community, whose members shall set before themselves the ideal and moral duty of zealously fostering and spreading this moral reform amongst inebriates.

In the practical work of the moral elevation of the inmates of the institute each must, without exception, take his part according to the measure and character of his capacities. In work, of whatever kind it may be, lie the best means of strengthening his bodily and spiritual powers, above all his weakened will and character. The work accomplished by the inmates falls to the profit of the institution.

The medical supervision is given by the committee of administration to two doctors, each of whom must visit the institute at least once in every 2 months.

If an inmate becomes deranged, the principal shall at once communicate by telegraph with the relatives or responsible parties, and at the same time bring the matter to the cognisance of one of the visiting physicians, so that the patient may as soon as possible be placed in an asylum.

As a rule no inmate may leave the institute during the first 3 months, not even with relations or guardians. Later on, permission to go out is granted by the principal according to the circumstances and condition of the inmate. When such permission is given, the person concerned is to keep within the time allotted.

Fourth Yearly Report of the Institute for 1892.

Number of Patients.		Age at time of Admission.
		Years.
1	Under	20
3	Between	20 to 25
13	,, ...	25 ,, 30
18	,, ...	30 ,, 40
21	,, ...	40 ,, 45
6	,, ...	45 ,, 55

Of whom :—

	1889.	1890.	1891.
	Per cent.	Per cent.	Per cent.
Have remained abstainers	27·3	33·3	37·5
Have remained temperate	27·3	40·0	32·5
Relapsed	45·4	26·7	30·0

The principal cause of cases of relapse, of which we have still to complain, is the short time the patients stay in the institution. It generally needs some months before an alcoholic subject has so far recovered that he has a true insight into his circumstances and shows nothing morbid in his train of thoughts. A much longer time is needed before the patient's character and will is sufficiently strengthened that one can confidently trust him to the trials and temptations of social life. The average term of 5½ months in the case of patients who have been discharged this year is therefore too short: in most cases the duration of cure should last 12 months.

In some Cantons, as for examples Zurich and St Gall, the profits from the alcohol tenth are devoted to defraying the cost of maintenance, but many individuals and Communes are ignorant of this, and many applications fail to be made which, where the State would assist in bearing the expense, would lead to the patient being admitted and cured.

The State should not only, under certain circumstances, bear the entire cost of maintenance, but, when necessary, support the family during the absence of the bread-winner, and in such a way that the support should not assume the character of charity.

II.—Berne.

When persons receiving poor law relief are knowingly helped to gamble or drink, the person so offending can be punished with 60 days' hard labour. Persons of drunken and dissolute life may be forbidden from access to public-houses for 2 years from date of prosecution, or punished by deprivation of parental rights.

Persons who abandon themselves to an idle, drunken, or disorderly life, and in consequence thereof come upon the poor-law relief, or become a source of annoyance to the public, shall be liable to detention in the house of correction for a space of one year.

III.—Uri.

No licences shall be granted to innkeepers who have allowed drunkenness, gambling, receiving stolen property or immorality.

It is forbidden to vend spirituous liquors to drunken persons; any innkeeper who gives a customer so much to drink that he becomes unconscious, or is incapable of walking, is under the obligation of supplying him with lodgings for the night without any compensation, and shall moreover be punished. (Art. 19.)

IV.—Glaris.

It is forbidden to deliver spirituous liquors—
(*a*) To persons who are already intoxicated.
(*b*) To young persons under 16, when not accompanied by parents or guardians.
(*c*) To such persons as are forbidden to have access to public houses.

V.—Fribourg.

Shall be punished with the house of correction for a term not exceeding 3 months, and with interdiction from public-houses for at least 3 years, any person who abandons himself to gambling, drunkenness, or idleness to such a degree as to become a burden on the public maintenance, or to allow those dependent on him to become such a burden.

These penalties may be increased by confinement to the Commune for a term not exceeding 6 years.

Law of September 28, 1888, concerning Inns.

Any individual found in a state of drunkenness in a public place shall be taken to the nearest police station. He can be condemned to a fine of £2, or to a term of imprisonment not exceeding 15 days.

When the offence is serveral times repeated, the prefect can, as a measure of discipline, pronounce his interdiction from public-houses for one year or less. This interdiction does not involve the forfeiture of political rights.

" Persons who abandon themselves habitually to drink, may by a measure of the administration be confined in a house of correction (" *Maison de travail*").

Penalties shall be doubled in cases where the offence is repeated.

VI.—Bale-Ville.

Law concerning the Administration of Work or Reformatory Institutes, February 7, 1854.

There may be placed in such institutes citizens of the Canton Bale-Ville, who, through dissolute conduct and behaviour, especially through drunkenness and a disorderly manner of life, become a public nuisance, who can give no guarantee for the maintenance of order, discipline, and public security either through themselves or through their families, and can only be kept in an orderly manner of life by compulsion.

VII.—St Gall.

Law concerning the Treatment of Habitual Drunkards, May 21, 1891.

The Grand Council of the Canton of St Gall,—

In consideration of the need of establishing measures of legal prevention against alcoholism, and in execution of Art. 12 of the Statutes of November 16, 1890,

Ordains that: Persons who habitually abandon themselves to drunkenness can be placed in an institution for inebriates.

Art. 2. The duration of their stay in the said institution shall be, as a rule, from 9 to 18 months. In cases of relapse the term shall be correspondingly prolonged.

Confinement in such an institution shall ensue—

(*a*) By voluntary application.

(*b*) By a declaration of the Council of the Commune.

In so far as, according to Art. 7, the costs of maintenance are to be defrayed by poor relief, the declaration of the Communal Council requires the assent of the poor-law authorities concerned.

The Communal Council shall decide as to the transfer of a patient into such an institute, whether the initiative come from themselves or from other authorities, or from a relation or guardian.

Transfer into the institute can only be decided on the ground of a medical certificate establishing the fact of alcoholism, and that residence in this institute is necessary for its cure.

Art. 6. The declaration of the Communal Council is to be conveyed to the parties concerned by the district board for justification, and in every case it requires to be confirmed by the Council of State.

(2) The Council of State is also authorised to decree by itself the entrance of a patient whose transfer is imperatively necessary where the Communal authorities refuse to act.

The costs of treatment in an Institute for Inebriates shall be defrayed out of the patient's own means. If he is without resources, or the costs of treatment are too heavy for his family to incur, they shall be levied on the poor rates in accordance with the existing legal prescriptions. Where it appears necessary, the State shall contribute to the cost of maintenance in the institute, and in exceptional cases a proportionate sum for the maintenance of his family during the time of the patient's treatment.

One month before expiry of the course of treatment the managers of the institute shall furnish a report to those authorities who committed the patient to their care, and if the cure is not yet complete it can be prolonged within the limits of the time established in Art. 2.

During the time of treatment a temporary guardian can be appointed to represent the patient concerned. The same can be done even before transfer into the institute, as soon as a serious weakness of will consequent on an excessive use of alcohol is proved to exist by medical certificate.

VIII.—Grisons.

Poor Law Regulations of the Canton Grisons, 1867.

The house of correction called Realta is intended to put persons who are sent there into the way of reform and self-control, and to make them useful members of their family and community, or, if they are incorrigible, at least to render them incapable of doing further mischief.

The Grand Council of the Canton Grisons to the Departments and Communes.

A further regulation deals with the employment of *the tenth of the alcohol monopoly*. According to a federal law dealing with the alcohol monopoly, the cantons are required to employ at least one-tenth of the profits accruing from this monopoly for combatting alcoholism in its causes and effects. After the Grand Council had first devoted one-half of this cantonal profit to the expenses of the asylum for lunatics now being built, the smaller Council, in their provisions for spending the other half of the profit, created a special commission which laid before the authorities a project of administration. The latter was somewhat simplified by the Standing Committee and Grand Council, an constituted as follows :—

Two-tenths shall be devoted to the reformation of pauper inebriates, especially in placing them in suitable institutions ;

Seven-tenths to the shelter and maintenance of the children of inebriates, and other destitute or weak-minded children of poor parents ; and

One-tenth to forward the efforts made in the Communes for improving popular cookery, education, and the supply of natural necessities.

These objects scarcely need any further explanation. The first two objects tend directly to the required aim, the third one not so directly. It endeavours to combat alcoholism in its causes. In the case of pauper inebriates these causes lie not unfrequently in bad nourishment and in the want of elevating and instructive social intercourse, and therefore it is demonstrated that State help should work also in this direction.

It is indeed quite true that the half of the profit of the alcohol tenth could find beneficent and appropriate uses in other directions ; but considering the smallness of the sum which is at present to be disposed of, it seemed desirable not to break it up too much.

IX.—Thurgovie.

The tenth share of the profits of the alcohol monopoly for the Canton of Thurgovie, which last year amounted to the sum of 18,000 fr., was chiefly employed on the following objects :—

(*a*) As contribution towards the expenses of an out-cantonal inebriates' institute, and of an asylum for boys and girls without guardians, created voluntarily in Thurgovie (2,000 fr.).

(*b*) For assistance in kind to passing travellers (5,000 fr.).

(*c*) For the care and control of young offenders (Budget, 1,000 fr.).

(*d*) To defray part of the costs of maintenance of victims to alcoholism in the house of correction at Kalchrain, and in the lunatic asylum, as also those of young persons without natural protectors (6,300 fr.).

(*e*) For the cantonal education of poor children (1,000 fr.).

(*f*) For an orphanage (500 fr.).

(*g*) For popular kitchens and canteens, for societies to advance economy, and the education of children of weak intellect (2,200 fr.).

X.—Vaud.

Persons who are habitually maintained by the public, as well as parents whose children have been withdrawn from their charge by the judicial authorities, may be forbidden to frequent places intended for the sale and consumption of spirituous liquors. This prohibition is pronounced by the police tribunal. This prohibition shall take effect for a term of not less than 1 year, and not more than 4 years. Where such prohibition is disregarded, the tribunal can order confinement in a penal colony.

XI.—Valais.

No action can be sustained in a court of justice for credit given for the retail sale of wine or other liquors. This law does not apply to persons stopping at hotels or inns.

XII.—Neuchâtel.

Any persons who abandon themselves habitually to drunkenness, or who cause a public scandal through being in a state of intoxication, shall be taken to the prefecture of the district and warned. In case of a new infraction of the law within 12 months, the penalty shall be 15 days' imprisonment in a civil prison. In the case of a repetition of the offence within the same period, the penalty shall be 3 months' imprisonment, or seclusion for a period of 1 year to 3 years in a house of correction and hard labour.

XIII.—Geneva.

Confinement in an institution for inebriates has for its object to cure the persons concerned of drunkenness and its effects. Persons who, in consequence of drunkenness, become a burden on the public maintenance, or cause public disorder, can be placed in a house of correction.

Persons who, through habitual drunkenness, cause public annoyance, squander their means, or openly suffer mental and bodily harm which incapacitates them from business, can be placed in an institute for inebriates without their own consent. The duration of their term of confinement shall generally amount to 18 months ; this term can be doubled in case of relapse. The poor-law authorities can come to an agreement with the Council of State as to placing any person in one of the above-named institutes.

Application for the same may be made by a third party directly to the Council of State ; or

The said Council may act directly of its own initiative.

APPENDIX LXXI.

MEMORANDUM on the Laws and the Institutions, in the United States and the Colonies, for dealing with Crime, Vagrancy, and Inebriety. By Dr J. F. Sutherland.

North Carolina.

Report of the State Hospital, Morganton.

The General Assembly of North Carolina for 1891 permitted the Hospital to admit inebriates under certain restrictions.

An inebriate, as defined by the statute, is 'one who habitually 'or periodically indulges in intoxicating liquors or other narcotics to 'such an extent as to stupefy his mind and to render him incom- 'petent to transact ordinary business with safety to his estate,' provided the habit shall have been 'at the time of inquisition of at 'least one year's standing.'

This includes, as is seen, those who indulge in opium and its preparations, as well as other drugs of like character.

Eighteen persons under above statute were admitted — nine alcoholic and nine opium inebriates. Of the number discharged cured five—two alcoholic and three opium inebriates—remain well; five returned to the habit, and of the remaining, two were lost sight of and four remain under treatment. The deductions to be drawn from these statistics are clearly set forth and need no further comment.

Even before the trial was made, it was thought that this was not a proper place for the treatment of this class. Time and experience convinced the authorities of the correctness of that position. They interfere with proper discipline, and are troublesome in a variety of ways. It is deemed, however, advisable to have the privilege of admitting certain ones of these cases, and hence the law has been allowed to remain as it is. There are some of these persons who cannot very well be treated elsewhere, and who are a menace to society and ought to be confined, and yet are not insane.

New York State.

Elmira Reformatory.

The Reformatory at Elmira, N.Y., of which Mr Z. R. Brockway took charge in 1876, and which, to a great extent, is of his creation, is the best known and in many respects the most remarkable of American institutions of this class.

It differs from the other prisons of the State in the selection of a special class of prisoners to be treated, viz.; Males to the exclusion of females; felons to the exclusion of misdemeanants and men supposed to be first offenders in felony although they might have been in a house of refuge, or guilty of a misdemeanour. They must be between sixteen and thirty years of age. Then as to the men sent to the Reformatory the judge does not determine or name the periods of their detention. The law fixes the maximum and the minimum penalty that may be imposed for each offence. In other cases the judges determine what the penalty within these limits shall be, but not when a prisoner is sent to this Reformatory. In regard to this Institution Mr Brockway states:—'Another 'difference is in the system of treatment which has been termed 'the disciplinary system and which is based upon the system 'of *indeterminate sentences*. There is a marking system under 'which the most minute record is kept of a man's performances and 'progress and demeanour and industry, instructive or productive, as 'the case may be, and of his mental growth indicated by his work at 'the schools. . . . The next distinguishing feature is in the efforts 'made for the education of the men here—in the schools. Every 'inmate upon admission is assigned to his appropriate place in the 'grade's school, and is assigned school tasks under competent teachers 'who instruct him under the oral system. The prisoner is subjected 'to monthly written examinations and a failure to obtain the mini- 'mum percentage required, involves loss of time, as does failure in 'demeanour, or in the trade's school examination; or properly, in 'the industrial results. Latterly, a difference had come to exist, 'because of the military government of the whole place and the 'organising of the inmates into a regiment with a complete com- 'plement of officers. Out of this had come a new disciplinary 'government in which inmates of the advanced grades placed under 'parole are appointed monitors and overseers in place of citizens 'previously employed. Another distinguishing feature is the in- 'struction given in trades. Every man on his admission is assigned 'to some mechanical instruction, as well as to a place in the school. 'A careful inquiry is made into the natural adaptation of each man 'for some particular place in the world's work, as to his possible 'introduction into an industry upon his release, as to the employment 'of near relatives and as to the general class of industry carried on 'in the community to which he would probably go. Here the 'prisoner proceeds upon a formulated outline, each trade having 'several subdivisions and a number of lessons assigned to each. 'Failure to pass monthly examinations in these results in loss of time. 'The newest feature that distinguishes this Reformatory is the 'attention given to the physical training of defectives with a view to 'bringing about a better mental state and capacity in the expecta- 'tion of course that broad scientific treatment based upon better 'physical condition is the vehicle for instinctive moral impulse. For 'this a building and apparatus have been provided on ground 'measuring 80 feet by 140 feet, with turkish bath, plunge bath, and 'a complete apparatus for a gymnasium. This is no mere amuse- 'ment for the inmates, but is a complete system of scientific renova- 'tion for those who may need it. It ought to be stated for the sake 'of emphasising the difference between this and other institutions, 'that this Reformatory deals with a selected class of inmates on the 'so-called indeterminate sentence system from an educational and 'disciplinary point of view, and it is distinguished from the average 'prison in the most important particular, that under the law of 'discipline the matter of retribution is left out and the whole treat- 'ment of the prisoner is remedial. We have at the present time 'considerably over a thousand inmates.'

Of the young felons committed 95 per cent. have no knowledge of a trade. But the trade school, during two years' confinement, gives them the necessary equipment, and it is claimed that 78 per cent. are able to secure employment—in many cases at the trade rate of wages.

Of the 3723 paroled during the 17 years of the system 259, or 7 per cent., were returned to the Reformatory, of which number 110 were paroled a second, and 10 a third time. The right to return the prisoner to closer custody is conferred with his first committal. The managers claim that 80 per cent. of those paroled are reformed, and turn out good citizens. This stated ratio based on the best information, was verified by an enaminative correspondence and inquiry made in 1887.

Massachusetts.

The Massachusetts State Reformatory for men is managed on somewhat different principles. All prisoners sent to it are under *indeterminate* sentence. Any man guilty of an offence bringing him within the provisions of the statute may be sent to this Reformatory by any court or magistrate of the State, and persons sentenced to other prisons may be removed to this by order of the Commissioners of Prisons. Two classes of offenders are admitted to this institution — misdemeanants, that is those convicted of drunkenness, idleness, vagrancy or stubbornness, who may be held for two years; and felons, including those convicted of larceny, embezzlement and other serious crimes, who may be held for five years.

The prolonged imprisonment usually has a good effect on those committed for drunkenness. A man may be committed for drunkenness on a third conviction, or if any one will swear that he has seen the man drunk three or four times within a year.

A peculiar feature of this institution is the societies which the men are allowed to organise, choosing their own officers and conducting their proceedings without the presence of the officers of the institution. Frequently as many as 300 men meet without an officer except those chosen by themselves. They hold interesting discussions and preserve excellent order. One is a Young Men's Christian Association, which was begun as an experiment, and which now carries on work of a religious character. Then the Catholics formed a religious society of their own. They had a literary and scientific society, a Chatauqua, a temperance and other societies, all meeting on different evenings of the week and all doing manifest good.

The conditions under which Mr Tufts works are much less favourable to the production of striking results than those under which the Elmira Reformatory is conducted. The limitations of age are not the same. At Elmira all are convicted for the first time; at Concord several have been more than two or three times convicted. At Elmira the maximum term is in all cases long, and the average length of imprisonment was 20 months in 1889. At Concord many of the inmates are misdemeanants whose maximum term is but two years, and the average term is comparatively short; and a large proportion of the inmates of the Concord institution are habitual drunkards. It is to be expected therefore that there should not be the same appearance of strict discipline at Concord, and that the recidivists there should be numerous. Some think it a fault in Mr Tufts' administration that he treats those committed to his care with a kindness that is almost indulgence.

Other States have followed the example of New York and Massachusetts in providing Reformatories for men. Ohio, although the parole system was introduced in her State prison five or six years ago, is now erecting at Mansfield a large and handsome building to be managed nearly on the principle of the Elmira Reformatory.

Indeterminate Sentence.

In the United States the system of *indeterminate sentence* and *parole* combined is regarded as absolutely essential to the successful management of a Reformatory. Juveniles who commit offences of a certain gravity become wards of the State and remain under the guardianship and control of the State Board appointed for the purpose, until they have attained their majority or have given satisfactory evidence of their ability to take care of themselves. Adults placed in a Reformatory are enabled and encouraged to earn their release absolute or on parole, by good conduct and attention to and proficiency in work and study.

The Massachusetts Laws.

The laws of Massachusetts provide that complaint may be heard against any boy or girl between the ages of seven and seventeen, but no 'court or magistrate shall commit any child under twelve 'years of age to a gaol or house of correction, to the house of in- 'dustry of the city of Boston or to the State workhouse in default of 'bail or for non-payment of fine and costs, but to the custody of the 'State Board of Lunacy and Charities.' They provide also that 'police, district and municipal courts shall try juvenile offenders 'separate and apart from the trial of other criminal cases at suitable 'times to be designated therefor by said Courts, to be called the

'session for juvenile offenders, of which session a separate record 'and docket shall be kept.'

The agent of the board, or the probation officer as he is generally called, makes careful enquiry into the circumstances of the case, and the condition and character of the child and the character of its parents, and if the charges made be proved, the court is usually guided by the advice of the officer. If the parents are not dissolute or of bad character generally, the child is usually placed on probation with them, with the understanding that strict watch will be kept, and if they fail in their duty, or the child prove uncontrollable, he will be taken from them and placed elsewhere or sent to an institution. If the officer report that the parents are unfit to take charge of the child, the board is authorised to place him with respectable persons willing to receive him on the terms prescribed by law and by the regulations of the board. Only when the child has committed some serious offence or is known to be of depraved habits is he sent to the Reformatory or Industrial School, at Westborough.

The Massachusetts Industrial School for Girls.

The trustees regard this institution as highly successful, and speak of an increase in the number of communities as evidence of a growing belief in the value of the institution for girls of the class sent there. 'The placing out of these girls all over the State,' they say, 'with the good accruing both to the girls themselves and 'to the little communities that secure domestic service of such good 'character, has tended to call attention to the school and its work. 'A work which has transformed many girls who, a few months 'before, were idle, disorderly and sometimes disreputable, and who 'lived in thriftless and wretched homes, into neat, strong, industrious 'and willing, if not always skilful, helpers in respectable families, must have some merit and some efficient force and motive.' They claim that the industrial training is thorough, and that the girls learn to do much of the farm work as well as what is domestic. They reply to a complaint that the girls are kept in the school too long by stating that it is necessary to keep them from their old associations until they have acquired moral strength to withstand them all, and by asserting that no girl is retained in the school whose condition would be better outside. The superintendent reports that the demand for girls is greater than can be supplied, although seventy-nine had been placed out that year. The tabulated statements are not so favourable. The number in the school on September 30th, 1888, was sixty-three. During the year following there were seventy-three new commitments, and of those previously placed out six were sent back for illness, six in order to change their places, fifteen for unsatisfactory conduct, two for theft, three for serious immorality, five for having eloped from their places, and two from prison.

They also say, 'The feeble-minded girls still constitute a most 'perplexing element in the school. Some of them the trustees have 'discharged as unfit subjects, for the training is too expensive to give 'to those whom it cannot permanently benefit. But girls who are 'unfit for the school are still more unfit to be turned loose to pollute 'the community and to propagate a tainted offspring; and the 'trustees earnestly renew their recommendations that a custodial 'asylum, like that in the State of New York, be established where 'these unfortunates may be decently and economically cared for.'

Drunkenness.

The total number sent to the Boston House of Industry during the year 1889 for offences of all kinds punishable by imprisonment in that institution was 13,749. Of these 44 were committed as habitual drunkards and 11,958 others on charges of drunkenness, One of those convicted as a common drunkard was committed 18 times. But of those not so classed many were committed more frequently. 1006 were committed a third time; 724 a fourth time; 596 a fifth time; 1388 more than five and less than ten times; 1,405 ten times and less than twenty times; 576 twenty times and less than 40 times, and several others even more frequently, one who died in confinement having been committed 176 times.

The fact that no general persistent effort has been made in any country to provide by law against the continuance of this deplorable state of things proves that so far it has been found difficult if not impossible to deter or reform the drunkard by any legal process. Massachusetts is doing something to test the value of continued reformative restraint and training. During the year 1889 52 common drunkards and 77 convicted of drunkenness for the second or third time were sent to the Reformatory for men, the whole number sent from 1884–5 inclusive being 354 common drunkards and 654 convicted of drunkenness more than once. To the Reformatory for women 92 were sent for drunkenness, the average length of whose sentences was one year two months and six days. The superintendent of the Reformatory for women says that many of the drunkards entrused to her care have been thoroughly cured. Her opinion is that it requires fully two years to quench the craving of a confirmed drunkard for alcoholic stimulants, and to build up the moral and physical strength sufficiently to enable her to resist temptation when she returns to the world. During the past nine years 917 women have been committed to this institution on charges of drunkenness.

Compulsory abstinence from the use of alcohol in any form, and a careful strengthening of the moral and physical nature, may be successful in rescuing many of those who have not become mere wrecks mentally and physically and who are not thoroughly depraved. To achieve any marked degree of success in dealing with this monster evil, prevention and earnest rational means of restoring the fallen must be combined.

The evidence given as to the causes of drunkenness, its effects and the best mode of dealing with it, differed very widely. Some witnesses thought drunkenness a disease. Even those who refused, on scientific grounds, so to regard it, thought that the drunkard is in most cases to be pitied rather than condemned. That a love of stimulants and a consequent tendency to become drunkards is hereditary is an opinion which we found to prevail very generally. That some, because of their peculiar nervous organisation, or other constitutional weakness, became victims of this dreadful passion more readily than others, and having fallen, can do less to rid themselves of it, was generally admitted. Few, if any, thought that those whose only offence is drunkenness, should be treated as criminals. Many who frequently drink to excess are amiable, inoffensive and industrious, when sober, good fathers, sons and brothers, and even when drunk are harmless. Many, notwithstanding their occasional outbreaks, do much towards supporting their wives and families. To take them away for six or seven months, even for the purpose of effecting a cure, would be to inflict much suffering on those who depend on them for their daily bread. The brutal ruffian who drinks all the money he can get hold of, including the earnings of his wife and the alms which he forces his children to beg, and who takes a savage pleasure in maltreating those he should cherish and protect; the sot who is never sober and who spends an utterly worthless, and useless existence everyone seemed to agree, should be locked up as long as may be necessary where they could do no harm to themselves or any one else. But these are by no means the only drunkards whose cases require consideration.

It is admitted on all sides that the present mode of dealing with those arrested for drunkenness is not effectual as a means of preventing drunkenness, and that as a means of reclaiming those who have become addicted to the excessive use of strong drink it is an utter failure. The imposition again and again of a paltry fine, with the alternative of a few days' or a few weeks' imprisonment, has no serious effect either reformatory or deterrent, and a cry against the continuance of this absurd system has arisen in every country in which drunkenness is prevalent. The Superintendent of the Boston House of Industry speaks of the system as heedless, and says, 'I 'would suggest that a law be passed whereby "rounders" or common 'drunkards be committed to some institution for an indefinite 'period of time, and their release depend on their reformation.'

Ohio.

The Board of State Charities of Ohio says: 'In our workhouses 'on the average fully one-half of the prisoners are recidivists, and 'many of them have been convicted scores of times. This class 'are largely habitual drunkards who make the workhouse a place 'of refuge to sober off in and recruit their wasted energies at the 'expense of the public. When at large they are a terror to their 'families and a nuisance to the community. To them temporary 'imprisonments are neither reformative nor preventive, and the 'costs of repeated convictions are unnecessary expenses to the 'Government. . . . To remedy this condition of affairs, workhouse 'superintendents are substantially unanimous in recommending 'cumulative sentences, doubling the fine and time at each repetition, 'and if this should prove insufficient then after the third or fourth 'offence make the sentence indefinite with a five years limit 'with power of parole for good conduct at the end of one year. 'This action would at least protect the public to a large extent from 'this class of offenders, and would make their labour of sufficient 'value to pay the expenses of the prison and possibly something for 'the support of their families.

Minnesota.

'The Secretary of the Board of Charities of the State of Minne-'sota in his report for 1889 says, The commital of this class of 'prisoners to jail for ten days or less is worse than useless. It 'only cleans them up and whets their appetites for a new debauch.'

The witnesses who appeared before the Prison and Reformatory Commission of Ontaria were satisfied that in many cases the reformation of drunkards can be effected if the effort be made in time and proper means be employed, and that much good can be done even in cases in which occasional relapses may occur. They agreed that to effect a cure it is absolutely necessary that the drunkard should be kept under restraint until the craving for strong drink has been subdued, and the physical, mental, and moral nature has been sufficiently strengthened. Three months may be sufficient in some cases to work this great change, six months may be sufficient in others; but in many cases at least a year would be necessary, and in not a few cases even more than a year. It was the general opinion also that it is absolutely necessary that the minds and bodies of those under restraint should be actively employed, that habits of industry should be enforced, and that all wholesome influences, physical, intellectual, moral and religious, should be employed to give the strength needed in what must be a life-long struggle.

San Francisco.

Inebriate Home.

The system of treatment pursued is no one, iron-clad, routine 'cure' for every case, but includes all the most efficient methods sanctioned by the researches of scientists and the experience of specialists in this line of professional work. Each patient is studied individually with reference to the original cause of his enthrallment,

its duration and effects on the system, his ability to exercise his will, and his desire to be permanently freed from his slavery; also as to his general condition, physically and mentally; and is placed under a special treatment in accordance with the particular requirements of his own case, and the length of time at the disposal of the physician in which to accomplish the desired end. The rules and regulations imposed on patients are as liberal as possible, and are necessary for the individual welfare of each and the general comfort of all. The attendants are especially selected for their kindness of disposition, their firmness of character and integrity of conduct. Visitors are admitted to see their relatives on specified days of the week, and in such a manner that other inmates are not exposed to their observation.

Patients are absolutely protected from publicity, and their affairs are guarded in every respect from injury while under the care of this institution. The part of the house devoted to women is entirely isolated from that occupied by men, and is supplied with every convenience necessary to their comfort.

Inebriates of every kind are received, and all are treated, except such as are considered unfit for treatment by reason of special complications. In the former class are comprised not only alcoholic cases of acute and chronic type, but also those afflicted with the morphine, opium, cocaine, chloral and other drug habits, and with nervous diseases resulting directly therefrom. Persons in a dying condition, those requiring surgical treatment or operations, and cases of advanced organic disease due to alcoholism (such as cirrhosis of the liver with dropsy), are not received,—being unsuited to a Reformatory Institution, and more properly subjects for a general hospital having a full staff of physicians, surgeons, specialists and trained nurses.

The observation of persons suspected of insanity has been an important part of the work of this Home. Heretofore all such persons from this city and county were detained in this House until their examination by the Commissioners of Insanity, who remanded many for the observation and report of our resident physician before taking final action on their commitments or discharge. By this system the unfortunate subjects of a charge of insanity were given time for the subsidence of any temporary excitement, recovery from delirium tremens, etc.; were not subjected to association with criminals and the other humiliations of a city prison; received the benefit of the observation of a competent and impartial physician, and were removed from disturbing influences or persons pending the final hearing of their cases by the Court. As a result of this humane method nearly one-half of those suspected of insanity have been discharged, and saved from the cloud which always follows one who has been a inmate of an insane asylum. While the management have discontinued doing this work for the city and county of San Francisco under present financial arrangements, they will continue to extend the benefits of the house, in like manner, to persons suspected of insanity, whose friends desire to give them time and opportunity for recovery before taking legal steps to have them committed to an insane asylum.

The Act of the Legislature of California, approved April 1, 1870, empowers the managers of this Institution to "receive and "detain in said Home, under such restrictions and discipline as "they shall deem proper, such persons as may be thereto committed or otherwise placed in said Home."

This Home is not a commercial establishment. No person or set of persons can derive any pecuniary benefit from their connection with its management, except the regular employees on fixed salaries.

Statistics for 1893.—On January 1, 1893, there were 24 cases in the House, and during the year there were 1026 admitted, making a total of 1050 cases treated, of which 705 were admitted for alcoholism, 328 for insanity (102 of which were alcoholic cases), 13 for morphinism and cocainism, and 5 for bromism, insomnia, etc. As many of the alcoholic cases were readmissions of the same persons, in some instances several times during the year, the actual number of individuals under this heading was much less, namely, 437. These numbers are exhibited in detail in the following table:—

TABLE of Individual Cases Admitted.

Admitted for	Remarks.	Males.	Females.	Total.	Aggregate.
Alcoholism (705 Admissions)	Admitted once only;	156	27	183	437*
	2 to 3 times;	112	18	130	
	over 3 times;	119	5	124	
Insanity (328)**,	Committed to Asylums,	129	43	172	328**
	Discharged by Court,	115	19	134	
	by Superintendent,	21	1	22	
Morphinism and Cocainism, Bromism, Insomnia, &c.,	...	8	5	13	18
	...	4	1	5	5
	Totals.	664	119	783	788

* Of these 86 had delirium tremens when admitted.
** Of these 102 had delirium tremens when admitted.

Remarks on the Cases of Alcoholism.—Beside the 437 individual cases of alcoholism, 102, or more than one-half of the cases of insanity discharged by the court, were cases of the same kind, but, who, being in delirium tremens, were supposed to be insane when arrested. These added to the others gives a total of 807 admissions, or 539 individual cases of alcoholism altogether, of which 102 plus 36, or 138 in all, were in delirium tremens when received.

Among these cases it will be observed that 183 plus 102, or 285, were persons who had never been in the Home before, and who have not returned thereto since. It may be assumed that very few (or none) would be brought here for a first 'spree;' hence nearly all our cases may be considered as victims of the alcohol habit. Making all due allowance for those who have left the city, and for those who have continued drinking, though not to such an extent as to require to be replaced under treatment here, it may reasonably be assumed that a large proportion of this number (285) have remained free from drink as a result of their treatment and detention in this Institution. It is quite impossible to follow up these people, in so changeable a community as this, to ascertain the results in each case; but a few notable ones, personally known to some of your honourable body, as well as to myself, may be mentioned in detail.

Keeley Graduates.—Among those admitted were forty-six so-called 'graduates' of the Keeley, Milen and similar 'cures,' of which thirty-six had passed through the regular Keeley treatment at the Dwight, Los Gatos, Riverside, and other 'Institutes.' A list of these cases is kept among the records, with full details of each.

QUEENSLAND.

COLONIAL SECRETARY'S OFFICE,
BRISBANE, *24th June* 1893.

SIR,—In further reference to the subject of my circular letter of the 2nd instant relative to the scale to which it has been found necessary to restrict the assistance to be given by Police Magistrates to destitute persons, I am now directed by the Colonial Secretary to state that, owing to the increasing number of applications for relief at a time when the finances of the State are least able to meet such demands, it has become imperative to define still more precisely the limits within which the representative officers of the Government may be permitted to incur expenditure in relieving destitution.

I am accordingly to inform you that relief is to be distributed in future on the following scale:—For adults, per week, four pounds meat, four pounds of bread or flour, one pound of sugar and two ounces of tea, and half these quantities in the case of children; but that these rations are to be issued only to married people and their young families. Single men living in towns are to be excluded from such assistance, and it is not considered desirable to encourage this class to remain in stationary dependence upon the Government instead of making effort to obtain work outside their own locality.

With regard, however, to the class of men, married or single, *bona fide* travelling in search of work, in whose case the assistance given is only casual, and who have not the opportunities of benefiting by the organised or private charities which are open to the poor in towns, and who, moreover, deserve to be encouraged in their search for occupation, it has been decided that sufficient rations be issued to carry them on their way to their place of work or to the next centre of relief distribution, on the following scale:—Per week, seven pounds of meat, seven pounds of bread or flour, two pounds of sugar and four ounces of tea. Railway passes, however, are not to be granted in these cases unless the Police Magistrate is satisfied that there are definite prospects of employment for the applicants at the places for which the passes are issued.

I am to add that at all townships where there are persons holding contracts for Government supplies, the orders for relief are to be upon such Contractors, and are to be paid for at contract prices.

It is considered desirable that the nature of these instructions should be made as publicly known as possible, since there can be no doubt that the prevalent idea that the Government is in duty bound to provide for all the requirements of the unemployed tends greatly to diminish the efforts and contract the sphere of local benevolence.

I have the honour to be, Sir,
Your most obedient Servant,
W. E. PARRY OKEDEN,
Under Colonial Secretary.

CHIEF SECRETARY'S OFFICE,
BRISBANE, *27th September* 1894.

SIR,—I have the honour to acknowledge the receipt from your Excellency of a copy of Lord Ripon's despatch, Queensland, No. 37, of 9th August 1894, enclosing copy of a letter from the Secretary of the Departmental Committee on Habitual Offenders, Vagrants, and Beggars in Scotland, asking for certain information in connection with social questions now being inquired into in that country.

I may state, however, that "Beggars" as a class are hardly known in this country; but, for the assistance of persons and families in destitute circumstances, there are in most of the large towns of the Colony voluntarily constituted Benevolent Societies

which receive a subsidy from the Government at the rate of £2 for every £1 locally subscribed. The administration of the funds is left entirely in the hands of the members of the Societies, but no collective report of their work has been published. The Government also assist men travelling in search of work, all Police Magistrates being authorised to issue relief in the shape of food on the scale mentioned in a circular dated the 31st of May last, a copy of which is enclosed herewith. I send also a copy of a circular dated 24th June 1893, which more fully illustrates the principle of relief distribution,

I have, &c.,

HUGH M. NELSON.

Queensland.

EXTRACTS from Annual Report of the Benevolent Asylum, Dunwich, for the Year 1893.

A considerable number of men, who though advanced in years, but still fit for light employment, are isolated here, where their services are of very little value. From applications made from time to time, and from information obtained from various sources, it is manifest that a want of just such men is felt among many farmers and settlers in the country districts. A man who could chop wood, attend to gates, keep yards clean, or attend to a garden—and there are many such handy men in the Institution—would be most useful about many a homestead.

If such a man were to receive food, lodging, and tobacco, or some small remuneration from the employer, and from the Government clothing and blankets, both according to some scale to be determined, it seems to me that many settlers and others would be ready to take advantage of some such arrangement. The employer would be benefited, and the Colony would be relieved of the expense of housing and maintenance, equal to about two-thirds of the annual cost of an inmate. To the inmate himself the change from a *quasi* barrack and artificial life to one more natural and humanising could hardly fail to be beneficial.

Sale of Intoxicating Liquors, 1885.

Dealers in liquor are forbidden to supply liquor to a prohibited person, and this shall be published twice in one or more newspapers in the district. Penalty, from £5 up to £20, and making good any damage done by the intoxicated person.

An Act to Amend the Criminal Law so far as regards the Punishment of Persons Convicted of First Offences. Assented to 6th October 1886.

1. This Act may be cited as '*The Offenders' Probation Act of* 1886.'

'Minor Offence'—Any offence punishable on summary conviction before justices, with or without the consent of the accused person, or any offence, of whatever nature, for which, by law a sentence of penal servitude or imprisonment, with or without hard labour, for a shorter period than three years may be imposed, and for which a sentence of such duration is, in the opinion of the Court, an adequate punishment.

'Offender'—A person convicted of a minor offence.

3. When a person is convicted of a minor offence, not having been previously convicted in Queensland or elsewhere, of an offence, and sentenced upon such conviction, to penal servitude or imprisonment for a period exceeding three months, the following provisions shall have effect:—

(1.) The Court shall proceed to pass sentence upon the offender in the usual form.

(2.) The Court may, if it thinks fit, suspend the execution of the sentence, upon the offender entering into a recognizance in such amount as the Court directs, such recognizance being conditioned that the offender shall be of good behaviour for a period from the date of the sentence equal to the term of the sentence, or if the term of the sentence is less than twelve months, then for the period of twelve months, and shall not during the like period do or omit to do any act whereby the recognizance would become liable to be forfeited under the provisions hereinafter contained.

(3.) When such recognizance is entered into, the offender shall be discharged from custody, but shall be liable to be committed to prison to perform his sentence if, during the period specified in the recognizance, any of the conditions hereinafter specified happens with respect to him.

(4.) When an offender is so committed to prison the sentence shall begin to run from the date of such committal, but the term of the sentence shall not extend beyond the period specified in the recognizance, and at the expiration of that period the offender shall be entitled to be discharged.

Tasmania.

Memorandum submitting information asked for by the Departmental Committee on Habitual Offenders, Vagrants, and Beggars in Scotland.

The only persons who may properly be classed as habitual offenders are a very limited number of drunkards who are frequently arrested by the police in the streets and charged at the public courts with disturbances of the peace. The records show that the total numbers now in this Colony are 74 males and 71 females.

There is no institution in this Colony of the nature of an Inebriate Retreat or Hospital, although statutory provision has been made for the establishment of such places. The numbers of persons who would avail themselves of such shelter are so small as to render provision for a separate establishment for their accommodation impracticable from a financial point of view. The Act regulating the sale of liquor contains a provision under which an habitual drunkard may be declared a prohibited person, and thereupon any one which supplies him with liquor of any kind, or any one who procures it for him renders himself liable to a penalty of £10, or if a licensed publican £50. This provision has been occasionally put into force with very beneficial results to the persons concerned.

The class called Vagrants and Beggars is practically unknown in this Colony, Such persons would not be allowed to be at large, for the police would immediately arrest any one found begging, and the offender would be liable to six months' imprisonment. When a person reaches the time of life when he is no longer able to earn his living, and is a pauper, the Charitable Institutions, controlled by the Government and maintained by funds provided out of the general revenue, affords him shelter and food, where he is maintained in comparative comfort.

BERNARD SHAW,
Commissioner of Police.

7th November 1894.

Third, or any subsequent conviction for drunkenness within ninty days from the first and thirty days from the last, penalty not exceeding £3, or committal to a House of Correction, with solitary confinement up to a week. Index to be kept of persons convicted of drunkenness.

New Zealand.

Act by the General Assembly called the 'Police Offences Act, 1884.'

On a third conviction for drunkenness within six months, money-penalty not exceeding £5, or imprisonment up to fourteen days. On any subsequent conviction within six months shall be deemed an Habitual Drunkard, and imprisoned up to three months. Vagrants, idle, and disorderly persons, sentence up to three months.

Western Australia.

Idle and disorderly persons who get up to six months includes (1) those having no visible lawful means of support; (2) every Habitual Drunkard thrice convicted of drunkenness in twelve months; (3) every person behaving riotously or indecently.

South Australia.

Inebriate Act of 1881 Amending the Acts of 1874 and 1878.

Incorrigible drunkard, any person who has been convicted of drunkenness three times within six months. Governor may license retreat. Managed by eight, elected by the contributors. J.P.'s may visit retreat at any time. The J.P. may order apprehension of Habitual Drunkard on his own application and detention for twelve months. A Judge or two J.P.'s may order Habitual Drunkard to appear on the application of any relation or friend, and may order detention for twelve months. Incorrigible drunkard may be committed for twelve months by two J.P.'s or special magistrate. Committee of Management may, with approval of Medical Officer, discharge before expiry of term. Special magistrate or two J.P.'s may, on application of wife or relative, issue a certificate that he is an Habitual Drunkard, which shall be of force for twelve months. Publican supplying drink to a person intoxicated or to any Habitual Drunkard after being served with copy of certificate shall pay £5 for the first offence, £10 for the second, and for the third offence shall lose his licence and shall be debarred from holding another.

APPENDIX LXXII.

Burgh of Partick Police.

Return for the last ten years showing the estimated population, number of persons apprehended or cited, proportion of population to each person apprehended or cited, and number of persons apprehended or cited per thousand of population.

Year.	Estimated Population of the Burgh.	Number of Persons apprehended or cited.	Proportion of Population to each Person apprehended or cited.	Number of Persons apprehended or cited per 1000 of Population.
1885	32·500	1696	19·16	52·18
1886	32·000	1174	27·25	36·68
1887	31·000	1139	27·21	36·74
1888	33·000	1543	21·38	46·75
1889	34·000	1728	19·67	50·82
1890	35·000	2065	16·94	59·
1891	36·538	1688	21·64	46·19
1892	41·250	1599	25·79	38·76
1893	42·360	1369	30·94	32·31
1894	42·935	1420	30·23	33·07

The increase of 51 apprehensions last year can be more than accounted for by the fact that over 120 apprehensions were from a model lodging-house opened in 1893, where over three hundred men are accommodated nightly, most of them navvies employed at the two new Railways at present going on in the Burgh. Several reasons may be given for the variations in the number of apprehensions, such as brisk and dull trade; but having had experience in five different Police Forces during the last 23 years, I must say that the more efficient the management of a Police Force is, and the more the Police keeps in touch with the Public, the apprehensions will be less. In this Burgh the apprehensions for assaults on the Police in 1885 numbered 28; in 1894 the number was only 14.

Wm. Cameron,
Chief Constable.

Chief Constable's Office,
Partick, 30*th March* 1895.

APPENDIX LXXIII.

Number of Prisoners at midnight in H.M. prisons (excluding the Convict General Prison at Peterhead) on 28th March 1895, and the number in legalised police cells on same date, and the number imprisoned in default of payment of fines.

Prisons and Police Cells.	Number in Prison at midnight on 28th March 1895.		Of whom there were imprisoned in default of payment of Fines.	
Prisons.	Males.	Females.	Males.	Females.
1. Aberdeen,	36	19	11	7
2. Ayr,	63	14	20	4
3. Barlinnie,	601	...	160	...
4. Dundee,	80	40	23	28
5. Edinburgh,	205	61	41	30
6. Glasgow,	127	338	27	261
7. Greenock,	31	16	5	9
8. Inverness,	28	7	8	4
9. Kirkwall,	...	...	...	...
10. Lerwick,	...	...	...	...
11. Maxwelltown,	30	11	11	1
12. Perth,	175	69	16	12
13. Stornoway,	...	...	...	...
Total in Prisons,	1376	575	322	356
Police Cells.				
1. Banff,	2	...	1*	...
2. Campbeltown,	...	...	...	...
3. Dingwall,	1	...	1	...
4. Dunblane,	...	...	...	...
5. Dunfermline, County,	2	1	1	1
6. Dunfermline, Burgh,	...	...	...	...
7. Dunoon,	...	...	...	...
8. Elgin,	4	1	3	...
9. Falkirk,	...	1	...	1
10. Forfar,	...	...	...	...
11. Fort-William,	..	...	...	...
12. Fraserburgh,	...	...	...	...
13. Galashiels,	...	...	...	...
14. Greenlaw,	4	2	2	2
15. Haddington,	...	1	...	1
16. Hawick,	2	1	...	...
17. Huntly,	...	...	...	...
18. Inveraray,	2	...	...	...
19. Jedburgh,	3	1	2	...
20. Kinross,	1	...	...	...
21. Kirkcaldy,	1	1	1	1
22. Lochgilphead,	...	...	...	...
23. Lochmaddy,	...	...	...	...
24. Montrose,	1	...	1	...
25. Oban,	...	...	...	...
26. Peterhead,	...	...	...	...
27. Port Ellen,	...	...	...	...
28. Portree,	...	...	...	...
29. Stirling,	1	1	1	1
30. Stonehaven,	3	...	3	...
31. Thurso,	...	...	...	...
32. Wigtown,	...	...	...	...
33. Edinburgh,	3	...	...	...
Total in Police Cells,	30	10	16	7
Total in Prisons and Police Cells,	1406	585	338	363

Prisons—Males in default of Fine 24 per cent.
Females in default of Fine 62 per cent.
Police Cells—Males in default of Fine 24 per cent.
Females in default of Fine 62 per cent.

APPENDIX LXXIV.

Abstract of Returns of Numbers of Imprisonments and Sentences for "Loitering and Importuning" during the year 1894.—Handed in by the Secretary to the Scottish Prison Commissioners.

Prison.	Numbers.	Sentences. Days.																	Average length of Sentence.
		24 hours.	48 hours.	3	4	5	7	8	10	14	15	20	21	28	30	40	60	1 month.	
Aberdeen,	100	...	...	9	1	2	17	...	3	68	...	...	...	...	...	...	...	...	Days. 11½
Dundee,	252	...	...	...	...	3	24	...	20	71	...	60	...	...	...	...	...	74	19
Edinburgh, Prison,*	191	...	...	34	...	42	30	...	8	24	5	8	5	14	14	1	1	5	7
,, Police cells,†	179	169	10	...	...	...	...	...	...	...	...	..	...	...	..	...	...	...	
Glasgow,	1,831	...	...	...	...	3	43	7	39	704	28	15	151	63	720	...	...	58	21¾
Total,	2,553	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

* Total for Edinburgh 370.

APPENDIX LXXV.

GREAT SCOTLAND YARD,
S.W., 19*th February* 1895.

Dear Sir Charles Cameron,—I send you the paper you ask for as to the yearly discharges from Reformatory and Industrial Schools,—the former for each year since 1855, and the latter for each year since 1863,—but cannot give the average ages in leaving the schools.

I should say that for Reformatory cases the average age would be 19, and for Industrials 16, as few of the latter are really discharged before that age, except on medical grounds.

But you will understand that this is only an approximate figure as, before the Reformatory Act of 1893 was passed, there was power of detention till 21, which many schools availed themselves of, but I have little doubt that from 18 to 19 is the real age for actual discharge, though many are, of course, let out on licence at an earlier age.—Yours faithfully,

W. COSTEKER.

Sir Charles Cameron, Bart., M.P.

(*a*)

TOTAL DISCHARGES from Reformatory and Industrial Schools (Scotland) from 1855 to 1893 inclusive.—Prepared in the Office of the Inspector of Reformatories.

	Reformatory.		Industrial.	
	Boys.	Girls.	Boys.	Girls.
1855	11	5	...	..
1856	34	13	...	...
1857	56	8	...	...
1858	70	18	...	...
1859	116	53	...	...
1860	159	47	...	...
1861	153	37	...	...
1862	139	42	...	...
1863	215	56	57	22
1864	202	36	104	27
1865	203	77	151	51
1866	176	57	140	61
1867	177	67	148	53
1868	225	66	260	127
1869	235	86	275	86
1870	266	72	307	137
1871	264	75	405	165
1872	278	70	606	193
1873	281	70	684	232
1874	260	70	715	205
1875	252	71	702	198
1876	236	57	701	210
1877	218	56	698	246
1878	211	72	668	226
1879	245	71	639	231
1880	228	59	674	204
1881	238	52	752	206
1882	241	56	752	242
1883	304	48	765	242
1884	251	54	809	236
1885	243	54	794	260
1886	228	32	792	245
1887	233	24	824	257
1888	222	42	762	240
1889	178	47	882	279
1890	164	55	786	238
1891	208	34	808	221
1892	212	62	788	235
1893	147	19	736	219
Total,	7,729	1,990	18,134	5,794

30 RENFIELD STREET,
GLASGOW, 25*th February* 1895.

Dear Sir,—Mr Elderton has asked me to undertake the calculations referred to in your letter to him of 20th inst.—which I have had pleasure in doing—and I now enclose a statement giving the desired figures.—I am, yours truly,

J. STEWART, F.F.A., F.I.A.

Sir Charles Cameron,
80 St George's Square,

(*b*)

ESTIMATE of Numbers who would still be alive in 1895 out of Boys and Girls dismissed in respective years undernoted, as per preceding Statement, from Reformatory and Industrial Schools (Statement affixed hereto, Appendix).

	Reformatory.		Industrial.	
	Boys.	Girls.	Boys.	Girls.
1855	6·3	3·0	...	...
1856	20·0	7·9	...	...
1857	33·8	5·0	...	...
1858	43·3	11·4	...	...
1859	78·5	34·2	...	...
1860	103·4	30·9	...	...
1861	108·0	24·8	...	...
1862	94·0	28·6	...	...
1863	148·1	38·7	40·2	15·5
1864	141·8	25·3	74·6	19·3
1865	145·0	54·9	110·1	37·0
1866	127·8	41·5	103·7	44·3
1867	130·6	49·3	111·3	39·6
1868	163·7	49·2	198·3	96·2
1869	178·8	65·1	212·7	66·0
1870	205·3	55·2	240·7	106·5
1871	206·7	58·3	321·7	130·0
1872	220·6	55·1	487·5	153·9
1873	225·9	55·8	557·1	187·3
1874	211·7	56·5	589·3	167·5
1875	207·7	58·1	585·4	168·8
1876	196·8	47·2	591·2	175·7
1877	184·0	46·9	595·2	208·2
1878	180·1	61·0	575·8	193·4
1879	211·4	60·9	556·7	199·9
1880	198·9	51·1	593·2	178·5
1881	209·8	45·6	668·6	182·1
1882	214·7	49·6	675·3	216·2
1883	273·5	43·0	693·7	218·4
1884	228·1	48·9	740·6	215·2
1885	223·0	49·4	733·8	239·4
1886	211·2	29·6	738·7	227·8
1887	217·9	22·4	775·5	241·2
1888	219·0	39·5	723 5	227·4
1889	169·5	44·7	796·9	266·7
1890	157·6	52·8	759·2	229·5
1891	201·6	32·9	787·0	215·0
1892	207·2	60·6	773·4	230·4
1893	144·9	18·7	727·8	216·3
Total,	6,446·9.	1,613·4.	18,138·2.	5,198·8.

Note:—Ages on leaving Reformatory and Industrial Schools taken as 18 and 16 respectively, in accordance with Sir Charles Cameron's letter of 20th February 1895.

Rates of Mortality taken as those prevailing in general population—male and female rates being distinguished. (It is probable that the mortality will be *higher* amongst the class of the community in question than in the general population, and that the number of actual survivors will therefore be *less* than the above figures indicate.

J. STEWART, F.F.A., F.I.A.

30 RENFIELD STREET,
GLASGOW, 25*th February* 1895.

(*c*)

RETURN from Governors of Scotch Prisons and Police Cells of Persons re-convicted during the year 1894, after detention in Reformatory or Industrial Schools.—Furnished by the Department of Reformatories and Industrial Schools.

Prison.	Reformatory.	Industrial.
Aberdeen,	19	21
Peterhead,	11	9
Ayr,	3	7
Greenlaw,	...	...
Maxwelltown,	10	12
Haddington,	...	...
Edinburgh,	27	16
Dunfermline,	...	...
Dundee,	36	41
Montrose,	...	.
Inverness,	5	.
Glasgow,	13	29
Barlinnie,	83	142
Kirkwall,	...	...
Perth,	4	14
Greenock,	7	14
Campbeltown Police Cells,	...	1
Dunblane ,,	...	1
Forfar ,,	..	1
Fraserburgh ,,	...	1
Galashiels ,,	1	..
Inveraray ,,	..	1
Jedburgh ,,	...	1

TABLE showing Numbers of Reformatory and Industrial School Pupils who were in Prison in 1894, and the number of times in Prison since leaving Reformatory or Industrial School.

Handed in by the Secretary to the Scottish Prisons Commissioners.

(1) *Industrial School Cases.*

| PRISONS. | 1 | | 2 | | 3 | | 4 | | 5 | | 6 | | 7 | | 8 | | 9 | | 10 | | 11 | | 12 | | 13 | | 14 | | 15 | | 16 | | 17 | | 18 | | 19 | | 20 | | 21 | | 22 | | 23 | | 24 | | 25 | | 26 | | 28 | | 29 | | 30 | | 31 | | 32 | | 34 | | 35 | | 37 | | 43 | | 48 | | 50 | | 55 | | 58 | | 63 | | 79 | | 196 | | 199 | | 206 | | Total. | |
|---|---|---

APPENDIX LXXVI.—*continued.*

Number of Times in Prison during 1894.

PRISONS.	Industrial School Cases.															Reformatory School Cases.																	
	1		2		3		4		5	6	7		8	Total.		1		2		3		4	5		6		8	9	Total.				
	M.	F.	M.	F.	M.	F.	M.	F.	F.	M.	M.	F.	M.	M.	F.	M.	F.	M.	F.	M.	F.	M.	M.	F.	M.	F.	F.	M.	M.	F.		
Aberdeen,	12	2	3	...	...	...	...	1	...	...	...	...	...	15	3	17	2	3	...	2	...	...	1	...	1	...	...	...	24	2		
Ayr,	6	1	...	...	...	...	...	...	...	...	...	...	...	6	1	2	1	...	...	...	...	...	...	...	...	...	...	...	2	1		
Barlinnie,	113	...	22	...	9	...	2	...	...	1	...	...	1	148	...	72	...	19	...	1	...	1	1	...	...	...	...	1	95	...		
Dundee,	28	4	7	...	1	...	1	...	...	...	1	...	...	38	4	30	...	6	...	2	...	1	...	...	...	...	...	...	39	...		
Edinburgh,	14	2	...	1	...	...	...	...	...	...	...	...	...	14	3	18	3	4	1	...	...	2	...	...	...	...	...	...	24	4		
Glasgow,	10	4	1	4	...	2	...	4	3	...	...	1	...	11	18	8	2	1	1	...	2	...	...	1	...	1	1	...	9	8		
Greenock,	9	5	...	...	...	...	...	...	...	...	...	...	...	9	5	7	1	...	...	...	...	...	...	...	...	...	...	...	7	1		
Inverness,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	1	...	...	...	...	...	...	...	...	...	...	...	4	1		
Maxwelltown,	10	...	2	...	...	...	...	...	...	...	...	...	...	12	...	7	...	1	...	1	...	...	1	...	...	...	...	...	10	...		
Perth,	14	...	...	...	...	...	...	...	...	...	...	...	...	14	...	2	...	1	...	...	...	...	...	...	...	...	...	...	3	...		
Peterhead,	10	...	...	...	...	...	...	...	...	...	...	...	...	10	...	12	...	...	...	...	...	...	...	...	...	...	...	...	12	...		
Police Cells.																																
Campbeltown,	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Dunblane,	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Forfar,	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Fraserburgh,	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Galashiels,	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...		
Inveraray,	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Jedburgh,	1	...	...	...	...	...	...	...	...	...	...	..	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...		
	228	19	38	5	10	2	3	5	3	1	1	1	1	282	35	181	10	35	2	6	2	4	3	1	1	1	1	1	231	17		

APPENDIX LXXVII.

MEMORANDUM by Governor Napier of Greenock Prison.

The only additional information I can give you is that out of about 3000 prisoners received yearly, about half of the males and about three-fourths of the females have been in prison before.

Only one-fifth of the females received during the year 1893 are in for the first time, and one-third of the males are in for the first time.

Of those received last year, 230 females were habitual offenders, and 150 males were the same; and the number received in last year were 1288 males and 823 females.

Male.—Amongst the oldest offenders we have had lately is D. M'C., who has been 96 times in, chiefly for drunkenness; he commenced coming to prison about twenty-one years ago, and was never convicted of theft. He was sent from the Prison to the Asylum some years ago, having gone wrong with religious mania; after getting better he started his old habits, and has been often here (in prison) since.

J. Q. has been 90 times in; he is somewhat like above, but commenced his career thirty-one years ago.

Female.—S. M. has been 240 times in this prison; started her career about forty years ago.

R. A. M. has been 181 times in this prison. She has been two years out of the last five years in this prison, forbye eight months in the Home, and a considerable time in the Poorhouse.

R. A. G. spends three years out of the five years in this prison; commenced her career twenty years ago, and has been 206 times here.

B. G. (a sister of above) has been 209 times, and has also spent three years out of the last five here.

M. A. G. (a sister of above) has been 80 times in here, and spends two years out of every five years in prison.

M. H. has been 128 times in, and has been in the Home, Refuge, and Poorhouse as well.—Yours truly,

WM. NAPIER, *Governor.*
22*nd December* 1894.

To Dr Sutherland.

On the day previous to my examination—viz., 20th December 1894, there were in Greenock Prison 39 males and 25 females.

Of males, only 9 were in for the first time, 30 of the 39 were habit and repute offenders, and 23 of the 39 were in above 6 times (see under).

Males.		Males.	
Initials.	Times.	Initials.	Times.
D. M'C.	96	H. B.	8
J. R.	53	J. L.	7
M. C.	38	J. C.	7
J. N.	35	A. M'K.	5
P. H.	32	J. M'C.	5
J. S.	32	R. G.	4
A M'M.	28	J. K.	4
N. K.	27	A. C.	4
P. D.	27	A. R.	4
J. L.	32	J. P.	4
A. M'G.	18	A. M'R.	4
A. L.	16	J. G.	2
J. O.	10	J. C.	2
A. H.	10	A. C.	18
J. S.	9	R. L.	21

30 out of 39.

Females.		Females.	
Initials.	Times.	Initials.	Times.
R. G.	209	M. C.	25
M. F.	180	J. M'D.	29
A. W.	136	K. B.	19
A. M.	120	A. R.	17
A. D.	106	A. M'I.	14
M. G.	77	M. C.	12
A. M'C.	65	M. S.	12
A. M'L.	51	M. M. I.	35
M. H.	27	I. M'A.	4
S. P.	27	M. L.	2

20 out of 25 habit and repute, and 18 above 6 times.

[*N.B.*—The police and prison registers of other towns furnish *pro rata* very similar records. Indeed, Glasgow, Edinburgh, and Dundee produce men and women with convictions running up to several hundreds during a lifetime. In 1893 there were in Scotch prisons 1265 who had had 20 convictions and upwards, and 279 with 50 and upwards during their lifetime.

J. F. S., *Secretary.*]

APPENDIX LXXVIII.

THE ENFORCEMENT OF THE LICENSING LAWS AGAINST PUBLICANS, &c.

HOME OFFICE, WHITEHALL, S.W., 2*nd March* 1895.

DEAR SIR CHARLES CAMERON,—Mr Asquith desires me to explain that the observations (as to the enforcement of the Licensing Laws) to which the extract, enclosed in your letter of the 25th ult. referred, were contained not in a speech but in a letter sent to the Court of Quarter Sessions for Middlesex, of which I enclose a copy.—Yours sincerely,

F. J. DRYHURST.

WHITEHALL, 27*th April* 1894.

SIR,—I am directed by the Secretary of State to refer to the two resolutions passed by the Court of Quarter Sessions for Middlesex in April 1892 and January 1894, to the effect that the attention of the Commissioner of Police should be called to the great amount of drunkenness in Middlesex, with a view to his considering what steps should be taken by the police to ensure the observance of the licensing laws by publicans, and the conviction of any publican infringing the law; and to acquaint you, for the information of the Court of Quarter Sessions, that these resolutions have been made the subject of careful investigation. In the result, it would appear that during the years 1887 to 1892 there has been an increase of about 19 per cent. in the number of persons proceeded against for drunkenness, but, inasmuch as the increase in population during the same period was about 18 per cent., the increase of cases of drunkenness has been very little more than proportionate to the increase of population.

In regard to the enforcement of the law against publicans, most stringent orders are issued to the police to do all in their power to ensure the observance of the licensing laws by publicans, and the conviction of any publican infringing the law: special exertions in particular have been made by the police, and will continue to be made, to prevent or detect the illegal sale of drink to drunken persons, or the offer of inducements by publicans for the purchase of intoxicants by children; and as cases have not infrequently occurred in which magistrates have felt compelled to dismiss charges against publicans on technical grounds or side issues, while expressing the opinion that the charges were most properly brought, arrangements have been made by which the Commissioner of Police will in future, in any case where he considers it advisable, direct the prosecution of a publican, for permitting drunkenness, to be conducted by the Solicitors of the Police Force.

Certain points, however, have appeared in the course of the investigation in connection with the exercise by the Justices of their own powers, both as a judicial and a licensing authority, which the Secretary of State thinks it right to communicate to the Justices for their consideration.

It appears, for example, that in 7 only of the 43 cases in which convictions were obtained against publicans in Middlesex, during the past three years, were the licences held by the offenders endorsed by the Justices; though many of the fines inflicted, ranging in amount from £5 to £10, indicated that the Justices considered the offences to be of a grave nature. In 16 out of the 43 convictions alluded to, the offence was permitting drunkenness or supplying intoxicants to drunken persons. Moreover, in dealing with cases of drunkenness, the Justices have abstained from using to the full the power possessed by them for the punishment of offenders; about one half, or 50 per cent., of the charges of being drunk or disorderly during the past three years have been met by fines ranging from 1s. to 5s., whereas the maximum penalty is 40s.; and in only 8½ per cent. of the total number of cases resulting in convictions was the punishment of imprisonment inflicted. Similar remarks apply to the abstention of the Justices from the exercise of the punitive powers possessed by them as the licensing authority. The Secretary of State is informed, however, that though 10 cases in which publicans had been convicted during the years 1892–93, for serious irregularities or breaches of the Licensing Acts, were brought by the police before the Middlesex Licensing Justices, in each case the licence held by the offender was either renewed or transferred.

The Secretary of State feels sure that the Justices will be willing to co-operate with the police to the utmost extent of their powers in the difficult task of enforcing the observance of the law on this subject, and he will be glad if you would take an early opportunity of bringing this letter under their consideration.—I am, Sir, your obedient servant,

(Sd.) GODFREY LUSHINGTON.

The Chairman of the Court of
Quarter Sessions for the
County of Middlesex.

APPENDIX LXXIX.

POPULATION STATISTICS.

In the following letter the Registrar-General explains the principles adopted in drawing up various statistics of population which he kindly furnished for use of the Committee :—

22*nd February* 1895.

DEAR SIR CHARLES CAMERON,—I received your letter of the 19th instant, and, in reply, beg to transmit estimates, which I have caused to be framed, for the figures to be inserted in the population column of your proposed table.

As you are probably aware, estimates of population used in the official statistics are framed on the supposition that the increase, or decrease, of population between two occasions of taking the census proceeds equably from year to year during the decade, in a uniform geometrical ratio, and that the rate during the current decade will be the same as for the last decade.

This method of framing estimates has, on the whole, given satisfactory results when applied to areas of considerable extent, or to large masses of population ; and it has been the practice to apply it, both in Scotland and England, to counties and principal towns, but not to lesser areas.

I have, however, caused estimates to be worked out on the principles indicated above for the places mentioned in your table ; and, if round numbers approaching the figures thus obtained are adopted for the table, the result may probably be regarded as a fair approximation.—I remain, yours very faithfully,

STAIR AGNEW, R.-G.

Sir CHARLES CAMERON, M.P., &c.,
80 St George's Square,
London, S.W.

REGISTRATION OF BIRTHS OF GIPSY CHILDREN.

28*th February* 1895.

DEAR SIR CHARLES CAMERON,—In reply to your letter of the 23rd instant respecting the mode of Registration of the Births of children of parents who have been irregularly married, and whose marriages have not been registered, I beg to inform you that no special instructions have been issued on the subject. The matter has always been left to be dealt with by the Registrars under the general provisions of the Registration Act. These require the parties to give information to the Registrar, to the best of their knowledge and belief, of the particulars required to be registered, under penalties for wilfully giving false information ; and, accordingly, in the case supposed, if the parties state that they are married, it is the duty of the Registrar to enter the child as legitimate, warning the parties before doing so of the consequences of making any untrue statement.

In dealing with persons of nomadic habits, the local Registrars are often placed under difficulties, as they have generally to dispose of the case on the spot, since, otherwise, the parties might leave the neighbourhood without completing the registration, and such parties sometimes make ambiguous averments,—stating that they are married for the time being, or using other qualifying expressions. Nevertheless, I believe that, for the most part, the entries made by the local Registrars would stand the test of a trial in a Court of Law, or any other investigation.

Errors, of course, may sometimes occur ; but the Registration Act provides that any error may be corrected by the Sheriff at the instance of any person who believes he has discovered one. In this way, any person who believes that a child has been erroneously entered as illegitimate could bring the matter to a test.

From an examination which I have caused to be made of the Registers of Births for 1893 of the Parishes and Districts of Perthshire, it appears that the number of births, in that year, in that county in which the parents are entered as travelling tinsmiths, or tinkers, was eleven, of which six are entered as legitimate, and five as illegitimate. The return is, perhaps, not exhaustive, as the nomadic classes cannot always be identified under the designations which they take ; but the figures, so far as they go, indicate how the matter stands with regard to tinkers in Perthshire. . . .—I remain, yours very faithfully,

STAIR AGNEW, R.-G.

Sir CHARLES CAMERON M.P., &c.,
80 St George's Square,
London, S.W.

APPENDIX LXXX.

MR NAPIER'S PROPOSAL AS TO FINES AND IMPRISONMENT.

H.M. PRISON,
GREENOCK, 8*th March* 1895.

Sir CHARLES CAMERON, M.P.,
Chairman of Committee on Habitual Offenders.

SIR CHARLES,—In writing some time ago to the Committee on Habitual Offenders, I stated that when a magistrate is giving a sentence of so many days, there should be a uniform charge made per day, as an alternative, according to the number of days stated. Thus, if 20 days is the sentence, 20s. of a fine (or 1s. per day) should be the alternative, or in some cases 2 or 3 shillings per day might be charged. I did not then state my reason for this, but do so now, for your private consideration.

Suppose a man (a foolish tradesman for instance) got a sentence of 20 days, or 20s. fine, and his wife, or other relative, was unable to find the money, perhaps in 10 days thereafter they could pay 10s., or in 15 days 5s.; is it not fair and reasonable that the prisoner should be at once liberated, as the full penalty would in this way be fully paid, partly by *time service* and partly by *money value*.

At the present time, even on the nineteenth day, the full sum of 20s. must be forthcoming before the person can be liberated, while I maintain that 19 days' *time service* and 1s. should satisfy the ends of justice. The benefit of this system would, I believe, cause a marked reduction in the prison population. More money would find its way to the exchequer or burgh funds, greater liberty given to the subject to enable him to return to work or family, and to some extent would earlier relieve the Parochial Authorities from allowances granted to prisoner's dependents.

I have the honour to be
Your obedient servant,
WM. NAPIER, *Governor*.

EXTRACT OF LETTER FROM SIR C. CAMERON TO MR NAPIER.

19*th March* 1895.

The more I consider the suggestion contained in your letter of the 8th inst. . . . . the more it commends itself to me as rational, equitable, and practicable. The only point that remains to be ascertained is how it would work. In order to test this, I enclose cheque for £5, which I should be much obliged if you would apply in paying the part of the fine which under your proposal would be covered by imprisonment in cases where the prisoner can pay the balance. Thus, a prisoner is in for 40s. or 30 days, and his friends can raise £1, and he wants to get out as soon as possible. When he has been in a period of 15 days, he would under your scheme be entitled to liberation on payment of the £1. At present he is entitled to liberation on payment of the 40s. You, or if you prefer it, I through you, make up the extra 20s. out of the money sent, and discharge him. . . . . I ask you to undertake the work, because, being the author of the idea, you would naturally give it the fairest play. If you consider that formal permission would be required, I shall be happy to apply for it to the Prison Commissioners. . . .

(Signed) CHARLES CAMERON.

H.M. PRISON,
GREENOCK, 20*th March* 1895.

To SIR CHARLES CAMERON, Bart., London.

DEAR SIR CHARLES,—I beg to acknowledge receipt of your letter and cheque for five pounds, which I will carefully use as directed. I thought I would have been able to have answered your last note ere this, but enquiries I had to make have taken up more time than I anticipated. By the end of next week I think I will be able to satisfy you as to the scheme being a workable one, with many advantages, should it be adopted.

As I have already received instructions to give you, as Chairman of the Habitual Offenders Commission, any information, I don't think it is necessary to ask further permission.—I am, yours respectfully,

WM. NAPIER, *Governor*.

H.M. PRISON,
GREENOCK, 25*th March* 1895.

To SIR CHARLES CAMERON, Bart., M.P., London.

DEAR SIR CHARLES,—I presume you are aware that under the Summary Jurisdiction (Scotland) Act, 1881, power is given to Magistrates in Clause 6,—

1st. To allow time to pay fines.
2nd. To allow fines to be paid by instalments.
3rd. To have security for the payment.

It may also be within your knowledge that the apparent advantages of this Act are seldom or ever granted by Magistrates. I have been informed by officials concerned that this Act is unworkable without a great deal of trouble, risk and annoyance.

The scheme I have suggested can be worked out with ease, and without the slightest alteration of present court procedure or dislocation whatever of the usual machinery outside of the prison. If there be any trouble, the little extra work will devolve upon the prison officials, probably a few extra entries to be made in books and such like.

The principal burden of finding the money to pay the fine in whole, or part, will entirely rest on the shoulders of the prisoners, and it will depend on their own exertions whether their imprisonment will be long or short.

I can safely say, after a very long connection with police and prisons, that very few persons care to remain one day in prison if by hook or by crook they can get out of it. They dislike the prison discipline, and liberty seems to be a sweet morsel to them.

If prisoners are able to procure the whole of the fine before their removal to prison, so much the better, but if not, immediately after the prison is reached they will be allowed to send a letter, or printed form of request, for the fine, to their friends. Should the fine be paid at the prison before 7 P.M. on the day of incarceration, the prisoner will be liberated immediately thereafter. Should the money not be forthcoming till next day, a day's proportion would be deducted—*a prison day* is counted by being in confinement *one night*. The letter would explain to the prisoner's friends that whatever *time service* the prisoner had put in, the fine would be lessened accordingly, so as to induce them to make every effort to procure a portion of the fine, or pay according to the strength of their purse, and thus shorten the period of their friend's incarceration.

On the receipt at the prison of any part of a fine, the Governor would deduct so much *time service* equivalent to the amount received, and inform the prisoner what remission had been granted to him. If he failed in his first effort, it should be left to the discretion of the Governor to allow him to make a second appeal to his friends.

As prisons are sometimes far distant from court houses, fines in whole or in part could be sent by P. O. or Postal Order to the Governor of the prison where the prisoner is incarcerated.

Whole fines should, however, be paid to the police or prison officials, but *part fines* to the Governor of the prison only, to prevent mixing of accounts or making mistakes as to days of remission covered by the part fine.

Should this plan be adopted, there might be some points which would require to be adjusted, such as if a prisoner's time expired on a Sunday, would that day be, or be not, counted in paying a part fine. If he had served his full time he would be entitled to be discharged on the Saturday. I would say, as he has not served his full period, it should be taken into account in dividing the fine. Again, there might arise another question, where, say, a fine of 30s. and 12s. 6d. expenses was given—I would say the expenses should not be reducable; but these are matters of opinion for better judges than I am, and the Prison Commissioners or the Secretary for Scotland would perhaps require to be consulted to some extent on such questions.

In order to prevent persons who have never been in prison before from being sent to a prison, where there is any reasonable expectation of the fine being paid, the person should be detained in the police cells for not over 24 hours after conviction, provided that it can be conveniently done (I should leave this to the discretion of the police), in order to see if the fine be forthcoming. If removed to prison next day, the time would count as if they had been in prison from time of conviction. This is done at present with persons confined in police cells (in my district) at Campbeltown, Inverary, and at Rothesay ordinary cells, when a case is prolonged till after the boats cease running for the day. This might save a respectable person from undue exposure.

I return the schedule sent showing *three* deserving cases. A portion of the fines I paid with part of the money you sent. These in my view are sufficient to show the practicability of the scheme, and others could be got, but I think it would be throwing away money needlessly to have more. Once the public became aware that a part fine would be accepted, I am confident a very large number of prisoners, probably a half, would take advantage of it.

Should you be satisfied with what I have done, I will return the unexpended money on hearing from you.

I have the honour to be

Your obedient servant,

WM. NAPIER, *Governor*.

H.M. PRISON, GREENOCK, 27*th March* 1895.

Initials of Prisoner, and Offence for which committed.	Amount of Fine unpaid (imposed).	No. of days' Imprisonment in default of payment.	Sum contributed by Prisoner or his friends.	Contribution out of £5 to make up balance.	No. of days in Prison.	No. of days' Imprisonment remitted.
	s. d.		s. d.	s. d.		
W. J. C.—Breach of Peace, .	7 6	5	3 0	4 6	3	2
J. S.—Assault, . . .	20 0	10	10 0	10 0	5	5
E. M.—Assault, . . .	40 0	20	30 0	10 0	5	15
Total, . .	67 6	35	43 0	24 6	13	22
Total number of days' maintenance of our prisoners saved to State, ...						22
Total proportion of fines paid by prisoners or their friends, ...						3, 1, 3, or 43s.
Total number of prisoners confined in default of payment of fines during period embraced in return, ...						42

TO SIR CHARLES CAMERON, Bart., M.P., London.

DEAR SIR CHARLES,—Ibeg to acknowledge receipt of your letter of the 25th inst., and in answer to query as to 'The 'number of prisoners sent in, in default of payment of fine, 'who were liberated on payment of the whole fine,' I have to inform you that the number from the 6th to the 19th inst. inclusive were *eight*. *Five* paid the fine on day of admission, *two* on the day after, and *one* on two days after.

As a rule, when three or four days pass without payment, there is very little chance of the fine being paid *in full*.

Only once has this occurred in this prison during the past twelve months, and that was a case where a woman was fined 40s. or 30 days; her husband died when she was 21 days in custody, but his life being insured, her friends, on the security of the insurance money, paid the *full fine* to enable her to attend the funeral.

Perhaps you might take into consideration, even where *a definite sentence* is given (for petty offences only), say, of 14, 15, 20, 21, 30, 40 or 60 days, whether, by petition to the Magistrates who gave the sentence, a person might be released after serving *half of his sentence*, on the purchase system, that is, if his friends were willing to pay so much per day, on a given scale, for the remainder of the period, provided (1st) that the Governor certified that his conduct had been good in prison, (2nd) that the Magistrate was satisfied that his release would benefit him or his family, and (3rd) that the Prison Commissioners were satisfied that the person who certified that he would be responsible for his conduct till the expiry of the full term of sentence, was a trustworthy and respectable townsman or citizen.

I have the honour, &c.,

WM. NAPIER, *Governor*.

APPENDIX LXXXI.

* Return by Mr John Boyd, Chief Constable, Glasgow, as to Drunkenness and Disorder from 1865 to 1876.

Year.	Offence.	Admonished.	Fined, &c.	Pledged.	Discharged by Lieutenants.
1865	Drunk and Incapable,	84	562	3,438	19,820
	Drunk and Disorderly,	115	2,527	1,111	247
	Assaults and Disorderly,	332	5,874	1,531	4,451
	(Under 1862 Act.)				
1866	Drunk and Incapable,	11	58	3,596	19,362
	Drunk and Disorderly,	187	2,281	1,106	830
	Assaults and Disorderly,	514	5,703	2,200	3,181
	(Under 1862 Act.)				
1867	Drunk and Incapable,	5	50	3,504	18,221
	Drunk and Disorderly,	89	1,438	626	366
	Assaults and Disorderly,	693	6,774	2,276	3,448
	(Partly under 1862 and 1866 Acts.)				
1868	Drunk and Incapable,	33	124	3,676	17,895
	Assaults and Disorderly,	1,226	7,894	3,273	4,707
	(All under 1866 Act.)				
1872	Drunk and Incapable,	10	444	5,425	26,056
	Assaults and Disorderly,	1,526	10,611	5,203	3,140
1873	Drunk and Incapable,	36	482	5,900	28,814
	Assaults and Disorderly,	1,118	11,197	5,591	1,149
	(Last full year when Lieutenants discharged Prisoners.)				
1874	Drunk and Incapable,	525	1,795	5,987	22,261
	Assaults and Disorderly,	1,451	11,626	5,353	631
	(Prisoners discharged for 10 months by Lieutenants.)				
1875	Drunk and Incapable,	3,013	7,166	5,656	...
	Assaults and Disorderly,	1,642	13,284	7,372	...
	(First full year when no Prisoners were discharged by Lieutenants.)				
1876	Drunk and Incapable,	1,892	6,658	5,423	...
	Assaults and Disorderly,	1,373	12,120	6,801	...

* Under the Glasgow Police Act of 1862, Section 145, disorderly cases were treated as drunk and 'disorderly,' but, under the 1866 Act, Section 135, the word 'drunk' was deleted, and such cases treated as disorderly only.

Prior to 1873, it was not customary to bring persons found drunk and incapable before the court, but the magistrates then directed that all cases were to be brought before the court, and ever since that has been done.

There was no change in the law, only in the administration. There was no change in the law or administration in 1875. The Act of 1866 is the principal Act in operation.

J. Boyd, *C.C.*

APPENDIX LXXXII.

MEMORANDUM by Mr. C. S. Loch, Secretary of Charity Organization Society, London.

I. With regard to the estimated number of vagrants in England and Wales as compared with Scotland, I would, as desired, append a note. The questions and answers to which I refer more particularly are Nos. 14,914 to 14,927, and 14,943 to 14,945.

The Scotch census of vagrants is a census of 'vagrants, 'beggars, migratory poor, &c., on tramp within the county, 'city, and burgh police districts on the nights of the 25th 'June and 24th December.' On these dates in June 1893 and December 1893, the totals were respectively 9,655 and 8,288, giving a mean 8,971.*

The English census of vagrants is a census of vagrants relieved in England and Wales on the 1st July and the 1st of January in each parochial year ended Ladyday. On these dates in 1892–3 the totals were respectively 6,636 and 7,139, giving a mean of 6,888.†

These two census cannot be compared. The Scotch census (1st June '93) includes, for instance, 259 in 'prisons 'and police cells,' 387 in 'houses of refuge, hospitals and 'poorhouses,' 4,786 in 'common lodging and other houses,' and 4,223 in 'public parks, gardens, or streets, outhouses, 'sheds, barns, or about pits, brick and other works.' The two latter classes are much the largest and really important. The two former are by comparison small. The English census is not in the broad sense a census of the 'migratory 'poor,' but only of those who are vagrants and receive poor relief. If, therefore, a comparison is to be made by count or estimate, the 'migratory poor' other than vagrants who receive poor relief must be added to the English figures.

In two counties in England a special census has been made, Gloucestershire and Wiltshire—perhaps also elsewhere. I give the figures for the former. The census in that case is made on the first Tuesday in April, and it includes all those in casual wards and common lodging-houses, distinguishing local residents from 'strangers.'‡ In compiling this table from the returns of the chief constable, I have included all the vagrants in casual wards, not excepting those that are known residents. The number of the latter is very small: for instance in 1893, 2 only.

COUNTY OF GLOUCESTER.

Year. 1st Tuesday in April.	Total Number.	Males.	Females.	Under 16.	16 years and above.	Number of Strangers.	Number of known Residents.	Statements supposed to be true.	Evidently living by tramping.	Remarks.
1878.										C.W., Casual ward. C.L.H., Com-lodging-house.
C.W.	139	128	11	9	130	...	...	...	...	
C.L.H.	598	426	172	76	522	...	...	...	...	
Total,	737	554	183	85	652	...	...	...	...	
1883.										After the Act of 1882, when the longer detention in the casual wards was in operation.
C.W.	83	65	18	9	74	77	6	50	33	
C.L.H.	463	332	131	53	410	279	184	348	115	
Total,	546	397	149	62	484	356	190	398	148	
1888.										
C.W.	81	67	14	10	71	80	1	37	44	
C.L.H.	594	456	138	61	533	467	127	452	142	
Total,	675	523	152	71	604	547	128	489	186	
1892.										
C.W.	95	79	16	7	88	89	6	54	41	
C.L.H.	472	352	120	42	430	263	209	431	41	
Total,	567	431	136	49	518	352	215	485	82	
1893.										
C.W.	86	80	6	2	84	84	2	53	33	
C.L.H.	508	384	124	34	474	332	176	400	108	
Total,	594	464	130	36	558	416	178	453	141	

These figures, it will be noticed, do not include those who are in prison or police cells, or in houses of refuge, &c., the two smaller classes which are included in the Scotch census. But they include the large class which also appears in the Scotch returns, as in 'common lodging-'houses,' &c., and next, as there are no poor law casual wards in Scotland, we can only set the class that is found on the census day in the English casual wards against the class that in the Scotch census is entered as in 'public 'parks,' &c. There is no English census of persons sleeping out in parks, &c.

Taking as the basis of our estimate the Gloucestershire return we find the results as follows :—

1893 : In the casual ward, 86 ; evidently living by begging, 108 ; population of Gloucestershire, 548,886 ; population of England and Wales, 29,002,525 ; proportion of casual ward inmates and beggars in England and Wales about 10,000.

But if we include vagrants in the casual ward, 86, and all strangers in common lodging houses, 332, the proportional estimate for England and Wales would be about 22,086.

It may, however, be fairer to take for granted that the proportion of strangers in common lodging houses to vagrants in Gloucestershire holds good throughout England and Wales, or in other words that for every 86 vagrants in a casual ward in England and Wales there would be 332 strangers in common lodging houses. On this proportion, if we take the mean vagrants at 6888 in 1893, we have a total of 26,590 migratory poor in common lodging houses ; and to this, if we add the number of vagrants, 6888, we have a grand total of migratory poor—strangers in common lodging houses and vagrants in receipt of poor-law relief—numbering 33,478. This gives, on the population of England and Wales, a ratio of 1·15 per thousand. If we compare this with the Scotch return, we find that the total migratory poor (mean number) was in 1893, 8971, which, on a population of 4,035,647, gives a ratio of 2·22 per thousand of the population.

* Thirty-sixth Annual Report of H.M. Inspector of Constabulary for Scotland, 1893–4, p. 37. In answer 14,917 I gave the wrong figure. It should have been 8,000. The Scotch vagrancy census for December 1893 was 8,288.

† Twenty-third Annual Report of the Local Government Board, 1893–4, p. 331.

‡ County of Gloucester : Return of the number of persons who slept in common lodging-houses and casual wards in Gloucestershire on the first Tuesday in April in each year.

No absolute conclusion can be drawn from these figures as to the number of the migratory poor in England and Wales as compared with Scotland. But they may be taken as indicating generally the proportion of the 'migratory "poor' to the total population. In the case of the English figures addition should be made (a) for persons sleeping in Common Shelters and Refuges, (b) those in prisons or police cells, and (c) those who in spite of the provision of casual wards may sleep in 'Parks, &c.'

It may be added that if we compare year by year the returns of vagrants in receipt of Poor Law Relief in England and Wales with the Scotch returns of the migratory poor, the numbers increase or decrease together in the two countries. There is the same general agreement in the rise and fall of the numbers of persons charged with begging in the two countries year by year. This suggests that their actual vagrancy must be very similar, and dependent on similar causes.

II. NOTE in regard to the works at Abbey Mills (Mansion House Relief Fund) 1892–93, 1893–94, I append as desired a note explaining very shortly what I conclude to have been the results, more particularly in the latter year.

The work was road making, and earth work.

In the first year—1892–93—716 men applied. Of these, 351 were refused as not complying with certain reasonable general conditions, such as not being riverside labourers, or not being resident within the area, or for a year resident in London, or physically capable. In 365 cases—the remainder—inquiry was made. The numbers were reduced in consequence to 253. These were employed, 29 were discharged for insubordination or unfitness, and 16 did not come before the Committee. Of the 208 that remained, 122 received only the temporary benefit of the work at Abbey Mills, and 79 were helped in various ways—13 by emigration.

In 1893–94 the same methods were adopted, but with one or two differences in the arrangements. The area from which cases were taken was enlarged to the whole of the Tower Hamlets, and other than waterside labourers were made eligible, excepting those engaged in season trades. None of the 1892–93 cases were entertained, and the age limit was reduced from 65 to 55 years. The figures for 1893–94 may be compared with those for 1892–93—716 men ; 253 or 35 per cent. employed, and 79 or 11 per cent. subsequently assisted. 1893–94, 414 men ; 140 or 34 per cent. employed, and 49 or 11·8 per cent. subsequently assisted. No inquiry was made in regard to the 1893–94 figures similar to that made in regard to the cases in 1892–93, on behalf of the Labour Department of the Board of Trade.

The emigration cases in 1893–94 were not nearly so satisfactory as in 1892–93—13 out of 22 or 23 proved failures.

The wages were 6d. an hour. It was not measured or piecework, which would have been a much more satisfactory test. I have said in answer to question 15,004, that I thought that in 1893–94 the figures were worse than in 1892–93. The percentage of cases assisted appears to be nearly the same in both years—11 and 11·8 per cent. But these returns must be discounted by the results of the inquiry made on behalf of the Labour Department in the former year, and in the latter by the failure of the emigration cases, the only evidence of after-results that is forthcoming.

The work, in my opinion, might have been equally well undertaken by the Municipality as part of its ordinary duties, if, in the interests of the community, it was desired to undertake the task at all. C. S. LOCH.

APPENDIX LXXXIII.

GLASGOW UNEMPLOYED RELIEF FUND.

EXTRACT from Report by the Committee appointed in December 1892, by the Lord Provost and Magistrates of Glasgow, to deal with the relief of the Unemployed in the City.

The autumn of 1892 found the City of Glasgow, as it found almost every community within the British Isles, in a condition of very considerable commercial depression. . . On the first day on which the works were opened (Thursday, 8th December), 87 men were engaged, and the numbers gradually increased, reaching their maximum, 870, on Saturday, 17th December.

The Committee arranged to pay the men one shilling per day, and to those who wrought the entire week, or to those who wrought five days in the week, and had leave of absence for the sixth from the foreman, two shillings were paid on Saturday. In addition to this, and in as far as the parks were situated far from the centre of the city, the men were supplied with breakfast of hot tea and bread in the morning before beginning work, and with a dinner of hot soup and bread at mid-day. On New-Year's day the men who had been at work during the preceding week were invited to a dinner in the Albion Hall, at which the Lord Provost presided, and addressed to the men some very wise and kind words.

*It became painfully evident, however, that a very large amount of the distress, while it might be real enough, was the result of habits which would produce poverty and suffering in any circumstances ; and as the advancing season was making labour more easily obtained in country districts, the Committee, after 10 weeks' operations, intimated that thereafter each man would be paid the net value of his work—say, stone breaking at 2s. per cubic yard, and digger work at 9d. per cubic yard. This had the effect of reducing largely the already diminishing numbers, until it was found advisable to close the works entirely in the opening week of March.**

During the period the works were open, cases of special poverty and distress were dealt with, and sums amounting in all to £22, 11s., besides boots, blankets, and various articles of clothing, were, on the recommendation of the Committee, distributed by the Charity Organisation Society to between 80 and 90 families.

The amount paid in wages up to the time when the men were paid the net value of their work was—

At Ruchill Park, ...	£1,295	17	11½
At Springburn Park, ...	819	15	8
The cost of food during the same period was—			
At Ruchill Park, ...	£300	7	0½
At Springburn Park, ...	197	3	2½

While the miscellaneous and office expenditure, &c., connected with same, as detailed in cash statement, was £490, 3s. 1½d. making the entire cost £3,103, 6s.

The value of the work performed was as under—			
At Ruchill Park, ...	£407	9	4
At Springburn Park, ...	571	3	10
Together, ...	£978	13	2
To which add—			
Sums realised from disposal of tools, &c., . . £23 2 0			
And value of plant in stock, 400 0 0			
	423	2	0
Total, ...	£1,401	15	2
Leaving, therefore, a debit balance amounting to	1,701	10	10
	£3,103	6	0

It will be noticed that, while the expenditure at Springburn was considerably less than at Ruchill, the value of the work performed was considerably more. At Ruchill the work was almost wholly that of stone-breaking, which is an art requiring the exercise of very considerable skill ; whereas at Springburn it consisted exclusively of trenching and digger work, at which, with application, any able-bodied man might easily have been able to earn more than his full wages. Indeed, when they were put, for a short time at the close, on piece work, many of them had earned their full sum in 4 days.

The entire number of men who from first to last applied for work, and had their cases investigated, was 2,801. Of these 1,700 were labourers. Upwards of 500 were more or less closely connected with the iron trade. The remainder were divided amongst a great variety of occupations.

UNEMPLOYED, 1892–93.

DAILY NUMBER OF MEN WORKING AT STATIONS FROM 8TH DECEMBER 1892 TO 4TH MARCH 1893.

Date.	Men.	Date.	Men.	Date.	Men.	Date.	Men.
1892.		1892		1893		1893	
Dec. 8	87	Dec. 30	645	Jan. 21	628	Feb. 13†	311
.. 9	258	.. 31	506	.. 23	592	.. 14	110
.. 10	420	.. ..	..	.. 24	608	.. 15	187
		1893.					
.. 12	838	Jan. 3	533	.. 25	617	.. 16	207
.. 13	831	.. 4	495	.. 26	605	.. 17	125
.. 14	836	.. 5	480	.. 27	612	.. 18	125
.. 15	862	.. 6	545	.. 28	620	.. 20	120
.. 16	855	.. 7	544	.. 30	587	.. 21	139
.. 17	870	.. 9	529	.. 31	562	.. 22	139
.. 19	690	.. 10	529	Feb. 1	597	.. 23	125
.. 20	654	.. 11	539	.. 2	576	.. 24	116
.. 21	635	.. 12	562	.. 3	582	.. 25	65
.. 22	599	.. 13	605	.. 4	600	.. 27	50
.. 23	526	.. 14	622	.. 6	575	.. 28	82
.. 24	465	.. 16	536	.. 7	564	Mar. 1	82
.. 26	460	.. 17	559	.. 8	552	.. 2	82
.. 27	475	.. 18	560	.. 9	556	.. 3	82
.. 28							
.. 29	496	.. 19	585	.. 10	551	.. 4	72
	505	.. 20	602	.. 11	561	..	

* This paragraph is not in italics in the original.

† Date of introduction of piecework. See preceding letterpress.

APPENDIX LXXXIV.

WAKEFIELD PRISON.

ESTIMATED PROFITS from sundry Industries, the Market Value of Articles supplied only to Public Departments being taken. These statements do not take into account the Initial Cost of Buildings, but Wear and Tear of Tools is allowed for.

W. REA, *Storekeeper.*

WOOLLEN WEAVING—POWER LOOMS.

6,623 lbs. blue yarn,	£393	4	10	2,717 yds. blue cloth,	£543	8	0
28,467 ,, drab ,,	1630	18	5	11,109 ,, drab ,,	2221	16	0
10,989 ,, blanket yarn,	412	1	9	2,442 ,, blankets,	518	18	6
13,826 yds. cloth finishing,	131	6	11				
2,442 ,, blankets ,,	41	10	3	Waste sold,	4	3	1
Gas for power,	23	2	0				
Oil, &c.,	20	0	0				
Wear and tear of tools,	18	2	4				
Carriage, postage, &c.,	5	16	7				
Profit,	612	2	6				
	£3288	5	7		£3288	5	7

Number of prisoners employed, $19\frac{3}{11}$. Value of tools in use, £569, 0s. 4d. The machinery was standing about a month; new engine being put in.

LINEN AND JUTE WEAVING— POWER.

2,432 lbs. canvas yarn,	£30	8	0	708 yds. canvas packing, 36 ins.,	£7	7	6
536 ,, ,, fenders,	6	8	5	1,546 ,, ,, ,, 54 ,,	24	3	2
2,252 ,, Dowlas warp,	60	19	10	702 ,, ,, ships' fenders, 27 ins.,	6	11	8
1,584 ,, ,, weft,	36	6	0	271 ,, ,, ,, ,, 36 ,,	3	2	1
461 ,, huckaback warp,	14	8	1	403 ,, ,, filtering 30 ,,	5	17	7
325 ,, ,, weft,	8	16	0	6,672 ,, Dowlas,	118	3	0
				1,736 ,, huckaback,	43	8	0
Gas for power,	4	19	0				
Oil, &c.,	5	0	0	Waste sold,	1	0	0
Wear and tear of tools,	8	0	0				
Carriage, postage, &c.,	1	10	0				
Profit,	32	17	8				
	£209	13	0		£209	13	0

Number of prisoners employed, 5.

LINEN AND JUTE WEAVING—HAND LOOMS.

2,465 lbs. canvas yarn,	£30	16	3	2,524 yds. canvas, 36 ins.,	£26	5	10
1,198 ,, ,, ships' fenders,	14	7	0	957 ,, ,, ships' fenders, 27 ins.,	8	19	5
$3,524\frac{1}{2}$,, Dowlas warp,	95	9	1	1,823 ,, ,, ,, ,, 36 ,,	20	17	9
2,480 ,, ,, weft,	56	16	8	2,213 ,, dandy,	27	13	3
$449\frac{1}{2}$,, dandy warp,	11	14	1	10,443 ,, Dowlas,	184	18	7
$328\frac{1}{2}$,, ,, weft,	7	15	5				
				Waste,	0	10	0
Wear and tear of tools,	5	16	2				
Carriage, &c.,	1	9	0				
Profit,	44	19	2				
	£269	4	10		£269	4	10

Number of prisoners employed. $11\frac{10}{11}$. Value of tools, power and hand, £188, 10s 6d.

FOUNDRY.

643 tons pig iron,	£87	12	2	1,775 cwt. castings,	£1242	10	0
61 ,, 2 cwts. old metal,	30	11	0	71 gas boxes,	3	11	0
32 ,, 9 ,, coke,	35	13	11	78 ventilators,	25	7	0
Sundry expenditure:—							
Sand, plumbago, &c.,	19	1	8				
Gas for engine,	6	12	0				
Wages of instructor,	93	12	0				
Wear and tear of tools,	16	3	3				
Carriage, postage, &c.,	31	10	3				
Coke, gas, 10 tons,	4	10	0				
Profit,	946	1	9				
	£1271	8	0		£1271	8	0

Number of prisoners employed $9\frac{10}{11}$. Value of tools in use, £320, exclusive of cupola.

Garden.

Stock on 1st April,	£53	3	9	Cabbage, 21 cwts. 3 qrs. 17 lbs.,	£6	5	11
				Carrots, 9 ,, 2 ,, 25 ,,	3	8	1
Bones ground,	5	10	0	Leeks, 2 ,, 2 ,, 6 ,,	0	15	4
Lime,	4	7	6	Onions, 2 ,, 3 ,, 17 ,,	1	16	4
Manure, stable,	13	16	11	Parsnips, 0 ,, 1 ,, 12 ,,	0	1	9
Seeds, various,	7	18	8	Potatoes, 187 ,, 1 ,, 8 ,,	37	9	3
Soda, nitrate of,	1	16	7	Turnips, 17 ,, 3 ,, 10 ,,	4	9	2
Tools, new,	0	2	0	Stock on 31st March :—			
				Tools,	19	13	6
Balance, net profit,	20	13	7	Seeds and manure,	33	9	8
	£107	9	0		£107	9	0

Number of prisoners $5\frac{47}{311}$. Value of tools, £19. 13s. 6d.

Tinners' Work.

24 prs. tinned ears,	£0	1	2	17 trays, baking,	£1	11	6
$1\frac{34}{112}$ cwt. iron hoop,	0	14	8	3 bowls, tin,	0	8	0
$7\frac{1}{112}$,, ,, rod,	3	16	0	127 cans, large universal,	23	16	3
$11\frac{41}{112}$,, ,, sheet charcoal,	10	7	5	65 ,, covers,	3	5	0
$5\frac{0.8}{112}$,, ,, ,, galvanised,	7	7	11	725 cups, tin pint,	9	1	3
53 lbs. rivets, tinned,	1	6	6	6 dishes, tin,	0	6	0
14 doz. screws, lamp,	0	16	4	24 knives, tin,	0	1	0
75 lbs. block tin,	5	6	3	2 ladles,	0	0	9
1900 sheets of tin,	39	18	0	174 lamps, cell,	6	10	6
84 lbs. wire,	1	1	0	3 ,, hospital,	0	15	0
Spirits of salts,	0	6	4	85 measurers,	1	13	8
				120 pails, dust, iron,	22	10	0
5 cwts. coke,	2	5	0	20 ,, urine, ,, galvanised,	7	10	0
Wear and tear of tools,	4	11	0	20 ,, closet, large,	5	5	0
Carriage, postage, &c.,	1	1	9	87 ,, pans, dust,	2	3	6
				24 ,, scoops,	0	19	6
Profit,	70	9	0	1,575 tins, dinner, inner,	19	13	9
				1,845 ,, ,, outer,	34	11	10
				200 ,, loaf,	5	0	0
				200 ,, pudding,	1	13	4
				5 torches, brass,	2	12	6
	£149	8	4		£149	8	4

Number of prisoners employed, 3. Best quality of tin only used.

The following Trades are also carried on at Wakefield Prison :—

Bookbinding.
Brushmaking.
Knitting.
Mail-bag making.
Shoemaking.
Tailoring.
Matting weaving.
Oakum picking.
Smithing.
Carpentry.
Painting.

APPENDIX LXXXV.

TABLE showing the Number of Persons who have been *imprisoned* for (*a*) Breach of Peace and Petty Assaults; (*b*) Drunkenness, Drunk and Incapable, and Disorderly Conduct; (*c*) Begging and Vagrancy; (*d*) Prostitution; (*e*) Petty Thefts, with sentences of 14 days and under, during the year 1894, and who had in every case been *imprisoned* 3 times, 4 times, 5 times and upwards, during the 12 months preceding their last conviction in 1894.

Prisons.	Males.			Females.		
	3 times.	4 times.	5 times and upwards.	3 times.	4 times.	5 times and upwards.
Glasgow	53	32	30	395	234	620
Barlinnie	145	61	56	.	.	.
Edinburgh	137	64	55	105	52	122
Dundee	65	23	25	54	34	84
Greenock	36	15	41	39	13	10
Ayr	43	15	15	23	10	11
Aberdeen	18	15	20	16	10	43
Perth	32	14	7	31	12	29
Maxwelltown	15	2	2	5	.	1
Inverness	8	4	1	4	2	3
Total	552	245	252	672	367	923

APPENDIX LXXXVI.

RETURN showing the Sentences imposed and Money in possession of 196 Female Prisoners admitted to Glasgow Prison during the week ended 30th March 1895.

(As requested by Dr Sutherland's Letter of 2nd April 1895.)

No.	Sentence and Fine.	Money in Possession. £ s. d.	No.	Sentence and Fine.	Money in Possession. £ s. d.
1	7 Days or 10s. 6d.,	.	81	3 Days or 5s.,	.
2	14 ,,	.	82	5 ,, 7s. 6d.,	.
3	14 ,,	.	83	3 ,, 5s.,	.
4	7 ,, 10s. 6d.,	– – 3	84	7 ,, 7s. 6d.,	.
5	5 ,, 7s. 6d.,	.	85	30 ,, 40s.,	– – 3½
6	7 ,, 10s. 6d.,	.	86	30 ,, 40s.,	– – 4½
7	3 ,, 5s.,	.	87	30 ,, 40s.,	– 1 –
8	3 ,, 5s.,	– – 2	88	30 ,, 40s.,	– 1 –
9	3 ,, 5s.,	.	89	30 ,, 40s.,	– – 4
10	3 ,, 5s.,	.	90	7 ,, 10s. 6d.,	.
11	3 ,, 7s. 6d.,	.	91	7 ,, 10s. 6d.,	.
12	3 ,, 7s. 6d.,	– – –½	92	7 ,, 10s. 6d.,	.
13	5 ,, 7s. 6d.,	.	93	7 ,, 10s. 6d.,	.
14	5 ,, 7s. 6d.,	– – 10	94	3 ,, 5s.,	.
15	14 ,, 15s.,	– – 4	95	7 ,, 10s. 6d.,	.
16	7 ,, 10s. 6d.,	– – 3½	96	7 ,, 10s. 6d.,	.
17	3 ,, 7s. 6d.,	– – 2½	97	3 ,, 5s.,	.
18	10 ,, 10s. 6d.,	.	98	7 ,, 10s. 6d.,	– – 6½
19	3 ,, 7s. 6d.,	– – 3	99	7 ,, 10s. 6d.,	– – 3½
20	3 ,, 7s. 6d.,	– 2 6	100	7 ,, 10s. 6d.,	– 2 3
21	14 ,,	.	101	7 ,, 10s. 6d.,	.
22	5 ,, 7s. 6d.,	.	102	30 ,, 40s.,	– – 6½
23	5 ,, 7s. 6d.,	.	103	14 ,, 15s.,	– 8 –
24	5 ,, 7s. 6d.,	.	104	5 ,, 5s.,	.
25	3 ,, 5s.,	.	105	7 ,, 10s.,	.
26	14 ,, 21s.,	.	106	7 ,, 10s.,	.
27	7 ,, 10s. 6d.,	– 1 1	107	5 ,, 7s. 6d.,	– – 6
28	7 ,, 10s. 6d.,	.	108	7 ,, 10s. 6d.,	– – –½
29	3 ,, 5s.,	– – –½	109	7 ,, 10s.,	– 1 7½
30	3 ,, 5s.,	– – 5	110	7 ,, 10s. 6d.,	– 2 8½
31	3 ,, 5s.,	.	111	7 ,, 10s. 6d.,	.
32	30 ,,	.	112	7 ,, 10s. 6d.,	– – 7¾
33	Untried,	.	113	7 ,, 10s. 6d.,	– – 3½
34	7 Days or 10s. 6d.,	– – 1½	114	3 ,, 5s.,	.
35	7 ,, 10s. 6d.,	.	115	14 ,, 15s.,	.
36	14 ,, 21s.,	– – 6	116	30 ,, 40s.,	– – 1
37	7 ,, 10s. 6d.,	– – 2¾	117	14 ,,	.
38	7 ,, 10s. 6d.,	– – 8½	118	3 ,, 5s.,	.
39	30 ,, 40s.	– – –½	119	3 ,, 7s. 6d.,	.
40	7 ,, 10s. 6d.,	.	120	14 ,, 15s.,	– – 6
41	20 ,, 40s.,	.	121	3 ,, 5s.,	– 3 2
42	3 ,, 5s.,	– – 2	122	3 ,, 7s. 6d.,	.
43	3 ,, 5s.,	– 1 6	123	14 ,, 15s.,	– – 3½
44	3 ,, 5s.,	– – 9¾	124	30 ,, 40s.,	– – 2
45	3 ,, 5s.,	.	125	5 ,, 7s. 6d.,	– – 1
46	7 ,, 10s. 6d	– – 1	126	14 ,, 15s.,	.
47	7 ,, 10s. 6d.	.	127	14 ,, 15s.,	– – 1
48	3 ,, 5s.,	.	128	7 ,, 10s. 6d.,	– 4 5
49	3 ,, 5s.,	– 1 3	129	4 ,, 7s. 6d.,	– – 4
50	3 ,, 5s.,	– – 1	130	3 ,, 5s.,	.
51	3 ,, 5s.,	.	131	3 ,, 5s.,	.
52	3 ,, 5s.,	.	132	14 ,, 15s.	– – 1½
53	7 ,, 10s. 6d.,	.	133	7 ,, 10s. 6d.,	.
54	3 ,, 5s.,	– 1 7½	134	3 ,, 5s.,	.
55	7 ,, 10s. 6d.,	– 1 1	135	3 ,, 5s.,	.
56	7 ,, 10s. 6d.,	– 1 –	136	7 ,, 10s. 6d.,	– – 7
57	3 ,, 5s.,	.	137	3 ,, 5s.,	.
58	7 ,, 15s.,	– 1 3	138	3 ,, 5s.,	.
59	7 ,, 15s.,	– – 8	139	7 ,, 10s. 6d.,	– – 2
60	14 ,, 21s.,	.	140	30 ,, 40s.,	.
61	7 ,, 10s. 6d.,	.	141	30 ,, 40s.,	.
62	7 ,, 10s. 6d.,	– – 2½	142	14 ,, 15s.,	.
63	7 ,, 10s. 6d.,	.	143	7 ,, 10s. 6d.,	.
64	10 ,, 20s.,	.	144	3 ,, 5s.,	– – 7
65	10 ,, 15s.,	.	145	3 ,, 5s.,	.
66	3 ,, 5s.,	– – 11½	146	7 ,, 10s. 6d.,	.
67	7 ,, 10s.,	.	147	5 ,, 7s. 6d.,	– 2 –
68	7 ,,	.	148	3 ,, 5s.,	.
69	7 ,, 10s. 6d.,	– – 1	149	7 ,, 7s. 6d.,	.
70	5 ,, 7s. 6d.,	– – 1	150	3 ,, 5s.,	– – 3½
71	3 ,, 5s.,	– – 1	151	Untried,	.
72	7 ,, 10s.,	.	152	4 Days or 5s.,	.
73	7 ,, 10s. 6d.,	– – 5	153	14 ,, 21s.,	.
74	3 ,, 7s. 6d.,	.	154	14 ,, 21s.,	.
75	3 ,, 7s. 6d.,	.	155	3 ,, 5s.,	.
76	7 ,, 10s. 6d.,	.	156	3 ,, 5s.,	.
77	5 ,, 7s. 6d.,	.	157	14 ,, 15s.,	.
78	30 ,, 40s.,	.	158	14 ,, 15s.,	.
79	30 ,, 40s.,	.	159	30 ,, 40s.,	– 2 –
80	3 ,, 5s.,	.	160	30 ,, 40s.,	.

No.	Sentence and Fine.	Money in Possession. £ s. d.	No.	Sentence and Fine.	Money in Possession. £ s. d.
161	14 Days or 21s.,		179	7 Days or 10s. 6d.,	– – 6
162	7 ,, 10s. 6d.,		180	3 ,, 5s.,	
163	5 ,, 7s. 6d.,		181	7 ,, 10s. 6d.,	– – 1
164	30 ,, 40s.,		182	7 ,, 10s. 6d.,	
165	5 ,, 7s. 6d.,		183	7 ,, 10s. 6d.,	– – 1
166	7 ,, 10s. 6d.,		184	7 ,, 10s. 6d.,	– 1 3
167	7 ,, 10s. 6d.,		185	14 ,,	– 3 6
168	14 ,,		186	14 ,,	– – 6
169	7 ,, 40s.,		187	14 ,, 15s.,	– 1 10
170	10 ,, 15s.,	– 1 3½	188	14 ,, 15s.,	– – 5½
171	3 ,, 5s.,		189	7 ,, 10s. 6d.,	– – 5
172	3 ,, 5s.,		190	3 ,, 5s.,	– – 2
173	5 ,, 7s. 6d.,		191	7 ,, 10s. 6d.,	– – 1
174	Untried		192	5 ,, 7s. 6d.,	
175	3 Days or 2s. 6d.,		193	3 ,, 5s.,	
176	10 ,, 15s.,		194	7 ,, 10s. 6d.,	
177	7 ,, 10s. 6d.,	– – 5	195	30 ,,	
178	7 ,, 15s.,	– – ½	196	30 ,,	

C. S. ALSTON, *Governor.*

H.M. PRISON,
GLASGOW, 3*rd April* 1895.

GLASGOW PRISON.

RETURN of 75 Male Prisoners received during week ended 30th March 1895, showing Sentence and Money found in possession of each.

(As requested in Dr Sutherland's Letter of 2nd April 1895.)

No.	Sentence and Fine.	Money in Possession. £ s. d.	No.	Sentence and Fine.	Money in Possession. £ s. d.
1	Untried,		39	Untried,	– – 7½
2	,,		40	21 Days	1 15 11½
3	,,		41	4 ,, 5s.,	– – 4½
4	14 Days or 20s.,	– – 3½	42	4 ,, 5s.,	– – 2
5	14 ,, 20s.,		43	7 ,, 10s.,	
6	10 ,,	– – 2	44	20 ,, 30s.,	
7	7 ,,		45	1 ,, 5s.,	– 1 2
8	10 ,, 21s.,		46	4 ,, 5s.,	– 4 –
9	7 ,, 10s.,	– – 5½	47	Untried,	
10	7 ,, 10s.,		48	,,	
11	14 ,,		49	,,	– 2 9
12	5 ,, 7s. 6d.,		50	,,	– – 2
13	5 ,, 7s. 6d.,		51	,,	
14	20 ,, 30s.		52	,,	
15	10 ,, 15s.,	– 2 6	53	10 Days or 15s.,	
16	7 ,, 10s.,		54	42 ,,	– 1 –
17	20 ,, 40s.,	– – 2½	55	Untried,	
18	20 ,, 30s.,		56	14 Days or 20s.,	
19	14 ,, 15s.,		57	4 ,, 7s. 6d.,	
20	20 ,, 30s.,		58	3 Months,	
21	10 ,, 15s.,		59	7 Days or 10s. 6d.,	– – 2½
22	Untried.		60	Untried,	– 1 2½
23	,,		61	5 Days or 15s.,	– – 3
24	,,		62	7 ,, 10s.,	
25	3 Days or 5s.,		63	30 ,,	– – 1
26	20 ,, 30s.,	– – 6½	64	30 ,,	– – 1½
27	30 ,, 40s.,		65	Untried,	– – 5
28	7 ,,	– – 11	66	5 Days or 7s. 6d.,	– 1 3½
29	14 ,, 40s.,	– 18 11½	67	7 ,, 10s. 6d.,	
30	7 ,, 68s.,	– 1 –	68	7 ,,	
31	14 ,, 21s.,	– – 9	69	60 ,, 105s.,	– 5 6
32	21 ,, 30s.,		70	30 ,,	– 2 10
33	5 ,, 7s. 6d.,		71	12 Months and 3 years' Police Supv.,	
34	7 ,, 10s. 6d.,		72	Untried,	– 11 –
35	Untried.		73	,,	
36	,,		74	30 Days,	– 2 3
37	,,		75	10 ,, 10s. 6d.,	– 1 2½
38	,,				

C. S. ALSTON, *Governor*

H.M. PRISON,
GLASGOW, 3*rd April* 1895.

APPENDIX LXXXVII.

SENTENCES, Fines and Private Cash of 208 Prisoners admitted to General Prison, Barlinnie, from 25th to 30th March 1895.

No.	Sentence and Fine.	Private Cash. £ s. d.	No.	Sentence and Fine.	Private Cash. £ s. d.
1	14 Days or 20s.,	– – 6	81	3 Days or 5s.,	.
2	14 ,, 21s.,	– – 2	82	3 ,, 5s.,	.
3	7 ,, 10s. 6d.,	– – 4	83	3 ,, 5s.,	– – 4½
4	7 ,, 10s. 6d.,	.	84	3 ,, 5s.,	– – 3
5	3 ,, 5s.,	– 1 –½	85	3 ,, 5s.,	.
6	3 ,, 5s.,	.	86	3 ,, 5s.,	– – 6½
7	3 ,, 5s.,	.	87	21 ,, (no fine),	.
8	3 ,, 5s.,	– – 8	88	5 ,, 10s., 6d.,	– 1 –
9	3 ,, 5s.,	.	89	14 ,, 21s.,	– – 2
10	3 ,, 5s.,	.	90	21 ,, 42s.,	– – 4
11	3 ,, 5s.,	– 1 7½	91	51 ,, 84s.,	.
12	7 ,, 10s. 6d.,	– 1 6	92	3 ,, 5s.,	– 1 2
13	7 ,, 10s. 6d.,	.	93	5 ,, 7s. 6d.,	– 1 8
14	7 ,, 10s. 6d.,	.	94	20 ,, 30s.,	.
15	14 ,, 21s.,	.	95	5 Years P.S. (Remanet 105 days),	.
16	30 ,, 42s.,	– 10 8½	96	10 Days or 15s.,	.
17	7 ,, 10s. 6d.,	– – 7	97	10 ,, 15s.,	– 2 6
18	60 ,, (no fine),	.	98	10 ,, 21s.,	.
19	7 ,, 10s. 6d.,	– 2 –	99	10 ,, (no fine),	– – 2
20	5 ,, 7s. 6d.,	– 3 11	100	14 ,, 30s. 6d.,	– 1 1½
21	7 ,, 20s.,	.	101	14 ,, 20s.,	– – 3½
22	3 ,, 5s.,	– 2 4½	102	14 ,, 20s.,	.
23	3 ,, 5s.,	.	103	14 ,, (no fine),	.
24	3 ,, 5s.,	– – 10	104	14 ,, 40s.,	– 18 11½
25	3 ,, 5s.,	.	105	14 ,, 15s.,	.
26	14 ,, 20s.,	.	106	20 ,, 20s.,	– – 6½
27	5 ,, 7s. 6d.,	.	107	20 ,, 30s.,	.
28	3 ,, 5s.,	– 2 –½	108	20 ,, 40s.,	– – 2½
29	7 ,, 10s. 6d.,	.	109	20 ,, 30s.,	.
30	3 ,, 5s.,	– – 4	110	21 ,, (no fine),	– – 3½
31	5 ,, 7s. 6d.,	– – 3	111	1 Month or 40s.,	.
32	5 ,, 7s. 6d.,	.	112	30 Days or 40s.,	.
33	14 ,, (no fine),	.	113	30 ,, (no fine),	– 1 –
34	14 ,, ,,	– 1 4½	114	60 Days hard labour (no fine),	– – 1
35	14 ,, ,,	– 1 7	115	4 Months (no fine),	.
36	3 ,, 7s. 6d.,	.	116	4 ,, ,,	.
37	15 ,, 21s.,	– – 1½	117	6 ,, ,,	.
38	40 ,, (no fine),	.	118	6 ,, ,,	.
39	60 ,, ,,	.	119	12 Months (no fine),	1 5 –
40	3 ,, 7s. 6d.,	– 1 10	120	12 ,, ,,	.
41	3 ,, 5s.,	– – 2½	121	5 Days or 7s. 6d.,	– – 7
42	14 ,, 21s.,	– – 1	122	5 ,, 7s. 6d.,	.
43	5 ,, 7s. 6d.,	.	123	7 ,, (no fine)	– – 7
44	5 ,, 7s. 6d.,	.	124	14 ,, 21s.,	.
45	5 ,, 7s. 6d.,	.	125	6 Weeks or 140s.,	.
46	14 ,, (no fine),	.	126	30 Days or 42s.,	– – 1½
47	7 ,, 10s. 6d.,	.	127	30 ,, 42s.,	– 5 10½
48	14 ,, (no fine),	– 4 –	128	30 ,, 42s.,	.
49	7 ,, 10s. 6d.,	– – 1	129	7 ,, 7s. 6d.,	– – 2
50	7 ,, 10s. 6d.,	.	130	3 ,, 5s.,	– – 1
51	7 ,, 10s. 6d.,	.	131	3 ,, 5s.,	– 1 7
52	7 ,, 10s. 6d.,	.	132	7 ,, (no fine),	– 11 2½
53	14 ,, 21s.,	– 10 3½	133	14 ,, 21s.,	– – 2½
54	14 ,, 21s.,	– – 6½	134	7 ,, 10s. 6d.,	.
55	30 ,, 63s.,	.	135	7 ,, 10s. 6d.,	.
56	7 ,, 10s. 6d.,	– 3 6	136	60 ,, (no fine),	.
57	14 ,, 21s.,	– 1 –½	137	7 ,, 10s. 6d.,	.
58	30 ,, 63s.,	.	138	7 ,, 10s. 6d.,	.
59	7 ,, 10s. 6d.,	.	139	30 ,, (no fine),	.
60	30 ,, 42s.,	– – 3	140	3 ,, 5s.,	– – 7
61	7 ,, 10s. 6d.,	– 2 1	141	3 ,, 5s.,	– – 3
62	14 ,, 21s.,	– 1 1	142	10 ,, (no fine),	.
63	3 ,, 5s.,	– – 3	143	7 ,, 10s. 6d.,	– – 8
64	3 ,, 5s.,	.	144	30 ,, 42s.,	.
65	3 ,, 5s.,	.	145	3 ,, 5s.,	.
66	3 ,, 5s.,	– 2 6½	146	7 ,, 10s. 6d.,	– –
67	3 ,, 5s.,	– – 1	147	7 ,, 10s. 6d.,	.
68	3 ,, 5s.,	– – 7	148	7 ,, 10s. 6d.,	.
69	3 ,, 5s.,	– – 8	149	7 ,, 10s. 6d.,	– 2 –½
70	3 ,, 5s.,	– – 7½	150	3 ,, 7s. 6d.,	– – 2½
71	7 ,, 10s. 6d.,	.	151	3 ,, 5s.,	– – 9
72	7 ,, 10s. 6d.,	– – 7½	152	3 ,, 5s.,	– 1 2½
73	60 ,, (no fine),	– 1 7	153	5 ,, 10s. 6d.,	.
74	10 ,, 15s.,	– – 2	154	14 ,, 15s.,	.
75	10 ,, 15s.,	– – 8	155	2 ,, 2s. 6d.,	.
76	3 ,, 5s.,	– – 5	156	14 ,, (no fine),	.
77	3 ,, 5s.,	.	157	14 ,, 21s.,	.
78	3 ,, 5s.,	.	158	7 ,, 10s. 6d.,	.
79	3 ,, 5s.,	– 1 1	159	3 ,, 5s.,	.
80	7 ,, 15s.,	– 1 –	160	5 ,, 7s. 6d.,	– – 8

Sentences, Fines and Private Cash of Prisoners admitted to General Prison, Barlinnie, from 25th to 30th March 1895—*continued.*

No.	Sentence and Fine.	Private Cash. £ s. d.	No.	Sentence and Fine.	Private Cash. £ s. d.
161	24 Hours or 2s. 6d., . . .	.	186	5 Days or 10s. 6d., . . .	– – 1
162	24 ,, 2s. 6d., . . .	– – 11	187	3 ,, 5s., ...	.
163	3 Days or 5s., ...	.	188	10 ,, 15s., ...	– – 2
164	14 ,, 21s., ...	– – 3	189	30 ,, 42s., ...	– – 2
165	30 ,, (no fine), . . .	– – 2½	190	7 ,, 10s. 6d., . . .	.
166	14 ,, 21s., ...	– 1 3	191	14 ,, 49s., ...	– 5 –
167	30 ,, (no fine), . . .	– 1 4½	192	3 ,, 5s., ...	– 1 4
168	7 ,, 10s. 6d., . . .	– 4 –½	193	21 ,, 30s., ...	– – 6
169	3 ,, 5s., ...	– – 6½	194	7 ,, 10s. 6d., . . .	– 6 9
170	2 ,, 2s. 6d., . . .	– 1 2½	195	7 ,, 15s., ...	– 3 1½
171	7 ,, 7s. 6d., . . .	– – 10	196	3 ,, 5s., ...	– – 10½
172	7 ,, 2s. 6d., . . .	.	197	3 ,, 5s., ...	– – 6
173	14 ,, (no fine), . . .	.	198	14 ,, 21s., ...	.
174	7 ,, 10s. 6d., . . .	.	199	5 ,, 7s. 6d., . . .	– 1 4
175	7 ,, 10s. 6d., . . .	.	200	30 ,, 42s., ...	.
176	7 ,, 10s. 6d., . . .	.	201	3 ,, 5s., ...	– – 6
177	3 ,, 5s., ...	– 1 1½	202	3 ,, 5s., ...	– – 10
178	3 ,, 5s., ...	.	203	10 ,, 15s., ...	.
179	7 ,, 10s. 6d., . . .	– 5 9	204	10 ,, 15s., ...	– 1 –
180	7 ,, 10s. 6d., . . .	– 2 3	205	60 ,, (no fine), . . .	.
181	7 ,, (no fine), . . .	– 1 11½	206	60 ,, ,, . . .	.
182	3 ,, 5s., ...	.	207	10 ,, 15s., ...	– – 1½
183	3 ,, 5s., ...	.	208	7 ,, 10s. 6d., . . .	.
184	3 ,, 5s, ...	– – 8½	209	7 ,, 10s. 6d., . . .	– 1 1½
185	5 ,, 10s.6d., . . .	– 5 6			

JAMES TAYLOR, *Governor.*

APPENDIX LXXXVIII.

COPY LETTER, Mr W. DUNBAR, Deputy-Procurator-Fiscal, Dundee, to the CROWN AGENT, Edinburgh.

DUNDEE, 23*rd November*, 1887.

SIR,—A difference of opinion seems to exist in regard to proving convictions in summary cases since the new Act of 1887 came into operation. In the Sheriff Court here the convictions have been admitted without proof in any case. In the Police Court they are proved in the ordinary way.

It seems doubtful whether the Act alters the practice of proving summary convictions, and I therefore beg to ask for the advice of Crown Counsel—Yours respectfully,

(Signed) W. DUNBAR, Dep. P. F.

CROWN AGENT.

COPY CROWN COUNSEL'S REPLY.

EDINBURGH, 24*th November*, 1887.

SIR,—I beg to acknowledge receipt of your letter of yesterday and to say that Crown Counsel think the Criminal Procedure Act does not alter the practice of proving convictions in summary cases.—I am, your obedient servant,

(Signed) D. A. DUNCAN, for Crown Agent.

The Procurator-Fiscal, Dundee.

OPINION ON MEMORIAL OF THE COMMISSIONERS OF POLICE FOR THE BURGH OF DUNDEE AND THE CLERK AND LEGAL ASSESSOR OF THE SAID COMMISSIONERS AND OF THE POLICE MAGISTRATES OF DUNDEE.

1. I am of opinion that the rules and forms of procedure, provided by the Criminal Procedure (Scotland) Act, 1887, must be adopted in the Police Court of Dundee in so far as this is practicable.

(1.) I think it is not practicable to apply the leading provisions of Section 66 of that Act in the Dundee Police Court, and consequently that these provisions need not be applied there. It is assumed as the condition of these provisions that notice shall have been given to the accused person in a list of productions that the conviction is to be used against him, and failing his giving the counter notice to the procurator fiscal of the district, to the court of which he is cited for the 2nd diet, or the crown agent where he is cited to the High Court of Justiciary for the 2nd diet, &c,, the extract conviction shall be received in evidence without proof. But, in the procedure of the Dundee Police Court, no list of productions is served on the accused person, nor do the other requisites for the application of the leading provisions of Section 66 exist. It appears to me, however, that the provision at the end of the Section relative to the proof of convictions by prison officials can and therefore ought to be applied in the Dundee Police Court.

(2.) I consider that it is practicable to apply the provisions of Section 67 in the Dundee Police Court, and that consequently they should be applied there. I do not think that the circumstance of previous convictions being libelled in the complaint, and of the complaint being laid before the magistrate creates any real difficulty in applying Section 67. That Section does not provide that the convictions shall not be mentioned in the indictment or complaint, but that they 'shall not be laid before the jury (court) nor shall refer-'ence be made thereto in presence of the jury (court) 'before the verdict is returned.' Both of these conditions, however, may quite well be fulfilled although the convictions are mentioned in the complaint, as the first of them relates merely to the laying of them before the Jury (Court), and the second, as it appears to me, only prohibits reference being made to them, *viva voce*, before the verdict or finding. Although at present it is required that in the Dundee Police Court the complaint shall be read publicly, Section 74 of the Criminal Procedure (Scotland) Act 1887 provides that all statutes, laws, regulations, and usages inconsistent or at variance with the provisions of that Act shall be, and that the same are thereby repealed. It seems to me quite possible to comply with Section 67 by omitting to read the part of the complaint which alleges the previous convictions, while reading the rest, and after the presiding magistrate has declared that he finds the accused guilty, but before he pronounces sentence the convictions could be laid before him and proved. I further think that the record of the judgment required by Section 411 of the Police Act of 1862 must now, in respect of the provisions of Section 67 of the Criminal Procedure (Scotland) Act, 1887, be amplified by setting out the particulars relative to convictions thereby required. As accused persons in the Police Court of Dundee have no notice of the particulars of the convictions in the form of a list of productions, it will in my judgment, be proper to insert in complaints the date and place of previous convictions, and, in cases of theft, the nature of the dishonest appropriation, as has hitherto been done.

2. I am of opinion that it is still competent to charge as aggravations, previous convictions for crimes not mentioned in Sections 63, 64, and 65, such as breach of the peace, &c., and further that previous convictions may be charged as aggravations of statutory offences. The object of these Sections was not to limit or exhaustively to define, but rather to extend the rules of law applicable to previous convictions.

3. I do not think that a person arrested on a criminal charge, with a view to being brought before the Police Court of Dundee, is entitled to have the intimation provided by Section 17 of the Criminal Procedure (Scotland) Act, 1887, made before he is either tried in that court or remitted to a higher court. That section provides that where any person has been arrested on any criminal charge, such person shall be entitled, immediately upon his arrest, to have intimation sent to any qualificd agent that his professional assistance is required by such person, and informing him of the place to which such person is to be taken for examination, and that such law agent shall be entitled to have a private interview with the person accused before he is examined on declaration and to be present at such examination. These provisions seem to me to show that the enactment was intended to apply only to cases where there was to be an examination on declaration, a proceeding which does not take place in the summary cases coming before the Police Court of Dundee. It would, therefore, be impossible to intimate the particulars required by the section. At the same time upon the principle of applying the Act in so far as practicable, I think it would be proper, wherever a person arrested desires it, to give intimation to a law agent that his professional assistance is required by such person.

The opinion of

(Signed) J. B. BALFOUR.

EDINBURGH,
28*th November* 1887.

ADDITIONAL OPINION for the Commissioners of Police for the Burgh of Dundee and the Clerk and Legal Assessor of the said Commissioners and of the Police Magistrates of Dundee.

When the accused pleads guilty to the substantive charge, but on the previous conviction libelled being read, denies it, it should, in my judgment, be proved, and when the accused is found guilty on evidence of the substantive charge, but on the previous conviction libelled being read, admits it, his confession should, in my judgment, be accepted, and in each case the record should bear what actually took place as regards the substantive charge and conviction respectively.

This appears to me to be the necessary result of the separation of the aggravating conviction from the substantive charge affected by the Criminal Procedure (Scotland) Act, 1887. I do not see that there would be any harm in adding in the complaint the sentence pronounced on the occasion by the previous conviction libelled, but I do not think that it would be sufficient to enter on the record of the judgment that the accused was found guilty of the substantive crime or offencc charged, on evidence adduced, or on his own confession as the case might be, aggravated by previous conviction 'as libelled.' Section 67 of the Act requires that 'the clerk of the court in which sentence is pronounced 'shall enter in the record of the trial a statement of the 'contents of any extract conviction that is put in evidence 'setting forth the date, the place of trial, the court, the 'nature of the crime, the aggravations accompanying it, 'if any, and the sentence pronounced.'

The object of this enactment plainly was to secure that the recorded judgment, the extract of which might be used in subsequent cases, should itself contain all the requisite particulars and object would not be obtained by reference to another document in the words 'as libelled.'

The opinion of

(Signed) J. B. BALFOUR.

EDINBURGH,
30*th December*, 1887.

OBSERVATIONS ON THE 'CRIMINAL PROCEDURE '(SCOTLAND) ACT, 1887.' By D. DEWAR, Chief-Constable and Procurator-Fiscal, Dundee.

Section 71 of the 'Criminal Procedure (Scotland) Act, '1887,' enumerates the sections in the Act which are declared to apply to all summary complaints in inferior courts 'except where there is anything in any section 'which specially applies to procedure in the High Court 'of Justiciary and the Sheriff Court when the Sheriff is 'sitting with a jury,' and it provides for the word 'court' being substituted for the word 'jury.' It also provides 'that the mode of setting forth the charge given in 'Schedule A may be followed in such summary complaints, 'the third person being substituted for the second.'

Doubts have arisen as to whether Sections 66 and, 67 although among the sections enumerated in Section 71 as applicable to summary complaints, do really apply to such complaints.

It appears that the leading provisions of Section 66 cannot by any possibility be made to apply to summary prosecutions, because (1st), there is no list of productions appended to summary complaints; (2nd), there is no second diet, second diets being only applicable to High Court and Sheriff and Jury cases; and (3rd), there is no list of witnesses served on an accused person in summary complaints.

It is submitted that the only part of Section 66 which can by any possibility apply to summary complaints is that contained in the last five lines of the section, which provides for prison officials being competent witnesses to prove previous convictions, although not present at the trials when convictions obtained.

Section 67 appears also to apply exclusively to High Court and Sheriff and Jury cases, although the word 'jury' in that section is read 'court.'

In the first example of indictments, or summary complaints given in Schedule A of the Act, the form in a case of theft ends with the following words:—'And you have 'been previously convicted of dishonest appropriation of 'property.'

At the beginning of Section 67 it is provided that 'Previous convictions against a person accused shall not be laid 'before the jury (or court), nor shall reference be made 'thereto in presence of the jury (or court) before the verdict 'is returned.'

In every case the complaint in a Court of Summary Jurisdiction is laid before the magistrate in order to obtain the warrant to apprehend or cite the offender, and if the accused has been previously convicted, the magistrate must necessarily know that fact from having the complaint submitted to him prior to his granting the warrant, so that it is impossible to prevent reference being made to a previous conviction, when the same is libelled in a summary complaint. In addition to this the Rules applicable to the Police Court of Dundee provide for the complaint being read publicly in court, and where a previous conviction is libelled upon, it must necessarily be referred to before the magistrate presiding in the court, before the accused is asked to plead to the charge against him, although in High Court and Sheriff and Jury cases the indictments close with a reference to the fact of the accuseds having been previously convicted, when such is the case this is not brought under the notice of the jury, as Section 54 of the Act provides 'that it shall not be necessary to lay before the jury 'copies of the indictment.'

In Scotch Criminal Jurisprudence a verdict is returned only by a jury, and the term 'verdict' is not applicable to 'court.' For dissertations on 'verdict' see *Hume*, *Alison*, and *Macdonald's Criminal Law*, as also *Bell's Law Dictionary*.

Section 67 also provides as follows:—'The clerk of the 'court in which the sentence is pronounced shall enter 'in the record of the trial a statement of the contents of 'any extract conviction that is put in evidence, setting 'forth the date, the place of trial, the court, the nature of 'the crime, the aggravations accompanying it, if any, and 'the sentence pronounced; and when such person is again 'accused of any offence, in regard to which such conviction 'may be competently used as an aggravation, a duly certified extract of the conviction setting forth the particulars 'of previous convictions as above, shall be admissible and 'sufficient as evidence to prove against him all the previous convictions and aggravations therein set forth.'

A police court is not a court of record, only the complaint, with the finding of the magistrate and the sentence thereon, is preserved, see Clause 411 of 'The General Police 'and Improvement (Scotland) Act, 1862,' whereas in High Court and Sheriff and Jury Courts, an elaborate record is kept, and will continue to be kept in accordance with forms prescribed by an act of adjournal which has been framed by virtue of the powers conferred by this Act, a copy of which is sent herewith.

The utility, so far as police courts are concerned, of including in the finding and sentence by a magistrate the aggravation of any previous conviction is in a great measure lost, as by Clause 413 of 'The General Police and 'Improvement (Scotland) Act, 1862,' persons accused of the crimes therein enumerated, and of certain crimes aggravated by two previous convictions, cannot be tried in the police court, but must be remitted to a higher court,—only one previous conviction for such crimes as assault, theft, fraud, embezzlement, &c. can be proved in the police court.

The ground for maintaining that Sections 66 and 67 must in whole or part apply to summary prosecutions is that these sections are enumerated in Section 71, and that the word 'jury' does not occur in any of the sections therein enumerated, except in Section 67.

A form of complaint in a case of theft, aggravated by a previous conviction as now in use in police court prosecutions at Dundee, is sent herewith, and it would be desirable to know whether it is proper to insert in the complaint the date and place of previous conviction, and the nature of the dishonest appropriation as is done in the copy sent. To omit to do this in summary cases would be very unfair to the accused, because it is the only notification given him as to the previous conviction to be proven against him. In High Court and Sheriff and Jury cases similar particulars of previous convictions are given in the list of productions to be produced at the trial, and these are accessible to the prisoner and his counsel or agent previous to the trial.

Sections 63, 64, and 65 of the Act provides for previous convictions being charged as an aggravation in certain crimes. Is it still competent to charge as aggravation previous convictions for crimes not mentioned in these sections, such as breach of the peace, &c.? And can previous convictions be charged as aggravations for statutory offences?

Section 71 provides that sections therein enumerated and relative schedules shall apply to summary complaints. Schedule A is the only schedule referred to in the enumerated sections.

Does Section 17 of the Act apply to persons in the custody of the burgh police for crimes or offences to be tried under the Police Act; or to persons apprehended by them for crimes or offences, which, on account of aggravations such as those enumerated in Section 413 of 'The 'General Police and Improvement (Scotland) Act, 1862,' require to be remitted to the Sheriff, and if so, to what extent?

APPENDIX LXXXIX.—LIST of Male and Female Prisoners under Sixteen Years imprisoned in Scottish Prisons during January 1895.

H.M. Prison, Glasgow.

Male.	Age.	Sentence.	Female.	Age.	Sentence.
...	...	...	M. M'L.,	15	7 days or 10s. 6d.
...	...	...	M. E.,	15	7 ,, ,, 7s. 6d.
P. M'K.,	13	12 months.	M. L.,	15	7 ,, ,, 7s. 6d.
J. C.,	15	7 days or 20s.	M. A. C.,	15	7 ,, ,, 10s. 6d.
T. M. G.,	14	7 days and 4 years P.S.	A. P.,	14	3 ,, ,, 5s.
		Average 126 days.			Average, 6 days.

H.M. General Prison, Barlinnie.

J. M.,	15	5 days or 7s. 6d.			
J. M'D.,	15	6 months.			
J. M'K.,	15	60 days.	Nil.	Nil.	Nil.
T. C.,	14	7 days.			
		Average 63 days.			

H.M. Prison, Dundee.

D. M.,	14	To Court.*			
J. M'C.,	15	3 days.			
D. D.,	11	24 hours.	Nil.	Nil.	Nil.
J. B. M.,	15	To Court.*			
		Average 2 days.			

H.M. Prison, Aberdeen.

J. L.,	15	4 months.			
H. C.,	14	6 months.	Nil.	Nil.	Nil.
L. B.,	14	Untried, on bail same day.			
A. L.,	14	Untried, on bail same day.			

H.M. Prison Edinburgh.

Nil.	Nil.	Nil.	J. M'J.,	13	Untried. (Removed to Court.)*

* 'To Court' means that the disposal is unknown to prison authorities. They may be admonished, whipped, dealt with under Probation of First Offenders Act, or have had to find Caution.

APPENDIX XC.

GLASGOW UNEMPLOYED RELIEF FUND.

EXTRACTS FROM REPORT OF COMMITTEE APPOINTED BY THE LORD PROVOST AND MAGISTRATES IN FEBRUARY 1895 TO DEAL WITH THE RELIEF OF THE UNEMPLOYED.

Trades and Occupations of Unemployed Men.

From 4th February to 16th March 1895.

Ashphalters,	16	Gas-burner makers,	1	Plate-rollers,	1	Stewards,	1
Bakers,	16	Gasfitters,	1	Plumbers,	1	Steam-crane builders,	1
Bath-enamellers,	1	Gas-stove fitters,	1	Porters,	15	Steam-crane drivers,	4
Bed-worker,	1	Glass-blowers,	2	Potters,	8	Stokers,	1
Bedstead-makers,	1	Glass-packers,	1	Power-loom tenters,	2	Stocking-makers,	1
Bellows-makers,	2	Glaziers,	3	Pressers,	2	Stone breakers,	6
Benchmen,	1	Gold-beaters,	3	Printers,	2	„ dressers,	1
Bill-deliverers,	1	Goods checker, Railway,	1	Printfield-workers,	1	„ sizers,	2
Billposters,	1	Granite hewers,	1	Provision merchant,	1	Steel-workers,	4
Bicycle-makers,	1	„ polishers,	2	Puddlers,	1	Table-makers,	1
Blacksmiths,	27	„ cutters,	1	Quarrymen,	6	Tailors,	16
Block-makers,	1	Grate-fitters,	2	Redleaders,	1	Tinsmiths,	5
Bleachers,	1	Grooms,	2	Rivetters,	22	Tobacco-pipe makers,	2
Boot-finishers,	5	Gunmakers,	1	Rivet-heaters,	3	Tobacco-spinners,	1
Boot-top cutters,	3	Hammermen,	88	Rivet-makers,	1	Tramway-drivers,	
Boot-closers,	4	Hammer-strikers,	1	Ropesman,	1	Trunk-makers,	1
Bolt-makers,	3	Hairdressers,	3	Ropespinners,	4	Tube-workers,	1
Bottle-blowers,	3	Hawkers,	2	Sailmakers,	4	Twisters,	9
Boiler-cleaners,	2	Hole-borers,	14	Sawyers,	13	Umbrella-makers,	1
Boiler-makers,	17	Holders-on,	13	Seamen,	5	Umbrella-frame makers,	1
Bottlers,	9	Holders-up,	2	Sewing-machine makers,	1	Upholsterers,	3
Box-makers,	4	Hoop-benders,	1	Ship's cook,	1	Vanmen,	9
Bobbin-turners,	1	Iron-buffers,	3	Ship-chandler,	1	Waiters,	1
Boot-lasters,	1	Iron chairmakers,	1	Ship-block makers,	1	Warehousemen,	1
Brass-finishers,	12	„ dressers,	36	Ship-wrights,	1	Watchmakers,	1
„ moulders,	1	„ drillers,	11	Sheet-iron workers,	1	Watchmen,	3
„ dressers,	2	„ moulders,	74	Shoemakers,	27	Weavers,	47
Bricklayers,	12	„ planers,	6	Shopkeepers,	1	Weavers, Handloom,	8
Brushmakers,	4	„ pipe moulders,	2	Silversmiths,	1	Window-cleaners,	5
Butchers,	1	„ roofers,	1	Skin-dressers,	1	Wood moulders,	1
Cab-drivers,	3	„ turners,	20	Skin-sorters,	1	„ machinists,	1
Cab-washers,	1	„ workers,	12	Slipper-makers,	6	„ turners,	5
Causewayers,	20	Japanners,	1	Slaters,	16	Yarn-dyer,	1
Cabinet-makers,	3	Joiners,	20	Spirit-salesmen,	1		
Cabinet-polishers,	1	Kilnmen,	2	Spriggers,	1	Total,	3,643
Calenderers,	1	Labourers,	1242	Stablemen,	8		
Calico-blockcutters,	1	„ Builders',	147				
Card-grinders,	3	„ Brickwork,	28				
Carters,	46	„ Brewers',	4				
Car-conductors,	1	„ Contractors',	509				
Carpet-weavers,	10	„ Foundry,	513				
Cartwrights,	2	„ Gardeners',	1				
Cattle-dealers,	1	„ Plasterers',	18				
Canal-bargemen,	15	„ Plumbers',	1				
Cement-workers,	1	„ Quay,	100				
Clay-pipe makers,	1	„ Shipbuilders',	76				
Cloth-lappers,	6	„ Slaters',	26				
Cloth-stenters,	1	Leather-cutters,	1				
Cloggers,	1	Linseed-cake pressers,	1				
Clerks,	3	Lithographic-stone polisher,	1				
Chairmakers,	1	Locomotive caulkers,	2				
Chainmakers,	1	Machinemen,	7				
Coachmakers,	1	Machine-makers,	2				
Cooks,	1	Machine-tenters,	1				
Coopers,	14	Machine leather belting makers,	3				
Coppersmiths,	4	Machinists,	3				
Compositors,	1	Marble cutters,	1				
Cork-cutters,	2	„ polishers,	3				
Craneman,	1	Masons,	57				
Cutlers,	1	Masons' tool-sharpers,	1				
Curriers,	2	Mechanics,	1				
Dealers,	1	Mattress-makers,	1				
Dippers,	2	Millwrights,	1				
Drapers' assistants,	1	Millers,	1				
Dyers,	14	Miners,	8				
Engineers,	18	Muslin-clippers,	1				
Enginemen,	3	Nailmakers,	1				
Engine-drivers,	1	Navvies,	6				
Engine-fitters,	34	Packers,	4				
Engine-keepers,	8	Packing-box makers,	2				
Engravers,	1	Painters,	60				
Engravers' polishers,	1	Pattern-filer,	1				
Firemen,	11	Paviors,	12				
Fishcurers,	4	Photographers,	1				
Fishermen,	1	Picture-frame makers,	1				
Flint-glass cutters,	1	Platers,	2				
Frame work knitters,	2	Platelayers,	1				
French-polishers,	2	Plasterers,	9				
Furniture-packers,	1	Plate-glass beveller,	1				
Galvanizers,	2						
Gardeners,	9						

Unemployed, 1895.

Daily Number of Men working at Stations from 4th February to 16th March 1895.

Date.	Men.	Date.	Men.
1895.		1895.	
Feb.—Mon. 4	86	Feb.—Mon. 25	2164
„ Tu. 5	210	„ Tues. 26	2102
„ Wed. 6	267	„ Wed. 27	2017
„ Thur. 7	314	„ Thur. 28	1846
„ Fri. 8	380	Mar.—Fri. 1	1695
„ Sat. 9	560	„ Sat. 2	1465
„ Mon. 11	673	„ Mon. 4*	621
„ Tues. 12	805	„ Tues. 5	605
„ Wed. 13	950	„ Wed. 6	518
„ Thur. 14	1180	„ Thur. 7	464
„ Fri. 15	1270	„ Fri. 8	335
„ Sat. 16	1790	„ Sat. 9	305
„ Mon. 18	1910	„ Mon. 11	135
„ Tues. 19	2040	„ Tues. 12	102
„ Wed. 20	2100	„ Wed. 13	90
„ Thur. 21	2235	„ Thur. 14	50
„ Fri. 22	2385	„ Fri. 15	32
„ Sat. 23	2543	„ Sat. 16	32

Highest number working 23rd February 1895,	2,543
Total number of Breakfasts up to 16th March 1895,	38,264
Total Number of Dinners up to 16th March 1895,	36,308
Total Rations,	74,572

* Piece-work was started on Monday, 4th March, and continued to the end.

APPENDIX XCI.

Amount of Money from Fines and Pledges paid into the Police Exchequer of the following 11 Burghs during 1893.

Burghs.	Apprehensions for all Offences.	Apprehensions for Specific Offences.	Fines and Pledges Recovered.	Not Recovered.	Fine for Cap.
			£	£	
Glasgow,	56,540	43,816	12,295	?	...
Edinburgh,	9,890	7,590	1,276	?	...
Dundee,	6,956	5,182	1,286	1,777	...
Aberdeen,	4,562	2,952	1,381	587	...
Greenock,	3,578	2,342	719	518	...
Govan,	2,660	2,067	781	256	...
Paisley,	1,827	1,558	291	60	...
Partick,	1,367	998	374	136	...
Kirkcaldy,	1,152	890	230	79	...
Kilmarnock,	1,247	1,015	216	134	...
Ayr,	1,792	1,233	295	222	...
Total,	91,571	69,643	19,144	...	...
Total for Scotland,	150,588	108,603	...	...	...

APPENDIX XCII.

Information regarding convicted petty offenders liberated from Barlinnie Prison during the currency of sentence by payment of fines by means of monies belonging to them supplemented from a special fund.

Consecutive Nos. and Initials of Prisoners.	Offences for which committed.	Amounts of Fines imposed.	No. of Days Imprisonment in default of Payment.	Sums paid by Prisoners.	Sums taken out of Fund supplied by Habitual Offenders Commission.	No. of Days served in Prison.	No. of Days remitted.
		£ s. d.		£ s. d.	£ s. d.		
18/622 P. P.,	Drunk	0 5 0	4	0 1 3	0 3 9	3	1
18/620 I. D.,	Do.	0 7 6	5	0 3 0	0 4 6	3	2
18/603 I. R.,	Riotous	0 7 6	5	0 3 0	0 4 6	2	3
18/571 J. C.,	Do.	0 7 6	5	0 3 0	0 4 6	2	3
18/560 D. H.,	Do.	0 7 6	5	0 1 6	0 6 0	1	4
18/529 W. H.,	Using obscene language	0 10 6	7	0 3 0	0 7 6	2	5
18/709 M. M'I.,	Drunk	0 5 0	3	0 1 8	0 3 4	1	2
	Total,	2 10 6	34	0 16 5	1 14 1	14	20
					P.O. Com. 7		
					1 14 8		

Mr. Taylor, the Governor of Barlinnie Prison, referring to the experiment, says, "The great bulk seemed willing to pay what money they had with them to expedite their liberation."

APPENDIX XCIIa.

20th April 1895.

DEAR DR SUTHERLAND,—

I estimate that the probable saving on the Prisons vote by the withdrawal of a daily average number of 560 prisoners will be seven thousand eight hundred and forty pounds (£7840).

Yours truly,

WM. DONALDSON.

J. F. Sutherland Esq., M.D.

APPENDIX XCIIb.

MASSACHUSETTS.

An Act to extend the scope and secure the better administration of the probation system; and an Act to provide more effectually for the prevention of drunkenness and for the reformation of drunkards.

The Act relating to probation officers provides that:—

SECTION 1. The justice of each municipal, police, or district court shall appoint one person to perform the duties of probation officer, as hereinafter named, under the jurisdiction of said court. Each probation officer appointed as herein provided shall hold his office during the pleasure of the court making the appointment.

SECTION 2. Said probation officers shall not be active members of the regular police force, but shall in the execution of their official duties have all the powers of police officers. The records of any of said probation officers may at all times be inspected by the chief of police or city marshal of any city or town, or by the board of police of the city of Boston.

SECTION 3. Each probation officer shall inquire into the nature of every criminal case brought before the court under whose jurisdiction he acts, and may recommend that any person convicted by said court be placed upon probation; the court may place the person so convicted in the care of said probation officer for such time and upon such conditions as may seem proper.

SECTION 4. Each person released upon probation as aforesaid shall be furnished by the probation officer with a written statement of the terms and conditions of his release; each probation officer shall keep full records of all cases investigated by him, of all cases placed in his care by the court, and of any other duties performed by him under this Act."

This Act was approved May 28th, 1891, and "took effect" on 1st of July following.

"*An Act relating to the punishment of Drunkenness*," passed at the same time as the above, took effect on July 1st, 1891.

It places the person addicted to the excessive use of strong drink largely under the surveillance of the probation officers appointed under the Act previously quoted, and makes the conviction of habitual drunkards more easy and certain. Practically it provides that every person arrested for drunkenness may be treated as a habitual drunkard and sent to the reformatory for the full term, unless it be satisfactorily shown that "he has not been arrested for drunkenness twice before within the twelve months next preceding, or that having been so arrested he has been tried and acquitted in one of the cases." The first section authorises the arrest without warrant of any person "found in a state of intoxication in a public place, or found in any place in a state of intoxication committing a breach of the peace or disturbing others by noise." The other sections provide as follows:—

SECTION 2. Any person arrested for drunkenness may make to the officer in charge of the place of custody in which he is confined, a written statement, giving his name and address, and declaring that he has not been arrested for drunkenness twice before within the twelve months next preceding, or that having been so arrested he has been tried and acquitted in one of the cases, together with a request to be released from custody. If the officer who receives said statement shall be satisfied that it is probably true, and shall so endorse thereon, he may release from custody the person making the same, pending investigation, if he is within the jurisdiction of a court having a probation officer. Each statement made as aforesaid shall be referred by the officer receiving the same to a probation officer, who shall at once inquire into the truth or falsity thereof, and shall endorse thereon, over his own signature, for the use of the court having jurisdiction of the case, the result of the investigation. If said investigation sustains the truth of said statement, the court may thereupon direct that such person be released from custody without bringing him into court, if he has not been released. If the investigation shows that the statement made by a person who has been released from custody, as aforesaid, was true, no further action shall be taken in his case. If it shall appear to the probation officer to be untrue, he shall so notify the officer who made the arrest, and he shall make a complaint against said person for drunkenness. If said case is within the jurisdiction of a trial justice, he shall make such inquiries as he shall think necessary, relative to the truth or falsity of said statement, and may direct that the person making the same be released from custody without bringing him into court, unless he is satisfied that said statement is false.

SECTION 3. Every person arrested for drunkenness, when he has recovered from his intoxication, shall be informed by the officer in charge of the place in which he is kept in custody of his right to request to be released as hereinbefore provided. If he shall not make such request, or if he shall not be released, as hereinbefore provided, the officer making the arrest shall make a complaint against him for drunkenness.

SECTION 5. If a male person is convicted of drunkenness by the voluntary use of intoxicating liquor, he may be punished by imprisonment in the gaol, or in any place provided by law for common drunkards, for not more than one year, or in the Massachusetts Reformatory, as provided by chapter three hundred and twenty-three of the Acts of the year eighteen hundred and eighty-six. If a female person is so convicted she may be punished by imprisonment in the gaol, or in any place provided by law for common drunkards, for not more than one year, or in the reformatory prison for women for not more than two years: *provided, however*, that if the person so convicted shall satisfy the court or trial justice, by his own statement or otherwise, that he has not been arrested twice before within the twelve months next preceding, or that having been so arrested he has been tried and acquitted in one of the cases, his case may be placed on file.

SECTION 6. It shall be the duty of probation officers to assist the courts by which they are severally appointed, by obtaining and furnishing information in regard to previous arrests, convictions and imprisonments for drunkenness, and such other facts as the courts shall direct, concerning persons accused of drunkenness.

SECTION 7. Each of the said officers shall keep a full record, well indexed, of each such case investigated, in such form as the court shall direct. The board of police of Boston, the city marshals and chiefs of police of the other cities and towns, the keepers of gaols and masters of houses of correction, and the superintendent of the Boston House of Industry shall furnish to each other and to said probation officers, and said probation officers shall furnish to each other, on application, all information in their possession relative to persons whose cases shall be under investigation, as hereinbefore provided.

APPENDIX XCIII.

20th April 1895.

DEAR DR SUTHERLAND,—

I send you in the three Tables enclosed the result of my enquiries as to the Police Burghs in Scotland.

You will see that I have split up the Burghs into three classes:—

1st. Those who return separate statistics.

2nd. Those having Police Courts the statistics of which are given by the Chief Constables of the Counties in which they are situated; and

3rd. A large number of Burghs who have adopted one or other of the Police Acts, but have not availed themselves of the powers to establish local Police Courts. Some of these may do so soon.

In Table II., Burghs with Police Courts the statistics of which are in the County Returns, you will notice that the arrangement given is according to the *years* when the Police Courts were first held, which I take to be the information most desired by your Committee.

The populations when the Acts were adopted, were got from the Town Clerks; and when they could not give the information, then from the Sheriff-Clerks.

I thought it best to give the population in 1891 from the Census Report than to estimate for 1894.

Yours faithfully,

WM. DONALDSON.

POLICE BURGHS IN SCOTLAND.*

1. POLICE BURGHS IN SCOTLAND HAVING POLICE COURTS AND A SEPARATE POLICE FORCE.
(Alloa, Broughty Ferry, Govan, Johnstone, and Partick).

* It has not been thought necessary to give details here, as the burghs included in it are included in the "Small Burghs" mentioned on page iii. of the Report.

APPENDIX XCIII.—*continued.*

II.—Police Burghs in Scotland having Police Courts the Statistics of which are included in those of the Counties in which they are situated.

Name of Burgh.	Year when Police Courts were first held.	Years when Police Acts were adopted.	Estimated Population when Police Act first adopted.	Population in 1891.	Remarks.
1. Maxwelltown,	1833	1833 & 1854	2500	4975	
2. Blairgowrie,	1833	1876	4000	3714	
3. Kirriemuir,	1834	1834	3000	2782	
4. Helensburgh,	1846	1846 & 1862	2500	8408	
5. Ardrossan,	1848	1846	2250	5210	
6. Thurso,	1852	1852	3011	3936	Burgh of Barony, 1633
7. Macduff,	1853	1853	2527	3707	Do. 1783.
8. Kelso,	1854	1838 & 1853	4000	4184	Do. 1757.
9. Wishaw,	1855	1855	5000	15,252	
10. Newburgh,	1858	1858	2000	1506	Previously an Old Royal Burgh which had a Burgh Court.
11. Maybole,	1858	1857	4987	5470	Burgh of Barony, 1516.
12. Lockerbie,	1863	1863	1750	2391	
13. Galston,	1864	1864	4727	4296	Do.
14. Moffat,	1864	1864	1462	2291	
15. Newton Stewart,	1865	1861 & 1863	2538	2332	
16. Crieff,	1865	1864	4100	4902	Do.
17. Huntly,	1866	1866	3460	3760	
18. Lerwick,	1867	1867	3449	3783	Do. 1818.
19. Coldstream,	1868	1867	1700	1535	Do.
20. Stewarton,	1868	1868	3299	2687	
21. Dunoon,	1868	1868	3000	5283	Do.
22. Cumnock,	1869	1866	2900	3104	
23. Stornoway,	1870	1863	2566	3287	Do. 1825.
24. Castle Douglas,	1871	1846 & 1862	1818	2851	Do. 1790.
25. Dalbeattie,	1871	1858	1861	3149	
26. Turriff,	1871	1858	2200	2341	
27. Fraserburgh,	1871	1871	4283	7360	Do. 1613.
28. Kirkintilloch,	1871	1871	6333	9310	Do. 1525.
29. Kinning Park,	1872	1871	6634	13,679	
30. Bathgate,	1872	1865	4000	5331	Do. 1824.
31. Newmilns,	1872	1872	3028	3704	Do. 1490.
32. Darvel,	1872	1872	1701	2024	
33. Leven,	1873	1867	2600	3998	
34. Auchtermuchty,	1874	1874	1081	665	Previously an Old Royal Burgh which had a Burgh Court.
35. Dufftown,	1874	1863	1195	1469	
36. Gatehouse,	1875	1852	1808	1224	Burgh of Barony, 1795.
37. Millport,	1875	1864	1800	1662	
38. Largs,	1876	1876	3000	3187	Do.
39. Eyemouth,	1877	1866	1700	2574	Do. 1597.
40. Lochgelly,	1877	1877	2597	4133	
41. Dalkeith,	1878	1878	6921	6952	Do. 1641.
42. Lochgilphead,	1881	1858	1570	1320	

APPENDIX XCIII.—*continued.*

II.—POLICE BURGHS IN SCOTLAND HAVING POLICE COURTS, &c.—*continued.*

Name of Burgh.	Year when Police Courts were first held.	Years when Police Acts were adopted.	Estimated Population when Police Act first adopted.	Population in 1891.	Remarks.
Brought forward, .	...	...	126,856	175,728	
43. Rothes, . . .	1884	1884	1460	1548	
44. Saltcoats, . .	1885	1885	5000	5895	
45. Motherwell, . .	1885	1865	4261	18,726	
46. Clydebank, . .	1887	1886	5000	9998	
47. Buckie, . .	1888	1888	5200	5836	
48. Alyth, . . .	1888	1875	2300	2322	
49. Keith, . . .	1889	1889	4335	4622	Burgh of Barony.
50. Bo'ness, . .	1889	1883	5000	4579	Do.
51. Portsoy, . .	1889	1889	2100	2060	Do. 1581.
52. Stonehaven, . .	1890	1889	4200	4497	Do. 1624.
53. Lossiemouth, .	1890	1890	3486	3483	
54. Aberchirder, . .	1890	1889	1222	1222	
55. Girvan, . .	1890	1889	5090	4075	Do. 1696.
56. Kilwinning, . .	1890	1889	3500	3835	
57. Tayport, . .	1890	1888	3000	2829	
58. Cowdenbeath, .	1891	1890	4249	4249	
59. Milngavie, . .	1892	1875	2184	3103	
60. Innerleithen, .	1893	1868	1800	2501	
61. Kilsyth, . .	1893	1877	5400	6073	Do. 1826.
62. Banchory, . .	1893	1884	1400	1400	
63. Carnoustie, . .	1893	1889	4136	4134	
64. Pulteneytown, .	1893	1893	5551	5502	
65. Langholm, . .	1893	1845	2462	3643	Do. 1643.
66. Coupar Angus .	1893	1853	2000	2106	
67. Gourock, . .	1893	1858 & 1885	2076	4431	
68. Pollokshaws, .	1893	1858	7648	10,228	Do. 1813.
69. Tobermory, . .	1893	1875	1215	1111	
70. Old Meldrum, .	1894	1893	1236	1321	
71. Ellon, . . .	1894	1893	1385	1254	
72. Barrhead, . .	1894	1894	8574	8215	
73. Buckhaven, &c., .	1894	1891	6000	6247	
74. Fort-William, .	1894	1875	1400	1856	
75. Laurencekirk, .	1894	1889	1450	1426	Do. 1779.
76. Duns, . . .	1894	1873	2650	2198	Do. 1489.
77. Elie, . . .	1895	1864	868	723	
78. Abernethy, . .	1895	1877	906	852	Do. 1476.
79. Melrose, . .	1895	1895	1860	1432	Do. 1609.
80. Callander, . .	1895	1866	1150	1538	
Total Populations, .			249,610	326,798	

In the Judicial Statistics for Scotland the cases brought before the above Police Courts are reported in the Police Statistics of the Counties in which the Burghs are situated.

EDINBURGH, 20*th April* 1895. WM. DONALDSON.

APPENDIX XCIII.—*continued.*

III. POLICE BURGHS IN SCOTLAND WHICH HAVE ADOPTED ONE OR OTHER OF THE POLICE ACTS, BUT HAVE NO POLICE COURT.

Name of Burgh.	Years when Police Acts were adopted.	Estimated Population when Police Act first adopted.	Population in 1891.	Remarks.
1. Stromness, . .	1856 & 1863	2039	1633	
2. Tranent, . .	1860	2257	2389	
3. Whitburn, . .	1861	1300	1185	
4. Prestonpans, . .	1862	1577	1606	
5. Armadale, . .	1863	3756	3190	
6. Biggar, . . .	1863	1450	1356	
7. East Linton, . .	1863	1000	865	
8. Invergordon, .	1864	1100	1054	
9. Kinross, . .	1864	2000	1902	
10. Bonnyrigg, . .	1865	1350	2514	
11. Leslie, . . .	1865	2323	2177	
12. Cove, &c., . .	1865	1332	946	
13. Kingussie, . .	1866	700	740	
14. Penicuik, . .	1866	1925	3002	
15. Lasswade, . .	1867	978	1006	
16. Dunblane, . .	1870	1700	2186	
17. Bridge of Allan, .	1870	1300	3207	
18. Tillicoultry, . .	1871	3745	3939	
19. Grangemouth, .	1872	2500	5833	
20. Rattray, . .	1873 & 1877	1555	2225	
21. Alva, . . .	1876	4096	5225	
22. Denny, . . .	1877	3595	4161	
23. Ladybank, . .	1878	974	1198	
24. Loanhead, . .	1884	3500	3244	
25. Cockenzie, . .	1885	1600	1578	
26. Aberfeldy, . .	1887	1375	1469	
27. Newport, . .	1887	2600	2548	
28. Doune, . . .	1890	940	940	
29. Dollar, . . .	1891	1850	1807	
30. Markinch, . .	1891	1370	1350	
31. Earlsferry, . .	1893	304	304	A Royal Burgh.
32. Ballater, . .	1893	1000	983	
33. Auchterarder, .	1894	2500	2524	
Total populations, . .		61,591	70,286	

WM. DONALDSON.

EDINBURGH, 20*th April* 1895.

INDEX.

ADDISON, Miss.

Matron, Aberdeen Rescue Home, 8043 ; number of inmates 8046 ; agree on admission to stay two years, 8048 ; majority remain, 8051 ; employed at laundry and house work, 8049 ; daily routine, 8055, 8061 ; average age of inmates, 8062 ; number of habitual drunkards, 8067 ; prostitution and drink, 8068.

ADULT REFORMATORIES.

Detention of migratory paupers for long periods, 3862.

ADULTERATION OF DRINK.

Laws should be more stringently enforced, 6189.
Quality of liquor much to do with drunkenness and offences of violence, 9127.

ALCOHOLIC INSANITY.

Forms of insanity given by Sir Arthur Mitchell in his Articles, pp. 525–528, are (*a*) intoxication, (*b*) delirium tremens, (*c*) mania à potu, (*d*) dipsomania ; victims of the latter not suitable cases for ordinary asylums.

ALEXANDER, M.A., Rev. JOHN.

Chaplain, Glasgow Prison, 10,071 ; thinks existing homes and shelters do good work, 10,073 ; especially where period of detention exceeds six months, 10,078 ; suggests that sentences for petty offenders be increased in *geometrical progression*, 10,083 ; thinks present sentences on habitual offenders have no deterrent effect, 10,088, 10,111–10,113 ; even long sentences not always deterrent, 10,128, 10,129 ; definition of habitual drunkard, 10,098, 10,137–10,139 ; suggests young girls after being warned on first offence should be sent to reformatory school for one year, and if again convicted for three years, after which, if not effective, to be imprisoned, and sentences increased in *geometrical progression*, 10,093–10,097 ; thinks unmarried young women offenders should be detained for life, 10,097–10,099, 10,140–10,143 ; considers stipendiaries preferable to magistrates for dealing with habituals, 10,100–10,106 ; difficulty in securing work for discharged female prisoners, 10,107, 10,108 ; personal efforts, 10,109, 10,120–10,126 ; complaints by prostitutes in prison as to unjust arrest, 10,114–10,119 ; serious offenders rarely habitual drunkards, 10,130–10,134.

ANGUS, Mr JOHN WYNESS.

Chief Constable, Greenock, 8908 ; which has special Police Act, 8911 ; intended to meet offence of drunkenness, 9062–9072 ; thinks the steady decrease since 1891 of arrests for petty offences attributable to bad trade and special attention paid to large number of shebeens, 8913–8915, 8932–8949 ; special instructions given to police as to persons found drunk in view of frequent cases of drowning, 8921, 8922 ; tendency of night police to overlook cases from personal considerations, 8922–8927 ; comparison of Greenock and Edinburgh, 8927–8931 ; maximum penalty for drunkenness rarely inflicted, 8977–8986, 9113–9116 ; number of habitual offenders in Greenock, 8950–8961 ; large proportion of prostitutes apprehended for other petty offences, 8962–8963 ; method of dealing with prostitutes for importuning, 8964–8975 ; application of previous convictions, 8987–8995 ; considers treatment of drunks in burghs more effective than lenient county treatment, 8996–9001 ; system of liberation on pledge, minimum in cases of drunkenness fixed at 10s., 9002, 9009–9015, 9081 ; result being few forfeitures, 9002–9008 ; very little vagrancy, 9017 ; *bonâ fide* workmen on tramp are helped by police, 9028–9035 ; professionals directed to night asylum, 9022, 9030, 9036–9041 ; special powers for vagrancy in Renfrewshire, 9052–9261 ; difficulty of getting prostitutes to go to Homes, 9073–9076 ; definition of habitual offender, 9084, 9108–9112 ; would deter persons from becoming habituals by fixing sentence to be imposed after third conviction, 9082–9090, 9116–9118 ; juveniles sent to training ships and reformatory or industrial schools generally turn out well, 9094–9099 ; exception in case of Dalbeth R.C. School, 9099 ; approves of whipping boys under 14 years of age, 9100–9106 ; thinks the quality of the liquor has much to do with drunkenness and offences involving violence, 9127–9134.

ARRESTS FOR PETTY OFFENCES.

For specific petty offences in Burghs and Counties, p. 539, etc.

Difference in ratio in different Burghs explained by

Bailie S. Chisholm, 94.
Mr A. A. Young, 12,562.
Mr Jno. Boyd, 433, 458.
Bailie Primrose, 978–979.
Sir Jas. Russell, 1903.
Mr Wm. Henderson, 2067, 2244.
Mr John Alexander Dewar, 6303.
Mr Wm. Hamilton, 8755, 8772.
Capt. Hardy M'Hardy, 12,492.

Increase since 1884, 2621–2622.

Ratio of total apprehensions to population decreased since 1890,—Mr Wm. Donaldson, 2632.

Increase due to large number of young constables,—Mr Wm. Geddes, 13,181.

ASSOCIATION OF PRISONERS.

Evils obviated by proper classification, 6995, 7016.

ASYLUMS.

Not suited for Inebriates.

Prof. Gairdner, 724.
Dr Yellowlees, 1364, 1482.
Dr Clouston, 2869, 2937.
Dr Batty Tuke, 12,704.
Dr Rorie, 13,581.
Dr Nicolson, 13,912.
Dr Hoffman, 14,145.

Advantages and drawbacks of treating inebriates in,—Dr Wilson, 10,419.

AUSTRALIA.

Victoria.—Laws *re* Juvenile Delinquency, p. 561. *Queensland.*—Method of dealing with the Unemployed, p. 621. Restrictions on liquor-vendors, p. 622. First Offenders Probation Act, p. 622. *South Australia.*—Synopsis of the Inebriate Act of 1881, p. 622. *Western Australia.*—Treatment of drunkards, p. 622.

BARKER, Colonel.

Salvation Army Officer, inaugurated work on Australian Continent, 14,584; quotes Australian 'Juvenile Offender' and 'Neglected Children' Acts, under which rescue work of Salvation Army is recognised by Government, and gives details of their working, 14,587–14,607; State subsidies toward work, 14,609–14,610; work amongst prostitutes, 14,611–14,617; and sundowners, 14,618–14,622; suggests special institutions for inebriates, with detention for 12 months or longer if necessary, 14,624.

BEGGARS.

Should be dealt with by Parochial Authorities, 1949.

Old and Infirm should be sent to Poorhouse and not Prison, 858, 12,590.

Several powers of dealing with them should be strengthened, 2530.

Laws as to begging to be strictly enforced in Counties, 3755, 3935.

Laws should be same in Burghs and Counties, 4416.

Perthshire County Bye-laws effective, 6710.

BIRNIE, Mr John Black.

Sheriff-Substitute of Lanarkshire, 9265; quotes 14th and 16th sections of Industrial Schools Act, 1866; under which children found begging, &c., or refractory children under 14 years in charge of parents, may be sent to industrial schools, and states reasons why almost all are sent under 14th section, 9266–9273; also quotes the sections of Reformatory Schools Acts, 1866 and 1893, regulating ages of children sent to or kept in reformatory schools, 9274–9278; children usually sent to Shelter of Society for Prevention of Cruelty to Children pending removal to reformatory or industrial school instead of to prison, 9279–9281; provisions for maintenance of schools, 9292–9311; never heard of a case of drunkenness in county portion of Lanarkshire being brought before court, 9315–9324; considers present powers of dealing with petty offences in their earlier stages sufficient, but after second conviction would order prisoner to find security for say £10 not to offend for six months, or in default to suffer one month's imprisonment, and on breach of security to six months' imprisonment, 9325–9335; would make it punishable for a police officer to inform an employer that an employé was a discharged prisoner, 9338–9340; favours adult reformatories, 9341; and the codification of sentences with minimum and maximum, the minimum not to be fixed, but magistrates who decrease minimum to state reasons, 9343, 9344; thinks that before habituals are sent to retreats evidence should be led before Sheriff, in public if desired, 9349–9361; accused to have right of appeal to Sheriff Principal, 9362; in private cases relatives to have power of prosecuting, 9370; Quebec definition of habitual drunkard, 9373, 9374.

BLAIKIE, D.D., Rev. Prof. W. G.

Representative of Edinburgh Free Church Presbytery, 5642; considers drunkenness prevalent amongst both upper and lower classes, that present means of dealing with it are utterly inadequate, and that powers of compulsory detention of Habitual Drunkards necessary, 5654; period of detention to be regulated by medical authority, 5655; approves generally of late Mr Chas. Morton's scheme, but thinks only flagrant cases should presently be dealt with, 5685; churches would gladly co-operate in and help any such movement.

BLAIR, Mr Alex.

Sheriff of Lothians and Peebles, 4321, 4322; considers present treatment of habitual offenders ineffective, 4418; longer confinement needed, 4419–4422; and suggests that for petty offences after third conviction imprisonment up to 4 months be awarded, after fifth conviction police supervision up to 2 years in addition to imprisonment, and that if convicted while under police supervision imprisonment up to 6 months be inflicted, while if well-behaved during period of supervision, all previous convictions should lapse, 4334–4340, 4406–4408, 4423–4425; regulation of police supervision, 4349–4352; powers to be vested in Sheriff, 4341–4342; infirm habituals having no visible means of subsistence should be boarded out or put under custody of parochial authorities with powers of compulsory detention, 4343–4343,4426; persons sentenced to imprisonment, but certified unfit for prison discipline, should be sent to poorhouse, 4354–4358, 4403; institutions or persons receiving inebriates, with powers of compulsory detention, to be inspected by Government officials, 4367–4370, 4389–4391, 4396, 4397, 4401, 4402; but administered locally, 4409; proposed procedure for committal of habitual drunkards, 4370–4380, 4451–4459; expense of maintenance to be met by relatives if able, or by Government grant or local rates—if by relatives, they to have choice of retreat, 4381, 4382, 4393–4395; Sheriff to have power to inspect, 4383; penalties for absconding or aiding insane, 4383, 4384; prostitution not obtrusive in Edinburgh, 4463–4468; thinks law as to begging should be same in burghs and counties, 4416, 4417.

BOARDING OUT—

Of Lunatics, 253.

„ and powers exercised by guardians, 6198.
Cost of boarding out, 6215.
Houses licensed for, 2, 3, or 4, 6217.

Of Paupers.

Emptying poorhouses, 5873.
Preferable to aggregating in one institution, 13,083.

Of Children, 625, 626.

„ very satisfactory, 3904.

Of Habitual Offenders after probation in Retreat.

Dr Yellowlees, 1463.

Preferable to existing Homes.

Dr Urquhart, 7084.

Of Infirm "Habituals" with no visible means of subsistence.

Sheriff Blair, 4343.

Difficulties of boarding out Habitual Offenders.

Dr M'Naughton, 7031.

BORTHWICK, Lieut.-Col. A.

Chief-Constable of Lothians and Peeblesshire, 3945–3947; thinks provisions of Burgh Police Act as to vagrants and Habitual Drunkards should be extended to counties, 3950, 3961, 4000; number of tramps stationary, 3963–3964; vagrant children wholly illiterate, 3967–3968, 4206; results of late special census of vagrants, &c., 3969–3998; analysis of same, 4003–4021; houses of shelter for tramps, 4022–4024, 4068, 4071, 4076, 4087–4094; strongly disapproves of these, 4067–4068, 4163–4164, 4190–4194, 4214; their effect on vagrancy and crime, 4068, 4073, 4075–4082, 4190, 4202; children found sleeping out sent to parochial authorities, or parents dealt with for cruelty, 4028–4032; would recommend state-endowed school for vagrant children, 4060, 4100–4105, 4116, 4207; difficulty of dealing with them under Industrial Schools Act, 4213; no power in counties to stop begging, 4032; sleeping out dealt with under Trespass Act, 4033–4035, 4211–4212, 4222; bye-laws made under Local Government Act, 1889, set aside by High Court, 4036–4059, 4223; thinks Habitual Drunkards should be confined in institutions for lengthened period and put to work, 4095, 4115, 4176; present treatment not deterrent, 4106; want of means of dealing with cases of deserving tramps, 4158–4165, 4215–4216; considers maximum penalties for drunkenness, vagrancy, and begging severe, 4176, 4180, 4186–4187.

BOYD, Mr John.

Chief Constable of Glasgow, 393; explains system of liberation of drunks, &c., on pledge before trial, 397–404; prior to 1873 was not customary to bring drunk and incapables before Court—liberated by Lieutenant on duty—on pledge, if they had any, 406; particulars kept of all apprehensions, 408; maximum penalties for drunkenness, 411; never known power to enforce sureties exercised, 411; drunkenness and other petty offences decreasing in Glasgow, 428; gives statistics, 429–432; accounts for difference in appre-

hensions for such offences in Glasgow and other towns, 433, 458–465, 515–517; great diversity in practice of Magistrates in dealing with drunkards, and is much the same over Scotland, 394, 405, 507; present methods have no deterrent effect on drunkards, 453, 470–471, 495–497; recommends longer confinement and special treatment, 435, 453–455, 472–475, 504–509, 526; and thinks twelve months should be the minimum, 457; was not aware of attempt to fix full term for drunkenness at sixty or thirty days under Burgh Police (Scotland) Act 1892, 510; thinks it dangerous to fix any number of convictions as constituting a habitual drunkard, 412; which might include working-men who, after pay-days, are convicted for drunkenness, who yet support their families and discharge their other duties, 413, 450–452, 476; while person charged with wife assault and found to be hardly ever sober and no support to family, might escape, 436, 437; persons regarded as habitual drunkards should be dealt with by Sheriff in preference to Magistrates or Justices of Peace, and served with libel as in ordinary criminal cases, 414, 446, 478, 511–513, 528; difficulty of getting relatives to give evidence against habitual, 527–528; number of habituals in Glasgow chiefly females, 415; smallness of numbers accounted for by want of common register of such offences, 416, 498; no means of distinguishing between a habitual drunkard and first offender unless on police testimony, 441, 444, 499–501; very desirable that previous convictions for drunkenness and other contraventions should be libelled—powers for this are being asked, 442; does not think notification of habituals to publicans would do much good, 520–524; difficult to convict publicans for supplying intoxicated persons, 520, 523–524; admits growing tendency to pass longer sentences on 'drunks,' &c., 502–503, 525; begging and vagrancy not prevalent in Glasgow, 427–428, 438, 467; sheltering of destitute tramps in police offices not encouraged, 418–423; applicants directed to Night Asylum or Charity Organization Society, 432–423; bad characters refused, 424; and vagrants found sleeping out at large prosecuted, 425–426; very few juveniles sent to prison, 448–449, 479–480; earliest age at which children may be sent to prison, 479; does not approve of sending children to prison, 480–482; prefers to deal with the parents where possible, or send children to Reformatory or Industrial School, 483–487; and would only send them to prison for day or so, pending arrangements being made for admission to school, unless they could be sent to a children's refuge, which would be preferable, 490–493.

BREMNER, Mr James F.

Chief Constable of Fife and Kinross; no Bye-laws framed by County Council anent vagrancy or drunkenness, 8610–8612; the latter dealt with under Public Houses Amendment Act in county, 8593; considers the additional powers of Burgh Police Act valuable, 8595; but if strictly carried out against beggars, prisons would be filled, 8613, 8614; explains system of pledges, 8597–8601, 8699–8704; no prisoner liberated unless on bail fixed by a Magistrate, 8601–8609; a large number of vagrants in county, 8615–8616, 13,744–13,757; proportion of professional tramps and those seeking employment, 8617–8621, 13,744; many refuse work when offered, 8622; find shelter in common lodging-houses, 8623–8631, 13,758; operation of Trespass Act, 8638–8646; desires powers of Burgh Police Act as to vagrancy extended to counties, 8647; to be exercised with discretion in interest of *bona fide* cases of persons seeking work, for whom shelters might be erected here and there, 8447, 13,784, 13,788; census of tramps, 8655–8665; would not recommend shelters for these, 8666–8681, 8686–869I; thinks vagrant children should be removed from their evil environment and put to school for lengthened period, 8682–8685, 8690, 8691, 13,826–13,830; petty offences more common among vagrant classes, 8693; previous convictions for statutory offences usually libelled, 8705–8711; thinks it desirable to secure greater uniformity of dealing with petty offences throughout Scotland, 13,798–13,825.

BROWN, Rev. Alexr., Pollokshields U.P. Church.

Evidence included under that of Rev. A. R. MacEwen.

BRYSON, Miss Agnes Ann.

For 20 years lady visitor at Glasgow prison, 11,931; thinks system of short sentences utterly useless for habitual offenders, 11,932, 11,936; and considers the gratuities given to prisoners a hindrance to their welfare, 11,933–11,935; thinks that intemperance usually precedes prostitution, 11,937–11,942; working of Whitevale Mission Shelter, 11,943–11,945; wages given in return for work, 11,945, 11,954; number of discharged female prisoners who get free breakfast, 11,959–11,965; proportion who are habitual drunkards, 11,965–11,966; number sent to homes, 11,968–11,981; number of juvenile offenders dealt with, 11,982–11,993; facilities for visitation of prisoners in prison, 11,994, 12,004.

BURGH POLICE (SCOTLAND) ACT, 1892.

Thinks provisions of above as to vagrancy and habitual drunkards should be extended to counties, 3950.
Heavier penalties not taken advantage of, 5365.
Lieut.-Col. Borthwick and Mr John M'Pherson, 6403.
Beneficial results in Perth City *re* drunkenness, 7363.
Major D. F. Gordon, 7674.
Powers anent vagrancy should be extended to counties, 8647, 11,707.
Increased penalty for drunkenness not much used in Govan, 8726, &c.
Powers valuable, 8595.
Increased powers not lessened number of drunkards, 11,360.
Special section dealing with habitual drunkards not enforced, 11,366.
Mr James Fraser, 11,499.
The extension to counties of clauses as to vagrancy and drunkenness a mistake, 12,518.
Mr Badenoch Nicolson, 13,334.

BURTON, Miss.

Member of Edinburgh School Board, 4945–4948; purchased slum property, and manages same personally, 4949; finds it remunerative, 4952–4953; considers drink the cause of present condition of most slum dwellers, 4950; methods of dealing with tenants, 4955–4961; considers short sentences for drunkenness do no good, 4957; and that inebriates should be confined for lengthened period and kept at work, 4968.

CAMPBELL, Lieut.-Col. John.

Governor Perth Prison, 6782; gives instances of repeated sentences of penal servitude, 6793–6797; such sentences not deterrent mainly on account of association, 6798–6800, 6815; strongly opposed to association of prisoners, 6869–6873, 6895, 6905–6907; does not believe statements as to disastrous results of prolonged separate confinement, 6896–6899, 6904; short sentences for petty offences useless, 6814, 6910, 6918; longer ones more hopeful, 6816; vacant accommodation in Perth prison could be utilised for treatment of habituals, 6811–6813; recommends Swiss system of detention for considerable periods with gradual restoration of liberty, 6817, 6826–6832; number of prisoners who also frequent poorhouse, 6819–6823; employment of prisoners here and on Continent, 6848–6855, 6874–6887; licence of convicts frequently recalled, 6868, 6919–6922.

CAMPBELL, Rev. H. Mackenzie.

Chaplain of Edinburgh Prison, 3283; a large proportion of prisoners are habitual offenders, 3288–3294; divides them into two classes—habituals of habitude and neurotic habituals, 3295–3300, 3434–3441, 3464–3474; for whom distinct methods of treatment desirable, 3298–3307; illustrative examples, 3308–3350; definition of habitual offender, 3393–3394, 3475–3479; considers they should be detained in prison under classification for a few years, earlier liberation being conditional on good behaviour, 3298–3299A, 3484–3494; habitual vagrants and beggars might be confined in poorhouses, 3354–3361; discrimination in nature of employment desirable, 3428–3429; methods adopted in Canton Neuchatel, Switzerland, 3351–3353; prostitutes sent to prison usually of poorest class, 3362–3363, 3423, 3461–3463; results of reformatory institutions for such not encouraging, 3376–3397, 3442–3444; compulsory detention and suitable employment might give better results, 3418; personal efforts for reclamation of prisoners, 3451A–3459; sending of juveniles to prison prior to committal to Reformatory School hurtful, 3405, 3427; education of juveniles so imprisoned, 3430–3432; effects of First Offenders Act, 3408.

CAMPBELL, Rev. Robt., Calton U.P. Church, Glasgow.

Evidence included under that of Rev. A. R. MacEwen.

CAMPBELL-IRONS, S.S.C., Mr J.

Has made special study and written treatises on municipal and police law, &c., 5883A–5886; and in last work on police law drew special attention to increasing class of those who alternate between prison and poorhouse, 5887; considers short sentences on habitual offenders useless,

5889, 5897, 5898; would detain certain habituals for two years in homes where work would be compulsory, 5899; vacant poorhouse accommodation being utilised meantime, 5899; homes to be provided by local authorities, 5901–5902, 5913–5919; relatives of inmates to be held liable for their maintenance if able, 5907; and *curators* to be appointed on estates where necessary, 5908.

CANADA.

Extracts from the Ontario Commissioners' Report on drunkards, tramps, and juvenile delinquents, p. 567.

"CASUAL" DRUNKS.

Would distinguish between "casuals" and "habituals," 5643.

CASUAL SICK POOR.

Accommodation provided for such, p. 595.

CASUAL WARDS.

None in Scotland, 352.
Discourages tramps in England, 14,928.
Recommended with labour test for able-bodied poor in Scotland, 14,933.

CAUTION.

Certain offenders should be put under caution, 6773–6781.

CENSUS

Of vagrants and beggars, p. 551.

Of tinkers and gipsies, p. 552.

Of prisoner-paupers, pp. 553 and 554.

Difference between Glasgow and Edinburgh vagrant census explained.

Mr W. Henderson, 2135, 2189.

CHANCERY LUNATICS.

Such lunatics are served with a petition, 14 days being given to decide whether or not to demand a jury; and if they do, the Lords Justices appoint a visitor to decide whether it should be granted.

Would give inebriates the right of appeal.

Sir James Crichton-Browne, 15,149.

CHISHOLM, Bailie S.

Bailie of Glasgow for three years, and Convener of local Committee on Habitual Offenders, 1–3; accounts for difference in proportion to population of arrests for drunkenness, disorderly conduct, &c., in Scotland and England, 5, 94; and for differences between arrests in Glasgow and neighbouring towns, 94, 96–98; but considers that, with increase of population, Glasgow has not been getting worse since 1875, prior to which statistics cannot fairly be compared with those of to-day, 109–103; explains practice in Glasgow of releasing on pledge, at discretion of Lieutenant of Police, persons apprehended for drunkenness, &c., when they become sober, 7–23, 68, 69, 104–106; no pledges taken from prostitutes, though no special instruction in regard to them, 24–26; arrests of prostitutes very largely connected with drunkenness, 27; and increase in number of such largely accounted for by the employment of policemen in plain clothes, 83; no settled agreement among Glasgow Magistrates as to punishment for drunkenness or as to increase of punishment towards frequent offenders, 28–32; no legal definition of Habitual Drunkard in any Glasgow Act, 123, 127; and as previous convictions are not noted on charge sheet, 126, the only means a Magistrate has of knowing whether a prisoner is a first offender or a habitual drunkard are prisoner's own statement and the evidence of police, 125; considers it inadvisable that previous convictions should be brought to notice of Magistrate before prisoner is found guilty, 143–144; thinks six convictions should constitute an habitual, 133; favours a register being kept of all apprehensions for drunkenness, &c., in Glasgow, 70–74; thinks it useless to seek caution or sureties from habitual drunkards, 75–77; though personally favourable to the sentencing of such to the longer period of imprisonment allowed where caution or sureties are enforced, 78, 89–90; would discriminate between the occasional drunkenness of working men and that of the idle and dissolute loafers who constitute the bulk of Police Court offenders, 145–146; considers present methods of punishment do harm, being simply punitive instead of remedial and reformatory in their character, 79, 90; difficulties in securing satisfactory evidence against publicans supplying liquor to persons already under its influence, 82; recommends doing away with obscured windows, &c., in public houses, 84, 91; no provision for admission of vagrants into casual wards, 45; police provide food and shelter for large numbers, at public expense, 45–51, 107–111; Corporation have model lodging-houses, each accommodating from 300 to 400, charges varying from 3d. to 4½d. per night, inmates mostly casuals, though there are a number permanent lodgers, 52–60; also large number of private lodging-houses, registered, open to police inspection, 61–66; for deserving men out of work and on tramp without funds the Corporation have no provision except at police office, 112, 115–116; on application, police might direct them to the Night Asylum, 113, where a night's rest could be obtained, or to the Charity Organization Society, where, in return for a day's work at preparing firewood, money for food and shelter would be given, 117–119, 130; considers an institution where a night's shelter and breakfast could be had in exchange for work desirable.

CHRISTIE, Captain.

For nineteen years Governor of Edinburgh Prison, 2543–2544; average daily population 300 to 350, 2545; one-fifth females, 2548; a considerable number under sentence of one day received from outlying burghs—instances case from Selkirk, 2551–2557; sentences on habitual offenders much too short for reformatory purposes, 2561–2562; and present prison discipline unsuitable, 2608–2609; would fix six months after three or four convictions for drunkenness, 2606; and would recommend their being put to agricultural work in country, 2563–2571, 2586–2595; suggests two years as maximum sentence, 2601; discharged prisoners sent to Salvation Army generally do well, 2572–2574; juveniles received into prison, 2575–2577; instances case of boys, aged nine, 2578–2579; health of prisoners always improved during imprisonment, 2581–2583; drink crave only extinguished in a few even after two years' imprisonment, 2584–2585; considers number of prisoners discharged from Edinburgh Prison who do not return to the outlying districts whence they came infinitesimal and mostly tramps, 2611, 2615; increase in indecent assaults largely due to drink, 2617–2618.

CLARKE, Mr William.

Has had thirty years' prison experience, 7220; considers short sentences ineffective to prevent crime, 7221; personal interest in individual cases productive of much good, 7222, 7223; sentences on habitual offenders should be for lengthened periods at reformatory work on farms, 7227, 7234; great disparity in sentences for like offences throughout country, 7228–7230.

CLASSIFICATION

Of Paupers desirable.

Mr Ogilvie, 649.
Mr M. M'Neill, 5874.

Of Habitual Offenders necessary.

Miss Miller, 1819.
Bailie Walcot, 2394.

Of Habitual Drunkards.

Dr Clouston, 2956, 2969.

Respectable poor should not be associated with habituals—

Bailie Walcot, 2465, 2500–2503.

CLOUSTON, Dr T. S.

Physician-Superintendent of Morningside Asylum, 2859, views on Habitual Drunkenness as a vice and a disease, 2862, 2863; steps to be taken to supply first step towards cure, 2864; drunkenness and insanity closely allied, 2866–2868; voluntary admission of drunkards into asylums unsatisfactory, 2870–2871, 2877; power of detention, 2875, 2880; reformation of Habitual Drunkards not hopeful, 2880, 2997–2998; dipsomania and heredity, 2882–2886; Inebriates

Acts a failure, 2887–2889; would favour Sheriff having power to commit to a Retreat or private house Habitual Drunkards on initiative of friends, &c., 2890–2893, 2988; as is done under Lunacy Act, 2894–2897; 2900–2907; 2915–2917, 2923–2936; and in case of police offenders to a Reformatory, 2924; all places licensed to detain habituals to be inspected, 2903–2904, 2928–2931; nostrums for cure of drink-craving, 2918–2921; inebriates should be classified and treated differently, 2956, 2969; out-door labour being very desirable, 2975, 2984; large numbers should not be kept together, not more than four in one private house or fifty in any one institution, 2964, 2976–2978; period of detention to be from one to two years, never less than six months, 2968; empty poorhouse accommodation to be utilized, 2962; would make it part of licensing laws that no publican supply drink to anyone who has been notified as an habitual, 2939–2944.

COMMITMENTS TO PRISON.

Great increase, 744.
Number of recommittals, 771.
For specific petty offences, p. 546, etc.

COMPULSORY POWERS OVER HABITUAL DRUNKARDS.

The need for compulsory powers spoken to by

Rev. Dr MacEwen, 532.
Prof. Gairdner, 659, 712.
Rev. R. Pryde, 1568.
Dr A. Peddie, 2280–2281.
Sheriff Rutherford, 2773–2776.
Rev. Dr Smith, 5629.
Mrs Lockhart, 5801.
Rev. A. Henderson, 6107.
Rev. J. D. Robertson, 6185.
Resolution of public meeting, 6236.
Professor Jas. Dunlop, 11,910.
Dr Wilson, 10,491.

Sheriff to commit.

Dr Yellowlees, 1395.
Rev. Professor Blaikie, 5654.

Thinks medical and scientific opinion would support compulsion.

Sir Douglas Maclagan, 5705.

COMPULSORY POWERS OVER HABITUAL OFFENDERS.

Mr Greig—not desirable for short period, 3865.

Sir John Cowan—necessary, 4248.

CONTINENT.

Vagrancy.

Control of Vagrants in Austria, Belgium, Denmark, France, Germany and Switzerland, p. 563, etc.
Account of Labour Colonies in Germany, p. 566.

CONVENTION OF ROYAL BURGHS.

Action of committee of, on habitual offenders, 2319.

COWAN, Sir JOHN.

Chairman of Wellington Reformatory, which he considers an unparalleled success, 4224–4225; boys not taken in over fourteen and not kept beyond twenty years of age, 4227, 4301; supervised for three years after liberation, 4228–4229, 4267–4269; few return to prison, 4230; employed chiefly at shoemaking, and easily get situations on discharge, 4231; no complaints from union shoemakers, 4232–4234; approves of direct committal to Reformatories, 4236–4237, 4288–4292; contamination of younger boys prevented by close supervision, 4276–4277; boys may be sent out before expiry of sentence, 4279–4281, 4303–4304; and brought back if not well behaved, 4308–4311; results of emigrating boys to Canada, 4318; considers power of compulsory detention in reformatory institutions for Habitual Drunkards desirable, 4248, 4263, 4294–4299; instances of personal action 4251–4262; 90 per cent. of Reformatory School cases turn out well.

COX, Col. ADELAIDE.

Officer of Salvation Army, mainly connected with Rescue Homes, &c., 14,480; list of Institutions connected with rescue work, 14,482; nightly average of inmates in Homes and Shelters, 14,484–14,488; average period of residence in Homes, 14,489, 14,496; Homes not self-supporting, 14,490; objections to laundry work as occupation in Homes, 14,491–14,493; number of inmates received from prisons, 14,506–14,507; very few prostitutes, 14,514; statistics of results, 14,503, 14,532, 14,534; Metropole accommodation, 14,518; these self-supporting, 14,521; details of working of Edinburgh Women's Shelter, 14,537–14,542; and of Glasgow Rescue Home among adults, 14,543–14,549; and amongst juvenile offenders, with particulars of some cases, 14,550–14,553; finds prostitution and drunkenness closely identified, 14,553, 14,551; objects to more than 30 patients in one Home, 14,558A.; no prison gate work in Glasgow, 14,579.

CRICHTON-BROWNE, Sir JAMES.

Lord Chancellor's Visitor in Lunacy, 15,085; states views on influence of heredity on habitual drunkenness, 15,086, 15,087, 15,140; and considers that at least 15 per cent. of insanity attributable to drink, 15,088; drinking of methylated spirits and ether, 15,092–15,094; personal definition of dipsomania, 15,095; no power of detention in asylum of persons suffering from *delirium tremens* or *mania a potu* after recovery from immediate effects, 15,096–15,099; does not consider asylum suitable place for treatment of inebriates, 15,100; would have separate buildings attached to county asylums and under local control, 15,000, 15,133, 15,146; personal experience of existing retreats not favourable, 15,101, 15,102; thinks segregation more conducive to recovery, 15,103; most hopeful of cases under 40 years of age, 15,103, 15,118, 15,127, 15,128; would have all retreats rigidly inspected by Commissioners of Lunacy 15,107–15,109, 15,130; and would require all places where two inebriates are detained licensed, 15,113–15,118; favours compulsory detention of habitual drunkards on order of Police Magistrate and Medical Certificate, 15,120–15,123; inquiry to be private or before jury as in case of Chancery lunatics, 15,149; thinks two years should be maximum period of detention, 15,126; but would give discretionary powers to medical officers in conjunction with Lunacy Board, 15,129–15,132; effects of alcohol on system, 15,136, 15,137, 15,139; view of connection of drink and crime, 15,138; strongly insists on work in treatment of inebriates, and favours judicious use of tonics, 15,114.

CURABILITY OF INEBRIETY.

Thirty per cent. curable.

Dr A. Peddie, 2304.

Fifty per cent. curable.

Dr Norman Kerr, 14,287.

CURATOR BONIS.

Should be appointed on habitual's estate.

Prof. Gairdner, 678, 716.
Dr Yellowlees, 1398.
Dr Clouston, 2961.
Mr J. C. Irons, 5908.

Wife should get wages if trustworthy.

Sir Jas. Russell, 1980.

Employer should administer wages.

Bailie Ure Primrose, 984.

Should not be a relative.

Prof. Gairdner, 678, 716.

CURRIE, M.D. (U.S.A.), A. J.

Superintendent Glasgow Institute for treatment of inebriety, 10,901; by 'metabolic' treatment, 10,906; consisting of hypodermic injection of a fluid and administration of tonics, 10,910; composition secret, 10,911; number of cases dealt with, 10,922; results of treatment, 10,924–10,929, 10,944–10,946, 10,955, 10,956; class of patients, 10,952–10,954, 10,948; change of environment conducive to recovery, 10,951–10,954; cost of treatment, 10,939, 10,961; considers treatment effects a change in tissues, 10,969–10,977, 10,998–11,014, 11,027, 11,028; and is wholly physical and not faith-healing, 10,985.

CUSTODY OF CHILDREN.

Children of deprave l parents may be removed and boarded out, 331.
Has been done with good results, 336.
Further powers for removal required, 619–644.
Power of retention of pauper children under A 1891 practically useless, 3006, 3018.
Power of detaining pauper children desirable, and should be boarded out, 3866, 3903.
More power to separate and board out in case of dissolute parents, 3793.
Power of retention of pauper children very limited, 5867.
Parochial Boards should have power to keep, if guardians unfit, 11,063.

DAY INDUSTRIAL SCHOOLS.

Children of habitual drunkards sent there, and juveniles charged with petty offences, but not convicted, 165, 177.
Scope for such in Edinburgh, 4543.

DEFINITIONS.

See Habitual Drunkard, and Habitual Offender.

DEMPSTER, Mr Archd.

Inspector of Poor, City Parish, Glasgow, 9854; states number of paupers and pauper children in parish, 9856–9861; and average weekly cost in Glasgow and over Scotland, 9862–9876; thinks parochial authorities should have power to detain restless paupers compulsorily for three weeks or one month, 9885–9892, 9930; often withholds children from dissolute parent, 9893, 9899, 9944–9948; and does not think further powers in that direction needed, 9898–9904; employment of poorhouse inmates, 9910, 9911; object of test ward, 9912–9915; thinks about half of parish pauperism due to intemperance, 9925; liability of parochial authorities for pauper children sent to industrial schools, 9951–9953, 9976–9979; objections to Parochial Boards having to contribute towards maintenance of adult reformatory institutions if started, 9962–9974, 9981, 9982.

DETENTION.

Of Paupers.

Present powers inadequate.

Mr J. R. Motion, 331–339.
Mr Ogilvie, 607–608.
Miss Louisa Stevenson, 3010.
Mr Ferrier, 3758.
Mr Greig, 3882.
Mr M. M'Neill, 5875.
Miss Stacey, 15,227.

Power to detain Migratory Paupers.

Mr Ferrier, 3757.

Power to detain Inebriate Paupers.

Dr Norman Kerr, 14,257.

DEWAR, Mr David.

Chief Constable, Dundee, 12,767; explains Dundee system of liberating on pledge, 12,770; usual amounts increased in 1892, when penalties were increased, 12,771 12775; statistics of apprehensions for drunkenness show highest number of arrests coincident with heavier penalty, 12,776–12,779; quotes explanation from last Annual Report, 12,780; increased powers not exercised by Magistrates to any great extent, 12,784; penalties slightly increased, 12,786; but with no deterrent effect, 12,787; *resume* of sentences on drunkenness for one month, 12,787; effects of Forbes Mackenzie Act on arrests for drunkenness, 12,797 12,799; census of vagrancy showing only three children, 12,801–12,809; vagrancy not increasing, 12,811, 12,812; dealt with under general Police Act, 1862, 12,815, 12,816; considerable increase in cases of prostitution, 12,817; accounted for by increased police vigilance, 12,822; person importuned never appears as a witness, 12,807; number of juveniles sent to Reformatory and Industrial Schools since 1883 showing very few girls, 12,829–12,831; considers Dundee very free of juvenile delinquency, 12,839; previous convictions in all summary cases libelled and, if evidence adduced, proved, 12,845; thinks this practice in harmony with decision of High Court in case Gordon *v.* Scott in November 1894—nature of, and judgment in case, 12,846–12,853; states the number of arrests followed by conviction, &c., 12,856; and ratio of arrests to population, 12,867–12,871; proportion of petty offenders drunk when arrested, 12,872–12,877; definition of habitual offender, 12,884, 12,901 13,000; pay day drunkards, 12,885, 12,886, 13,014; thinks inquiry on habituals should be either before Sheriff or Magistrate, 12,905 12,909; power of initiating proceedings being with Procurator Fiscal, Inspector of Poor or relatives of habitual, 12,915; consider habituals when at liberty a source of contamination, 12,920, 12,921; thinks it might act as a restraint if some were allowed time to pay fines imposed, 12,931–12,942; thinks the smaller ratio of police to population in Dundee partly accounts for difference in arrests between it and Glasgow, 12,960–12,968; thinks a system of reform colonies the best way of dealing with habituals, 12,969–12,973; proportion of re-committals in Dundee, 13,005 13,007; thinks petty thefts closely associated with drunkenness, 13,017 13,029; does not approve of public birching, 13,025–13,027; evidence led in cases of importuning, 13,028 13,042.

DEWAR, Mr John Alex.

Lord Provost of Perth, 6291; vagrancy pretty prevalent, 6295–6301; probable reasons for increase of apprehensions, 6303–6306; would punish severely publicans supplying drink to persons notified as habitual drunkards, 6312–6316; and would restrict dealings of pawnbrokers with such, 6314; opinion of self and magistrates is that habitual drunkards should be detained in reformatory institutions to be maintained by Municipality and Government, 6318–6322.

DIPSOMANIA.

Definition of.

Sir J. Crichton-Browne, 15,095.
Sir Arthur Mitchell, p. 527.

DISCHARGED PRISONERS AID SOCIETY.

Nature and amount of work done and results, 7998, 11,153.

DOIG, Mr Wm.

Bailie of Dundee, and connected with Society for Prevention of Cruelty to Children, 13,044; states number of children sent to Industrial Schools, 13,046–13,051; and describes operations of Society in Dundee, 13,053–13,057; parents made to contribute to maintenance of children in Industrial Schools, where possible, 13,058–13,064; quotes their liability under Prevention of Cruelty to Children Act, 13,161; contributions by Town Council to Reformatory Institutions, 13,067–13,069; small number of vagrant children in Dundee, 13,078–13,080; and number of gipsy children, 13,081; recommends boarding-out and employment at farm work for such in preference to congregating in one Institution, 13,083, 13,151; difficulties in carrying out this proposal, 13,089–13,108; School Board does not concern themselves about vagrant children, 13,144–13,148; a number sheltered in Society's Shelters, 13,129–13,131; only one case of cruelty among tinkers, 13,132; in which Sheriff would not convict of exposing child, holding it to be the immemorial right of a gipsy to sleep in open air 13,134; would make it illegal to live in tents, 13,150; explains origin and scope of Curr Refuge, 13,110.

DONALDSON, Mr William.

Secretary to Prison Commission, 2620; statistics show apprehensions for petty offences to have increased six per cent. since 1884, 2621–2625, 2671–2672; 87 per cent. of those apprehended were convicted, 2626; number of pledges forfeited, 2627–2629; ratio of total apprehensions to population considerably decreased since 1889, 2632; number of juveniles sent to prison, 2646–2647, and 2661–2667, 2684; show considerable decrease, 2648; three-fourths of juvenile prisoners are boys, 2661–2663; decrease due to influence of Reformatory and Industrial School, 2649; thinks juveniles should be committed direct to such institutions, 2650–2657; education of juvenile prisoners, 2698–2699; whipping as substitute for imprisonment, number for 1893, 2658–2660; statistics of importuning for prostitution included under 'Police and Guild Offences' in Annual Returns.

2674–2678 ; could be separated if instructed, 2679–2680 ; prisoners from outlying districts discharged from Edinburgh Prison, 2685–2686 ; mostly tramps whose centre is Edinburgh, 2687–2689 ; steps taken by Prison Commissioners to stop sale of railway tickets, 2690–2693 ; Reformatories for treatment of habitual drunkards should be maintained by local taxation aided by contributions from Treasury, 2631–2639 2694–2697 ; present annual cost per prisoner, 2641 ; estimated annual cost of habituals, 2642–2645.

DRINK "CURES."

Useless, 2918, 3166, 7961, 8042.
Worthless as a cure for drunkenness, 8587.

DRUNK AND INCAPABLE.

Methods of dealing with offence in Glasgow prior and subsequent to 1873, 406.
In Aberdeen county, locked up and liberated next morning, 7705.

DUNLOP, Professor Jas.

Senior Surgeon, Glasgow Lock Hospital, &c., 11,893 ; no powers of compulsory detention and does not desire such, 11,894A., 11,895 ; considers drink a result of prostitution, 11,897, 11,916, 11,917 ; thinks Glasgow decidedly freer of flaunting vice than in former years, 11,899, 11,903 ; and better than Edinburgh, 11,899A.–11,902 ; thinks prostitutes are dealt fairly with in Glasgow, 11,906, 11,913–11,915 ; and accounts for large number arrested by difference in class of population, 11,907–11,909 ; thinks present sentences on prostitutes not reformative, 11,918 ; considers the compulsory detention, for lengthened periods, of habitual drunkards very desirable, 11,910–11,912 ; but would not deal so with prostitutes unless also habitual drunkards, 11,920, 11,921 ; Glasgow Lock Hospital not open to students as in Edinburgh, 11,922, 11,923 ; girls frequently return six times in a year, 11,924 ; accommodation and period of detention, 11,928–11,930.

EDUCATION.

Memo. *re* children of vagrants and tinkers (Miss F. C. Stevenson), p. 562.

EDUCATION ACTS.

Summary of the compulsory clauses (Miss F. C. Stevenson), p. 561.

EDUCATION OF VAGRANT AND TINKER CHILDREN.

Committed to a central industrial school supported by local and imperial funds, 7272, 7302.
Scottish Education Act inapplicable to gipsy children, 13,283.

EMPLOYMENT, OUTDOOR, FOR HABITUAL OFFENDERS AND DRUNKARDS.

Recommended by

Bailie Gulland, 2519.
Capt. Christie, 2563.
Dr Clouston, 2975.
Lord Provost Low, 8100.
Mr D. M. Saunders, 13,642.
Three branches of agriculture suggested, p. 574.

EMPLOYMENT FOR WOMEN IN MAGDALENE ASYLUMS. *See* MAGDALENE ASYLUMS.

Market-gardening and poultry-farming, 9707, 9721.
Poultry-farming and dairy work, 13,646.

ENGLAND.

The much lower ratio of arrests, when compared with Scotland, for petty offences explained, pp. 512–516.

FACTORY ACTS.

No provision relieving charitable institutions where laundry and other work is done,—Miss Paterson, 12,645, 12,656.

FERGUSSON, Mrs A. A.

Scope of Glasgow Houses of Shelter, 1214–1215 ; for women only, and chiefly discharged prisoners convicted of drunkenness, 1216, 1218, 1293 ; a large proportion married women, 1275, 1313–1315 ; kept in homes for twelve months, 1222 ; longer if specially desired, 1287 ; shorter terms found unsatisfactory, 1320 ; no money given to inmates, 1222, 1310–1311 ; except to few trusted women, 1256, 1260 ; occupations followed, 1254, 1278–1279, 1289, 1302–1304 ; average hours of labour, 1333–1334 ; total proceeds of labour, 1224–1225, 1319 ; privileges after six months' residence, 1239–1240 ; no power of compulsory detention, 1241–1243, 1270, 1322 ; but little difficulty found in keeping for twelve months, 1252, 1267 ; situations for inmates on expiry of year, 1253 ; traces not now kept of former inmates, though many come back to see matron, 1264 ; no alcohol given, 1312 ; no classification of inmates, 1325–1328 ; houses not officially inspected, 1305 ; entertainments to inmates, 1331 ; about one-third of inmates are reformed, 1283, 1321 ; relative influence of heredity and environment, 1335–1336. Government aid asked for, 1337.

FERRIER, Mr Andrew.

Inspector of Poor, St. Cuthbert's Parish, Edinburgh, 3691 ; parish population, rental, paupers, &c., 3692–3695 ; power of separating parents and children, 3696–3699 ; further powers needed, 3791–3799 ; children mostly turn out well, 3800, 3801 ; analysis of applicants for relief, 3700–3713 ; 11 per cent. of applications due to drink, 3784–3790 ; frequency of applications by same person in different parts of country involving great expense, 3725–3754 ; would make this penal, 3901 ; suggests that law against begging be vigorously enforced in counties, 3755, 3756, 3826 ; and that parochial boards should have power to detain migratory paupers, 3757–3759, 3810–3816 ; able-bodied but inveterate idlers and vagrants should be sent to labour settlements as in Germany, 3765–3771 ; thinks Parochial Boards would contribute towards maintenance, 3887, 3888 ; and that vacant poorhouse accommodation might be utilized, 3892 ; respectable poor being kept separate, 3895 ; separate ward for unfortunate women, 3913–3915 ; prevalance of drinking of methylated spirits, 3802–3809 ; discourages sending of children to Industrial Schools, 3908 ; boarding out more successful, 3910.

FINANCIAL QUESTIONS.

By Government Subvention towards expense of Habituals.

Mr J. R. Motion, 391.
Thinks Parochial Boards would contribute.
Mr Ferrier, 3887.

By Local Assessments, Imperial Funds, and Philanthropic Agencies.

Rev. Dr M'Ewen, 539–540.

By Local and Imperial Funds.

Dr Yellowlees, 1411, 1420.
Rev. R. Pryde, 1570.
Mr D. Morrin, 1672–1683.
Dr A. Peddie, 2298.
Bailie Walcot, 2458–2459.
Bailie Gulland, 2522–2523.
Mr W. Donaldson, 2631, 2694.
Sheriff Blair, 4393.
Lord Provost Dewar, 6318, 6322.
Bailie Mearns, 7873.
Father Holder, 8405.
Dr Nicolson, 13,877.
Dr Norman Kerr, 14,252.

FINANCIAL QUESTIONS—*continued.*

By Imperial Grants.

Mr A. Porter, 5092.
Lord Provost Low, 8094.
Rev. D. M. Ross, 13,472.

By Local Authorities.

Rev. R. Howie, 1617.
Rev. R. Henderson, 6114.
Mr J. C. Irons, 5901.
Mr D. Lewis, 3656.

Municipalities should provide Retreats.

Rev. Dr Smith, 5632.

By Government Grant and Voluntary Contributions.

Rev. J. D. Robertson, 6191.

By labour of inmates and imperial funds.

By labour of inmates.

Mr T. Wyness, 7468.
Mr A. M'Kenzie, 7717.

By public rates.

Dr Rorie, 13,587.

FINES.

Fines paid in 8 Prisons in 1894-1895, after reception, p. 594.
Number imprisoned on 28th March 1895 in default of payment of, p. 623.
Proposal as to fines and imprisonment by Mr. Napier, and experiment, pp. 628-629.
Experiment at Barlinnie by Mr. Taylor, p. 643.
Fines and pledges paid into 11 police exchequers during 1893, p. 643.

"FINISH" DRINKING AND METHYLATED SPIRITS, 277, 1666, 1726, 3892.

FIRST OFFENDERS ACT.

Fewer children in prison, 3408.
Not applied to petty offenders, 7602.
Great good has accrued, 13,218.

FRASER, Mr James.

Chief Constable of Argyleshire, 11,430; only very exceptional cases of drunkenness brought to trial in county, 11,434, 11,435, 11,506, 11,507, 11,570–11,578; no bye-laws regarding vagrancy presently in operation, 11,437; quotes circulars thereanent by County Council and Secretary for Scotland, 11,441–11,446; apprehensions for begging in burghs, 11,454–11,456; none in county, 11,457; a large number of gipsies, 11,463; not however serious offenders, 11,468–11,472; their children utterly neglected, 11,474; suggests their being sent to industrial school or other institution, 11,477, 11,542; no shelters for tramps in county, and one hospital at Tarbert, 11,493–11,495; thinks powers anent vagrancy and drunkenness in Burgh Police Act should be extended to counties, 11,499, 11,500, 11,545; favours whipping for juveniles in preference to imprisonment, 11,523, 11,524; considers the stigma attaching to incarceration in local police cells as great as that attached to imprisonment, 11,528; and thinks a large number of licensed pedlars are virtually vagrants, 11,582.

FREE EDUCATION.

Caused a decrease in number of defaulting parents, 4497.

GAIRDNER, Prof. W. T.

Professor of Medicine, Glasgow University, and a Physician-in-Ordinary to the Queen, 654-655; has read several papers on treatment of habitual drunkards before various learned societies, 656-659; unanimous medical experience that the Law requires to be strengthened by compulsory powers to confine such, 659, 712; medical aspect of drunkenness both a disease and a vice, 660-661; impossible to fix periods of detention through want of experience, 661-664, 682; but considers less than one year useless for habituals, 665-666, 684-685, 698, 702, 705-706, 709-710; though shorter periods or none at all might serve in incipient cases, 698, 700-701; present state of law very unsatisfactory, gives example, 664, 667, 691, 695, 697; law in relation to *delirium tremens*, 668-671; impossible to draw line between habitual drunkenness and insanity to meet all cases, 672-673; inadequacy of present method of voluntary surrender to confinement, 674-677, 707, 712; *resume* of own proposals, 678, 688; drunkenness in relation to serious crime, 679-680, 726-728; in any legislation habitual must be made to feel his degradation, 680-681; the initiative in dealing with habituals should be with family and not with the doctor, 687, 696, 714; habitual drunkenness frequent amongst better classes and both sexes, 689-690; drunkenness *per se* should be noticed by police, 692, 699, 727; treatment recommended by commission of 1892, 713; would suggest appointing *curator bonis* or trustee on habitual's estate, who should not however be a relative, 678, 688, 716-721; inebriate homes should be under control and not private, 723; and inebriety kept distinct from lunacy, 724; heredity and drunkenness, 732-733; supervision of public-houses, 729-731.

GARROW, Mr. James.

Chief Constable of Perth City, 7307; considers sentences on habitual offenders should be more severe, 7312; penalties for drunkenness insufficient in counties, 7315-7317; no steps taken to cite those who forfeit pledges, 7320-7323; cases of forfeited pledges not reckoned as convictions in Perth City, but are in County, 7324-7334; percentage of forfeitures, 7348-7350, 7436-7438; sharp sentences on habitual criminals often effective, 7339-7341; reasons for large increase in number of apprehensions, 7342-7359, 7389-7401; beneficial results of increased penalties for drunkenness under Burgh Police Act, 7363-7377; vagrancy in Perth, 7421; female tramps attracted by House of Shelter, 7381-7388; number of re-convictions within the year, 7402-7420.

GEDDES, Mr. Wm.

Governor Dundee Prison, 13,167; considers habitual offenders principally females, 13,171; and recommittals in Dundee in much the same proportion as in Glasgow, 13,178; difficulty in securing suitable work for female prisoners, 13,172–13,175; considers the appointment of young men in place of large number of policemen superannuated reasonably accounts for recent increase in number of arrests, 13,181, 13,190; sentences for drunkenness materially increased since passing of Burgh Police Act, 13,195; thinks great good has accrued from operation of First Offenders Act, and an incalculable amount of harm from the continued repetition of short sentences, 13,218; suggests sharp sentences after two or three convictions, 13,219–13,222; wife-beaters more sharply dealt with by magistrates than by Sheriff, 13,223–13,231; not many juvenile prisoners, 13,232; and only a few admit having been previously in a Reformatory or Industrial School, 13,241–13,246; committal of weak-minded and insane prisoners, 13,215, 13,216, 13,251–13,257; accounts for increased prison population last year, 13,258–13,264; number of prisoners liberated on payment of fine, 13,265–13,276; suggests that loafers dependent for payment of fine on earnings of female associates, &c., should not have option of fine, 13,266, 13,273–13,277; considers long periods of separate confinement detrimental, 13,247, 13,250; no means at present for identifying habitual petty offenders coming from other districts, but suggests extension of system of recording distinctive marks to such, 13,203–13,213.

GILCHRIST, Mr Wm.

Superintendent of Edinburgh Night Asylum, 4546; shelters artizans, labourers, women and children, &c., also by arrangement paupers too late for admission to poor-house, 4555; number sheltered last year, 4570–4572A; averages of men and women, 4573, 4574; trades represented, 4568, 4578; percentage of artizans, 4560, 4577, 4654–4664; number of boys admitted, 4628–4633, 4711–4715; large increase in admissions between 1883 and 1893 partly due to trade depression, 4621, 4639, 4640; a large number of inmates ultimately become beggars, 4588; begging much encouraged by indiscriminate alms-giving, 4597; causes of prostitution, 4605–4611, 4649–4651; considers prostitution more obtrusive in Glasgow, 4616–4618; no labour test in asylum, but considers such desirable, 4642–4646, 4687–4689; cost per head, 4670; deserving cases helped pecuniarily, 4682–4686.

GIPSIES AND TINKERS.

Camping out, and powers of dealing with them 5015.
Ratio of apprehensions, 6649.
Make it illegal to live in tents, 13,150.

GORDON, Major D. F.

Chief Constable, Aberdeenshire, 7654; census of vagrancy, 7664; vagrancy in county not excessive, 7655; tinkers usually inoffensive, 7656, 7681; children's education neglected, 7660; of which police and School Board take little or no cognisance, 7661, 7662, 7689, 7690; licensed

pedlars greater source of annoyance than vagrants, 7667–7672, 7684; considers that provisions of Burgh Police Act regarding drunkenness and vagrancy should be extended to counties, 7674; thinks vagrant children should be sent early to Industrial School, 7687; persons charged in county with being drunk and incapable usually locked up and liberated next morning, 7705, 7710.

GRAHAME, Mr John.

Sheriff-Substitute of County of Perth, 6695; prevalence of vagrancy and masterful begging, 6697–6703; county bye-laws against begging found effective, 6710, 6734; further powers needed for dealing with idle vagrants having no visible means of subsistence, 6711, 6713, 6717, 6752–6760; suggestions for dealing with vagrancy, 6728–6730; does not think tramps are much engaged by farmers during summer, 6763–6768; favours putting certain offenders under caution for good behaviour, 6773–6781.

GRANT, Miss E.

Prison experience, 3495–3496; population of Edinburgh prison on specified date, 3497; analyses of crimes charged, previous convictions, nationality and parentage, &c., 3498–3507; considers short sentences for habitual offenders useless as a deterrent, 3529–3530, 3562, 3581, 3591; would confine *irreclaimables* in poorhouses for life, with imprisonment if refractory, 3510; the more hopeful to be imprisoned for lengthened periods under separation and strict discipline, 3514–3516, 3519–3520, 3554, 3573–3577, 3587–3589; with subsequent transfer to industrial institution for training, 3563; evils of association, 3517, 3554, 3584; at present long sentences are frequently effective, 3531–3532, 3537, 3551; domestic service suitable for females who have been under strict disciplinary training, 3533–3535, 3548; prostitutes imprisoned mostly of poorer class, 3540–3547; sentences very unequal, 3541, 3548–3550; drink and habituality, 3556–3560; effects of increased sentences in Glasgow, 3581–3582; work of Deanbank Institution, 3566–3572, 3589–3590.

GRAY, Mr R. C.

Director and Law Agent of Society for Prevention of Cruelty to Children, 4758; former and present legislative powers, 4759–4765; specimen cases, 4768–4771; status of society as to initiating prosecutions, 4772–4779; Sheriff may order detention of children in Society's shelters, 4773, 4781–4786; these shelters and poorhouses are recognised as 'places of safety' under the Act, 4806–4811, 4888; children frequently taken in case of one neglecting parent and retained against will of other, 4813–4820; in Glasgow children over seven years of age sent to Industrial School, 4822–4824; Parochial Boards and power of detention of children, 4825–4828, 4882–4885, 4889–4892; richer classes sometimes dealt with, gives instance, 4831; definition of neglected child, 4876; power of dealing with habitual drunkards, 4893–4899; cases of children against whom offences under Criminal Law Amendment Act have been committed, 4900–4906; difficult to deal with on account of corruption, 4907, 4908; sometimes sent to Dean Bank Institution, 4909; admonition and remonstrance with offenders very often effective, 4912–4916; average cost of a child's maintenance, 4917; employment found for some, 4924, 4925; but most restored to parents, 4927; children attend board schools, 4938; charges against mothers predominate, 4941–4943; intemperance more frequent among women, 4944.

GREIG, Mr George.

Inspector of Poor, City Parish, Edinburgh, 3827–3829; accounts for prevalence of vagrancy in parish, 3830–3837, 3921; many able-bodied vagrants feign disablement to secure relief, 3838–3841; English system of casual wards responsible for some of this, 3841–3848; number of habitual vagrant, begging, and inebriate classes, with examples, 3849–3861; advocates detention of migratory paupers for lengthened period in reformatory institutions, 3862–3864, 3875–3876, 3881–3882, 3885, 3898, 3930; and thinks Parochial Boards would contribute towards maintaining them, 3886; poorhouses might be utilised, 3889, 3923–3926; does not consider powers of compulsory detention for a short period desirable, 3865, 3874–3875, 3877–3880, 3896–3897; powers for detention of pauper children desirable, 3866–73; boarding-out system, 3903; very satisfactory where period of detention is long enough, 3904, 3912; parents often claim children when of use as wage earners, 3905–3908; separate ward desirable for fallen women, 3913–3915.

GULLAND, Bailie John.

Thinks women preponderate in habitual class, 2517–2518; the only cure prolonged detention at useful work, 2519; period of detention to range from six months to two years, 2520; homes should be under local control but not wholly dependent on local taxes, 2522–2523; considers that persons twice convicted for beating parents or wife should be dealt with as an habitual offender, 2525; and where husband is convicted of habitual wife assault the proceeds of his labour in prison should go to Parochial Authorities for behoof of family, 2526; thinks prostitutes of long standing hopeless, 2527; would deal smartly with able-bodied beggars, strengthening the General Police Act thereanent, 2528–2530; would, in case of habituals, welcome greater facilities for judicial separation of husband and wife, safeguarding children, and with option of reunion after reformation if desired, 2534–2542.

GUTHRIE, Alex.

Ex-convict, complains of persecution by police while on licence, 13,528–13,533; difficulty of getting employment, 13,535; considers the State should provide work on the land for unemployed, 13,539; thinks long periods of solitary confinement injurious to prisoner's health, 13,574, 13,575.

HABITUAL DRUNKARDS.

Two articles by Sir Arthur Mitchell on legislation, p. 525, &c.
Parliamentary history of same, p. 529, &c.
Creation of special asylums for such in Paris, p. 568.
Considered semi-lunatics, 1950.
Inquiry as in case of lunatics, 2894.
Application by relatives, Procurator-Fiscal, or Inspector of Poor, accompanied by two medical certificates and inquiry before Sheriff, 4370–4380.
Large number do not come under notice of police, 3602.
Regarded as lunatics, and to be confined in asylums, 3116.
Voluntary submission accomplished nothing, 7081.
Rarely criminals, 7975.
Declared such after evidence of friends and medical testimony, 8029, 8033.
Inquiry before Sheriff, as in lunacy, 10,019.
Inquiry before Sheriff, assisted by Assessors and medical testimony (Dr Batty Tuke), 12,685.
Inquiry before Sheriff, either private or public, 13,638.
Would treat voluntary separate from compulsory, 14,142.

HABITUAL DRUNKENNESS.

A special form of Insanity.
Sir Arthur Mitchell, p. 524.

A Disease.
Dr J. C. Will, 7959.
Dr Norman Kerr, 14,222.

Disease and Vice.
Prof. Gairdner, 660–661.
Dr Yellowlees, 1353–1354.
Dr Clouston, 2862–2863.
Sir Douglas Maclagan, 5696.
Rev. Mr Macrae, 8575.

Closely allied to Insanity.
Dr A. Peddie, 2282–2283.
Dr Clouston, 2866–2868.

Impossible in all cases to draw line between it and Insanity.
Prof. Gairdner, 672–673.

Would discriminate between "Pay-day" Drunkards and worthless Habituals.
Bailie S. Chisholm, 145.
Mr J. R. Motion, 389.
Bailie W. Primrose, 944, 967.
Sir Jas. Russell, 1979.

Accounts for 90 per cent. of petty offences.
Mr D. Morrin, 1711.

Penalty should be same in Counties as in Burghs.
Mr Porter, 5052.

HABITUAL OFFENDERS.

Definition of.
Bailie S. Chisholm, 6 convictions within year, 133.
Mr J. R. Motion, 6 convictions within any period, 321.

HABITUAL OFFENDERS—*continued.*

Mr J. Boyd, not prepared to fix number of convictions, 412.
Mr Jas. Taylor, 3 or 4 convictions within year, 865.
Bailie Ure Primrose, frequent convictions and frequent pawnings, 924.
Rev. R. Howie, 4 convictions within 1 year, 1607.
Mr W. Henderson, 3 convictions within 1 year, 2168.
Bailie Walcot, frequent convictions closely following each other, 2421.
Bailie Gulland, 2 convictions for assaulting wife or parents, 2525.
Rev. H. M. Campbell, 7 convictions during life, 3393.
Mr A. Porter, 10 convictions during 3 years, 5912.
Sir Douglas Maclagan, after 7 convictions within 1 or 2 years, 5671.
Mr Wyness, 3 offences in 1 year, 7468.
Bailie Mearns, 4 convictions within 1 year, 7917.
Lord Provost Low, 4 convictions and upwards, 8086.
Father Holder, 4 convictions and upwards, 8403.
Mr D. Dewar, 3 convictions, 12,884.
Mr Angus, 7 convictions within several years, 9108.
Dr Norman Kerr. So many convictions and medical testimony, 14,283.

Three hundred and fifty Female Habituals in Glasgow, 1815.

Six hundred Males and Females in Edinburgh, 2232.

Powers of dealing with such considered ample, if used, 2321.

Should be deprived of right of Voting, 2384–2387.

Present treatment ineffective, 4418.

Present methods useless, 8026.

Estimated Annual Cost, 2642–2645.

Imprisonment no good effect, 12,089A.

Statement by Col. M'Hardy, p. 510, *&c.*

Number apprehended by police 5 times and upwards, p. 544, *&c.*

Committed to prison 4 times and upwards, p. 549 ; *6 times and upwards*, p. 550.

The term unknown to the Law of Scotland (Professor Dove Wilson), Foreign Laws re, p. 556.

HAMILTON, Mr Wm.

Chief Constable, Govan, 8712 ; thinks difference in ratio of arrest for petty offences in Glasgow and Govan accounted for by difference in police administration, 8720, 8804–8814, 8877–8890 ; figures for Govan since 1875, 8783–8793 ; difference in class of population, 8718, 8719 ; increased penalty for drunkenness under Burgh Police Act not much used, 8726–8732, 8905 ; system of liberation on pledge, 8735–8738, 8746–8748 ; cases of forfeiture not cited unless serious, 8746 ; and considers forfeiture of pledge in many cases a sufficient deterrent, 8834, 8835 ; method of dealing with those found drunk and incapable, 8739–8745 ; does not consider ratio of police to population affects the number of arrests, 8751–8754 ; percentage of Govan apprehensions being persons belonging to Glasgow, and *vice versa*, 8755–8772 ; compares Govan with Perth, Ayr, Leith, and Partick, 8773–8783, 8883–8889 ; influence of trade prosperity on drunkenness, 8815–8819 ; disposal of juvenile offenders by fines and whipping, 8826–8828, 8839–8841 ; First Offender Act given effect to, 8829, 8830 ; considers present power of dealing with petty offences sufficiently deterrent, 8831–8833 ; police court procedure as to continuing cases, 8842–8852 ; apprehension and disposal of prostitutes mostly belonging to Glasgow, and not dealt with prior to 1882, 8855–8875, 8901 ; Govan not under-policed, 8893–8903 ; and has very little vagrancy and begging, 8906, 8907.

HARDIE, Rev. Mr.

One of deputation from Perthshire Committee on Vagrancy. See under Col. Williamson.

HAY, M.D., Matthew.

Professor of Medical Jurisprudence, University of Aberdeen ; Police Surgeon and Medical Officer of Health, Aberdeen, 8023 ; considers present methods of dealing with habituals useless, 8026, 8041 ; would favour Sheriff having power to declare one an habitual offender after a number of convictions or after evidence by friends, &c., and on medical testimony, 8029, 8032, 8033 ; has known cases of inebriates certified as insane and committed to asylum, 8031, 8034, 8035 ; early treatment most desirable and hopeful, 8036–8038 ; instances results in Elmira, 8040 ; would fix maximum and minimum periods of detention within which authorities might detain inebriates, 8039 ; considers so-called 'cures' for inebriety useless, 8042.

HENDERSON, D.D., The Rev. A.

One of deputation from Perthshire Committee on Vagrancy. See under Col. Williamson.

HENDERSON, Rev. Robert.

Hon. Secretary of Association for Reclamation of Habitual Offenders, Vagrants, Beggars, and Inebriates, 6103 ; considers presents methods of dealing with these have failed through defective aim and legislation, 6105, 6106 ; the end to be aimed at being the reformation of the offender, 6106 ; definition of habitual offenders, 6109, 6110 ; power of dealing with such compulsorily required, 6107 ; advocates their detention till reformed in rural reformatories, 6111, 6112, 6115 ; inebriates being treated separately, 6117, 6135–6137, 6141–6145 ; institutions to be maintained by local funds, 6114, 6138, 6139, 6446–6153 ; all inmates to be employed, 6116, 6117, 6140 ; objections to General Booth's scheme, 6118–6119 ; system at Elmira, U.S.A., 6120–6127.

HENDERSON, Mr William.

Been connected with Police in Glasgow, Manchester, Leeds, and presently in Edinburgh, 2061–2064 ; difference in apprehensions for petty offences between Glasgow and Edinburgh variously accounted for, 2067–2068, 2244–2248 ; comparison of Edinburgh and Leeds, 2068–2071, where it is an offence for a licence-holder to permit drunkenness on his premises, 2072–2079, whereas all but impossible to convict for such offence in Edinburgh, 2076–2077, 2080–2085, 2217–2219 ; comparison of Leeds and Manchester, 2090–2095, 2220–2221 ; summoning of persons charged with drunkenness more prevalent in England, 2096–2098 ; difference of processes in Leeds, Glasgow, and Edinburgh, 2099–2109 ; arrests for drunkenness and disorderly conduct for 1893, 2111 ; great many liberated on pledge, who invariably appear, 2112–2120 ; want of uniformity of sentences for drunkenness, 2120 ; maximum rarely inflicted, 2121–2126 ; no cumulative or uniform scale of penalties as in England, 2126–2128 ; previous convictions for drunkenness within previous twelve months charged against accused and proved, after conviction if necessary, 2129–2131 ; few tramps sheltered in Police Station though none refused, 2132–2134 ; accounts for difference between Edinburgh and Glasgow in the Census of Vagrants, 2135, 2189–2190 ; vagrancy and begging prevalent in Edinburgh, 2136, 2140–2141 ; evil aggravated by prisoners from outside burghs being liberated from Edinburgh Prison and remaining in city, 2137–2139, 2142, 2191–2192, 2222–2228, 2269–2270 ; number varies between summer and winter 2236–2243, 2253 ; apprehensions for prostitution, 2144–2166, 2256–59 ; effects of lenient sentences given, 2153 ; predominating sentence 5s. or 24 hours, 2155 ; prostitutes always warned before apprehended, 2147, 2230–2231 ; decrease of prostitutes concomitantly with suppression of brothels, 2159–2163, 2263 ; efficacy of sending prostitutes to homes doubtful, 2263–2264, 2264 ; definition of Habitual Drunkard, 2168, 2249 ; would discriminate between the "Weeds" and occasional offenders, 2168, 2184, 2250–2252 ; estimates number of habituals in Edinburgh at about 600, 2232–2233 ; habituals should be remanded for enquiries as to antecedents, 2171 ; ridiculous anomalies of summary procedure in Edinburgh Police and Burgh Courts, 2169–2177 ; usual practice, 2179 ; period of detention for habituals dependent on circumstances of each case, 2186 ; would favour notification of habituals to publicans, 2193 ; but would not restrict pawnbrokers, 2194–2196 ; labour colonies should be established for treatment of habituals, 2197, 2260–2262 ; would regulate casual employment of boys and girls engaged in street vending, 2198–2201 ; present treatment of police offenders useless, 2202 ; prosecutions by Society for Prevention of Cruelty to Children, 2205–2209, 2214–2216 ; issue of clothing to poor children by police, 2210–2213 ; difficulty of dealing with disreputable public houses, 2265–2268 ; urges necessity of dealing with children to stop crop of habituals, 2271–76.

HEREDITY AND DIPSOMANIA.

Influence on Drunkenness.
Prof. Gairdner, 732.
Dr Yellowlees, 1359.

Influence of heredity and environment on fallen women,—
Mrs A. A. Ferguson, 1335.

Influence of heredity.
Dr T. S. Clouston, 2882.

Less important than environment.
Mr Quarrier, 10,309.

No disease so thoroughly hereditary.
Dr Batty Tuke, 12,714.

HOFFMAN, Dr Henry Westwood.

Inspector of Retreats under Inebriates Acts, 14,029 ; nature of inspection, 14,114 ; names of retreats and licencees, with accommodation, 14,032–14,035 ; all patients under Inebriates Acts supposed to be voluntary, 14,039 ; procedure for reception into a retreat, 14,040, 14,041 ; has seen good results arising from confinement and treatment, 14,103–14,108 ; thinks it desirable that all retreats, licensed and unlicensed, should be under inspection, 14,053–14,056, 14,070, 14,109 ; would substitute word *Inebriate* for *Habitual drunkard* in declaration under Inebriates Acts, 14,057–14,061 ; and thinks the attestation of one Magistrate sufficient, 14,063, 14,136 ; inebriates often liberated on licence, 14,072 ; and occasionally re-committed for violating parole, 14,073 ; penalties imposed under Act on inebriates for violation of rules of Retreats, 14,082, 14,083, 14,097 ; and on licencees and attendants for neglect of duty, 14,094, 14,094A., 14,098–14,102; inmates not compelled to work, 14,089 ; and often complain that when before attesting Magistrate the effect of their application was not explained to them, as required by Act, 14,116–14,117A. ; states opinion of many licencees that more good could be done if period of detention were extended beyond one year, 14,118–14,122 ; is personally satisfied with definition of habitual drunkard as contained in Inebriates Acts, 14,133 ; would not favour treatment of dipsomaniacs along with lunatics, 14,145 ; and would separate voluntary from compulsory drunkards, 14,142 ; states that at present there is no Retreat for male inebriates with charges under 100 guineas, 14,154 ; and gives rules as to withholding letters and parcels from inebriates, 14,155–14,160.

HOLDER, Rev. Father.

For 24 years in Dundee, 8376 ; does not consider short sentences have any deterrent effect on habitual offenders, 8379, 8380, 8426–8434 ; even long sentences with certain classes of offenders have little effect, 8387, 8435–8438 ; difficulty experienced in securing situations for discharged prisoners, 8381–8390 ; definition of habitual offender, 8403 ; habitual drunkards should be confined to retreats, 8401, 8402, 8416 ; retreats to be maintained by local authorities and subsidised by Government, 8405 ; in certain cases power of initiating proceedings for committal should be given to friends and neighbours, 8417–8422 ; not desirable to send working men who only occasionally get drunk to prison for short periods, 8426–8434 ; drunkenness most common amongst women, 8438.

HOWIE, Rev. Robert.

Represents Free Presbytery of Glasgow, 1598 ; who strongly favour legislation for compulsory confinement of Habitual Drunkards, 1599 ; and who themselves proposed a few years ago to establish under the auspices of the Presbytery a retreat for such, 1600–1606 ; proposes that persons convicted of drunkenness four times within twelve months be regarded as habituals, and compulsorily detained till cured, 1607, 1612, 1614 ; and that retreats be established and maintained by Local Authorities, 1607 ; also to amend Inebriates Act of 1879, so as to give to relatives or two duly qualified medical men the power to initiate proceedings under which Habitual Drunkard would be committed to retreat, 1607 ; and that the Industrial Schools Act, 1880, be extended so as to empower Sheriff to send children of habituals to Industrial Schools, 1607 ; difficulty of rigidly defining an Habitual Drunkard, 1616 ; *Curator* might be appointed in certain cases, 1617–1619 ; compulsory powers over inebriates in Natal and New Zealand, 1620, 1628 ; restrictions on the dealings of publicans and pawnbrokers with certified Habitual Drunkards, 1620, 1622, 1628 ; reasons for great difference in apprehensions for petty offences between Glasgow and Govan, 1625–1627.

HUTCHISON, Mr.

One of deputation from Perthshire Committee on Vagrancy. See under Col. Williamson.

IMPORTUNING.

Notes on the different Police Acts applicable to same (Prof. Dove Wilson), p. 559.
Number imprisoned during 1894 and length of sentence, p. 623.

IMPRISONMENT.

Separate confinement for long periods detrimental, 13,247.
Number imprisoned 3 times and upwards during the 12 months preceding their last conviction in 1894, p. 634.

INCORRIGIBLES.

Detain for life in poorhouse, and if refractory in prison, 3510.

INDETERMINATE SENTENCES.

Best for children sent to reformatory and industrial schools, 10,197, 10,294.
As adopted in the United States, pp. 599, 619.

INDUSTRIAL SCHOOLS.

Children of habituals to be committed there.
Rev. R. Howie, 1607.
Committal of vagrant children to Industrial School.
Mr A. Porter, 5089.
Committal of vagrant and gipsy children.
Mr J. M'Pherson, 6353, 6468.
Mr James Fraser, 11,477.
Children with physical infirmity refused.
Mr Rogers, 14,814.

INDUSTRIAL SCHOOLS ACTS.

Difficulty of dealing with vagrant children under Act, 4213.
Analysis of these, p. 560.
Juvenile delinquency increased, owing to restrictions in interpretation, 4478.
Training-ship boys mostly committed under Sec. 14, 8208.
Begging or refractory children sent to school under Sec. 14, 9266, 9273.
Difficulty in bringing vagrant children under provisions, 13,304.
Discourages sending children, favours boarding-out.
Mr Ferrier, 3908, 3910.
Amend existing legislation so as to facilitate vagrant children being sent.
Lord Kincairney, 5967.
Thinks School Boards have power to erect and maintain such.
Mr Badenoch Nicolson, 13,348, &c.

INEBRIATE HOMES.

Should not be private.
Prof. Gairdner, 723.
Should be open to inspection.
Dr Batty Tuke, 12,720–1.
Should be inspected by Lunacy Commissioners.
Sir J. Crichton-Browne, 15,131.

INEBRIATES.

The old Penal and the old Civil Law of Scotland, the Continental Civil Law, and modern laws *re* such (Prof. Dove Wilson), p. 558, etc.
The Swiss Laws, pp. 567 and 617.

INEBRIATES ACT, 1879.

Definition of inebriate, p. 530.
Restrictions as to appearance before justices should be dispensed with.
Dr Yellowlees, 1379–1385.
Requires amending.
Mr R. P. Lamond, 9993.
Definition of habitual drunkards requires amending.
Dr Batty Tuke, 12,679.

INEBRIETY. *See* Habitual Drunkenness.

INITIATION OF PROCEEDINGS *re* HABITUAL DRUNKARDS.

On petition, statements, and medical certificates, the drunkard being informed of the steps.

Sir A. Mitchell, p. 524.

Should be by police or neighbours.

Rev. Dr MacEwen, 547–557.
Bailie Primrose, 942, 965.

INITIATION OF PROCEEDINGS *re* HABITUAL DRUNKARDS—*continued.*

Should be by family.
Prof. Gairdner, 6878.
Dr Yellowlees, 1395.

By relatives or medical men.
Rev. R. Howie, 1607.
Dr A. Peddie, 2286.

Should not be by doctor.
Prof. Gairdner, 6878.

By friends.
Dr Clouston, 2894.
Mr Wyness, 7634.

By friends or public officials and medical testimony.
Dr Urquhart, 7178.

Friends or neighbours.
Mr Arch. M'Kenzie, 7733.

Friends and two medical certificates.
Lord Provost Lowe, 809), 8168.

Friends and neighbours.
Father Holder, 8417.

By relatives.
Mr J. Y. King, 9178.
Father M'Mullen, 10,359.

By relatives, friends, or partners.
Mr R. P. Lamond, 9994.

By interested parties.
Dr Batty Tuke, 12,750.
Rev. D. M. Ross, 13,486.

By Procurator-Fiscal, Inspector of Poor, or relatives.
Mr A. Wallace, 11,058, 11,068.
Mr D. Dewar, 13,015.

INNES, Col. THOMAS.

Chairman of Committee of Inquiry resulting in subsidising of Aberdeen and local reformatories, 7980; advocates establishing of fruit farm, 7983.

INSANITY.

Sixteen per cent. due to drink.
Dr Clouston, 2867.
Fifteen to twenty per cent, alcoholic cases—liberation on licence.
Dr M'Naughton, 6953, 6963.
Fifteen to twenty per cent. in Scotland due to drink.
Dr G. R. Wilson, 10,503.
Forty per cent. pauper insanity due to drink.
Mr A. Wallace, 11,038.
Sixteen to eighteen per cent. due to drink.
Dr Rorie, 13,580.
Fifty per cent. due to drink.
Sir J. Crichton-Browne, 15,088.

INSANITARY DWELLINGS.

A cause of intemperance, 10,347.
More drastic method of dealing with one-roomed and insanitary dwellings, 13,642.

INTERDICTION OF PRODIGALS AND DRUNKARDS.

The old Scottish Law, the Code Napoleon, and the Austrian Code, p. 569.

INTERMEDIATE PRISONS, IRELAND.

Memorandum on above, p. 568.

JUDICIAL SEPARATION.

Recommended from Inebriate Parent.
Mr Wm. Mitchell, 229.

And from Habitual Offender.
Bailie Gulland, 2534–2542.

JUVENILE OFFENDERS.

Large increase in number of in Edinburgh, 2411.

Decrease over Scotland, 2648.

Would not imprison under 16 years of age.
Mr Jas. Taylor, 842.

Would not imprison under 14.
Bailie Primrose, 951, 954.

Age for committal to Reformatories to be raised.
Sir Jas. Russell, 1958.

Necessity for dealing with Children to stop crop of habituals urged by.
Sir Jas. Russell, 1957.
Mr W. Henderson, 2271.

Eighty per cent. of children committed to Industrial and Reformatory Schools do well.
Mr D. Miller, 4537.

Whipping or committal to Reformatory and Industrial Schools preferable to Imprisonment.
Mr Jas. Taylor, 842.
Bailie Primrose, 951, 954.
Mr D. Morrin, 1779.
Sheriff Rutherford, 2757, 2798.
Mr Milne, 7995.

Whipping.
Numbers whipped during 1893, 2658–2660.
Age should be raised,—Sheriff Rutherford, 2828.
Whipping to be done by parents, 7773.
Disposed of in Govan by fines and whipping, 8820, 8839.
Whipping of boys under 14 approved of, 9100.
Objects to whipping of boys above 14, 10,315.
Parental chastisement preferable to public whipping or imprisonment, 10,650.
Whipping preferable to imprisonment, 11,523.
Public birching disapproved of, 13,025.
Solitary confinement preferable to whipping, 13,994.
Regulations of Lord Advocate, p. 586.
Numbers whipped from 1881–1893, p. 568.

Number imprisoned during January 1895, p. 641.

KERR, Dr NORMAN.

Chairman of British Medical Association's Inebriates Committee, &c., &c., 14,161; states origin and objects of Dalrymple Inebriate Home, 14,163; statistics of results, 14,164–14,168; thinks better results obtainable if period of detention were extended from 1 to 2 years, with power of recommittal on lapsing, as in San Francisco, Chicago, &c., &c., 14,169–14,179, 14,182–14,185; institutions in some of these places are aided by money from revenues of police fines and alcohol monopoly, 14,174–14,177, 14,180, 14,181; number of inmates who remained over 12 months, 14,180; thinks many Homes run more for money-making than for welfare of patients, 14,190; and would have every place where inebriates are detained open to inspection, 14,190–14,201, 14,258; views on quack cures for drunkenness, 14,207–14,214; considers that in the great majority of cases of inebriety seclusion is the only cure, 14,216–14,220; considers inebriety a disease, 14,222; and would include in Inebriates Act inebriety by any drug, and quotes such a definition from Inebriates Act in Manhattan Island, 14,224–14,238, 14,254; provisions of Act for liberation on licence not much used, 14,240, 14,241; recommends (i.) that voluntary patients be admitted on a written request when sober, 14,245, 14,246; (ii.) that the non-police cases be sent by judicial authority on medical testimony for curative treatment in special institutions, 14,249, 14,284–14,286; and (iii.) that in regard to police habituals a system of probation should be tried, 14,270; provisions in various countries as to procedure before committal—maintenance of institutions and of the families of inmates, 14,249; considers the State or Local Authority ought to provide accommodation for poor and those of limited means, 14,252; all who are able to pay being charged, 14,254; and that Parochial Authorities should have power to detain in poorhouse or pay for

treatment of any inebriate pauper, 14,257; thinks all Inebriate Homes should have grounds for out-door exercise, 14,258; and that the staffs should be abstainers, 14,259; also that there should be power to compel patients to work, 14,261; *curator* or trustee to be appointed on inebrate's estate, 14,294; would prohibit sale of liquor to declared habitual drunkards, 14,263; quotes penalties in Ontario for disregard of such notice, 14,264–14,267; estimates number of diseased inebriates, who are increasing, 14,276, 14,277; thinks disused prisons could be used if ground about them, 14,281; definition of police habitual, 14,283; thinks 50 per cent. of inebriates might be cured, 14,287–14,289.

KINCAIRNEY, The Hon. Lord.

Lord of Session and member of Sub-Committee of Police Committee of Perthshire on Vagrancy 5920, 5922; vagrancy prevalent in Perthshire, 5923; proportion of *bona fide* workmen, 5927, 5928; for such resting-places should be provided, 5990–5992; spread of infectious disease by gipsies, 5932; provisions of Burgh Police Act anent vagrancy should be extended to counties, 5938–5944; power of dealing with camping-out of gipsies, 5945, 5945A; powers of dealing with vagrancy under section 5 of Prevention of Crimes' Act, and Prevention of Cruelty to Children Act, 5947–5952; working of system of mendicity societies and shelter houses, 5953–5966; thinks existing legislation should be amended so as to facilitate sending of vagrant children to Industrial Schools, 5967–5978, 6000–6009, 6012; considers gipsy's life healthy, 5982, 5983.

KING, Mr John Young.

Solicitor, Glasgow, and joint Convener of Sub-Committee of 'Society for Improving the Condition of the People,' on petty criminals and vagrants, 9135–9137; on the treatment of juveniles delinquents, the Sub-Committee's recommendations, *vide* Appendix xxxii. Personally recommends establishing of places of recreation for respectable children living under demoralising circumstances, 9152–9154; with regard to adult offenders, Sub-Committee's recommendations, *vide* Appendix xxxii. Would give relatives power to initiate proceedings against habitual drunkard before Sheriff, 9178–9185; explains 'metabolic' treatment for inebriety and his connection therewith, 9195–9199, 9205–9223; treatment considered by physician of high standing both scientific and safe, 9199, 9224–9231, 9233–9236; illustrative cases which are held good for 2½ years, 9200–9204; desire to be cured essential to complete success of treatment, not however a 'faith cure,' 9208, 9215, 9216, 9238–9241, 9255, 9256; poisonous ingredients of solution and their cumulative effects, 9249–9253.

LABOUR COLONIES

Recommended for Habituals.

Mr W. Henderson, 2197, 2260.
Prof. Wright's experience of German Colonies, 9647.
In relation to vagabondage in Germany, 13,942.
Continental system explained, 14,989.

LAMB, Mr David Crichton.

Officer of Salvation Army, 14,297–14,299; thinks about 30 per cent. of members of Army are converted drunkards, 14,303; details of Institutions worked by Army—slum-posts, 14,309–14,313; Rescue Homes, 14,314–14,316; Ex-Criminals' Homes, 14,317–14,332; Food depots, 14,334–14,340; Shelters, 14,341–14,361; Labour Bureaux, 14,362–14,387; Labour Factories, 14,388–14,429; Farm Colony, 14,430–14,460; in Ex-Criminals' Homes, mostly cases of first sentences are received, 14,318; employment given, 14,320; usual period kept, 14,327; after which drafted to other Army Institutions, or sent to situations, 14,328–14,330; very few respectable first-class workmen come to Shelters, 14,626; no facilities given to Army Prison Gate Mission for visiting prisoners, 14,641; particulars as to Farm Colony, 14,651–14,668, 14,671–14,678, 14,683–14,686; considers women inebriates more difficult to cure than men, 14,669.

LAMOND, Mr R. P.

Solicitor in Glasgow, and author of Treatise on Poor Laws, 9983, 9984; thinks a considerable proportion of well-to-do are habitual drunkards, 9987–9989, 10,038–10,040; becoming such generally at from 35 to 45 years of age, 9990; and from certain specified causes, 9991, 9992, 10,030, 10,031; thinks Inebriates Acts need amending, so as to give relatives, partners or friends power of initiating proceedings for committal to retreats, 9993, 9994, 9998–10,001; suggests revival of old law of 'voluntary and compulsory interdictions' based on Roman Laws, 10,002–10,012; or proceedings before Sheriff with full evidence, as in lunacy, 10,019–10,023; probable cost of proceedings, 10,050–10,062; considers that retreats for habituals should be under state control, as in lunacy, 10,063–10,070.

LAWSON, Mr John.

Superintendent Glasgow Discharged Prisoners' Aid Society, 11,153; Society's representatives meet all prisoners liberated from Barlinnie Prison, who are invited to free breakfast, 11,156–11,173; after inquiries suitable cases are recommended for work to various employers of labour, 11,174–11,190; numbers for whom work procured, 11,191–11,193; employers found very ready to help, 11,177, 11,298–11,303; number of convicts for whom work got, 11,195–11,197; convicts more satisfactory to deal with than ordinary prisoners, 11,195; a number of juvenile offenders sent to farming work in Arran and turned out well, 12,222; method of disbursing prisoners' gratuities, 11,230–11,238; powers of withholding gratuities, 11,236, 11,237, 11,285; finds considerable trouble in carrying on present dormitory, 11,243; disposal of discharged female prisoners, 11,252–11,263; and female convicts, 11,264.

LEGISLATIVE PROPOSALS.

Public opinion favourable to further powers for habituals, 7737, 8174.

LEWIS, Mr David.

Police returns do not indicate exactly the prevalence of drunkenness, 3594; large number of habitual drunkards do not come under notice of police, 3602; cases of habituals who spent 33 and 5 years respectively in prison, 3603–3610; considers agencies for reclamation of drunkards sufficiently numerous but sadly inadequate, 3611–3614, 3624, 3652, 3653; £150,000 spent by them, exclusive of £56,392 spent by parochial authorities, 3615–3618; recommends concentration of charitable effort, 3625, 3654, 3655, 3684; personal efforts on reclamation of drunkards, 3645–3648; difficulty experienced in procuring evidence to convict publicans of supplying drink to intoxicated persons, 3627–3643; about 75 per cent. of those pledged by Edinburgh Total Abstinence Society lapse, 3648–3650; advocates rural industrial reformatories for habitual drunkards and vagrants, where proceeds of labour after defraying board would go towards maintenance of family, &c., 3651–3655; institutions to be maintained by local contributions but inspected by Government, 3656–3663, 3685; does not favour utilizing of vacant poorhouse accommodation, 3664–3667; would enforce labour by punishment, 3668–3674; period of detention should be indefinite and liberation depend on report of manager to Board of Directors, 3676–3682.

LICENSING LAWS.

Mr F. P. Walton on responsibility of publicans, p. 578.

Enforcement of these in England, p. 627.

Difficulty of securing evidence sufficient to convict publicans who supply liquor to intoxicated persons.

Bailie S. Chisholm, 84.
Mr J. Boyd, 523–524.
Mr W. Henderson, 2077.
Mr David Lewis, 3627.

Laxity in enforcing law.

Father M'Mullen, 10,348.
Mr A. Wallace, 11,079.
Col. Macaulay, 12,297.
Rev. D. M. Ross, 13,490.

Stricter police supervision of public houses needed.

Prof. Gairdner, 729.
Rev. J. D. Robertson, 6190.

Sale of liquor to children prohibited.

Rev. J. D. Robertson, 6189.

LICENSING LAWS—*continued.*

Would punish violation severely.

Mr John Alexander Dewar, 6312.

Licenses restricted, 6190.

LOCAL GOVERNMENT BOARD.

Position in regard to vagrants and parochial shelters, p. 574.

LOCH, Mr C. S.

Secretary London Charity Organization Society, 14,900; explains Dorset and Gloucestershire systems for relief of vagrants, 14,909–14,912; compares Scotland and England as to number of vagrants, 14,915–14,926; considers system of casual wards discourages tramps, 14,928; and thinks system of shelter such as those of Salvation Army ruinous, 14,931; recommends casual wards with labour test for able-bodied poor in Scotland, 14,933; statistics of vagrancy in London, 14,942–14,952; details of shelter and refuge accommodation, 14,953–14,967; considers them centres of infection, 14,969–14,972; law of London as to vagrancy, 14,974; statistics of prosecutions, 14,977; thinks there is a considerable proportion of *bona fide* cases of persons out of employment amongst vagrant classes, 14,984; explains Continental system of Labour Colonies, 14,989–14,998; and results of experiments of Mansion House Relief Conference, 15,000, 15,005; thinks present system of casual wards satisfactory in dealing with ordinary vagrants and, with help of voluntary philanthropic effort, sufficient to meet cases of working men in search of work, 15,008–15,027, 15,035; would not have State provide employment, 15,042; does not think alleged increase of vagrancy proved, 15,047; considers Salvation Army system of shelters unsatisfactory, 15,058–15,061.

LOCKHART, Mrs.

Hon. Secretary of Brownsland Home for Inebriate Women, Peeblesshire, 5725, 5726; all admissions voluntary, 5730; expenses defrayed by friends, 5731, 5779–5781; required to stay for twelve months, shorter periods little use, 5734–5736, 5775, 5788–5789; voluntary cases most hopeful, 5795–5800; all inmates share in house-work, 5739, 5783, 5784; and do sewing and knitting, 5739; restrictions as to visits, &c., 5746–5752, 5833; specimen cases, 5761–5768; no stimulants given, 5769–5771; compulsory powers of detention desirable, 5801–5804; no classification of inmates, 5805–5807; outdoor labour encouraged, 5815, 5816; daily routine of duty, 5817–5826; number cured, 5729; the longer the period of detention the more hopeful the cure, 5792–5794.

LOW, Lord Provost.

Lord Provost of Dundee, 8071; definition of habitual drunkard, 8086, 8127–8130; would commit direct to reformatories for period of twelve months all habitually convicted of simple drunkenness, 8084; those who are convicted of other petty offences along with habitual drunkenness should first be punished for such additional offences, and then sent to reformatory, 8085, 8119; would not exceed twelve months, 8198–8200; reasons for not making special exceptions of working men who occasionally get drunk, 8087–8089; habituals who do not come before police courts to be committed on certificate of two medical men and a Magistrate or Justice of Peace, on the initiative of their friends, 8090–8093, 8168–8171; the well-to-do to defray the cost of their own maintenance, 8190; the reformatories to be maintained by State, 8094–8100, 8122, 8135–8141, 8165–8167, 8172, 8173; all inmates to be employed and provision made for outdoor gardening work, 8100–8102; employment of females at poultry-tending and garden work, 8105–8116, 8142–8153, 8186–8189; number of habituals in Dundee, 8117–8121, 8162–8164; previous convictions stated in court, 8161; thinks public opinion is ripe for such change, 8174, 8175; considers 300 not too great a number to be treated in one institution, 8177.

LOW, M.A., Rev. G. D.

For evidence *see under* Rev. Prof. W. G. Blaikie.

LUNACY LAWS.

Position of pauper lunatics boarded out, and of persons in private dwellings under 6 months' certificates, pp. 562 and 563.

Committal of offensive and dangerous, p. 571.

And of pauper and other lunatics, p. 570.

Habitual drunkenness should not be brought under these,—Dr A. Peddie, 2282, 2283.

M'ADIE, Mr Alex. Macleod.

Manager of Glasgow Night Asylum and House of Industry, 12,233; numbers and sex of those sheltered last year, 12,231–12,235; most of the cases admitted due to intemperance, 12,250; though a good number are respectable workmen in temporary difficulties, 12,251; women mostly wives deserted on account of intemperance, 12,254, 12,256; who are sent to parochialauthorities, 12,257, 12,258, 12,287, 12,288; some are prostitutes, 12,278–12,280; no work test, 12,281–12,286; the House of Industry for Females not to be continued on present basis, 12,260; some women remained practically for life, 12,261–12,263; payment for work done, 12,264–12,269; thinks such an institution could easily be self-supporting, 12,271–12,276.

MACALLUM, Dr Hugh.

Gipsies drunk and disorderly in their habits, parents should be forced to educate their children, or children should be removed from them. Should not be allowed to camp unless sanitary officer certifies dwelling to be habitable. Neglect their children when drunk. Description of a dwelling—6605.

M'CALLUM, Rev. John.

Number of tinkers in Scotland and in Perthshire, 7247; generally honest, but given to begging and drunkenness, 7257, 7258; moral condition, 7251, 7259–7261; education of children defective, 7263; parents should be compelled to send them to school, 7271, 7272; in default of which, children should be committed to a central industrial institution, 7272, 7279; no endeavours made by School Board to reach these children, 7274–7277; institutions to be supported by local and Imperial funds, 7302, 7303; existing institutions being utilised, 7281; distinction between vagrants and tinkers, 7285–7291.

M'CARTNEY, Major.

Governor of Queensberry Lodge and House of Refuge, 3059 half of present inmates of Lodge inebriates, Lodge self-supporting, 3066, 3070, 3108, 3109; results of treatment satisfactory where period of detention has been over four months, 3083, 3110–3111A; admissions chiefly voluntary and no power of compulsory detention, 3084–3089; does not consider such power needed, 3115, 3217, 3273, 3274; no restraint on liberty after certain period of detention, 3090–3096, 3227; steps taken to prevent bringing in of drink, 3097, 3102, 3177, 3178, 3205; punishments for breaking rules, 3103–3106; no drink allowed unless prescribed by medical officer, 3114, 3228, 3229; regards habitual inebriates as lunatics to be confined to asylums, 3116; Queensberry House of Refuge, 3117–3120; number of inebriates amongst inmates, 3121; usual treatment on admission, 3124–3131; magistrates occasionally refrain from sending persons to prison on condition of their going to House of Refuge, 3132–3136; and children often sent till arrangements for their reception by Industrial School are made, 3206–3209, 3254–3256; destitute inmates perform house work, others work for own benefit, 3146–3153, 3179–3184, 3194–3199; classification of inmates, 3107, 3160, 3161; outdoor labour under supervision desirable, 3164; so-called 'gold' cures useless, 3166–3177, 3228; forty casuals sheltered every night—preference given to old men, lads and women with children, 3185–3188, 3200–3204; and large number of poor fed daily, 3189; would put habitual police offenders to outdoor work, and detention in poorhouses or prisons for from one to two years under strict discipline, 3210–3217, 3257, 3258; would deal stringently with drunkenness, prostitution, and vagrancy, 3259–3266; Canadian methods of dealing with such, 3267.

MACAULAY, Col. C. E.

Governor Ayr Prison, 12,289, 12,290; considers high ratio of arrests in Ayr due largely to imported drunkenness, 12,293–12,296, 12,339–12,341; and to laxity of police in regard to drunkenness and the supplying of liquor to persons already intoxicated, 12,297; increase mostly from county, 12,336–12,338; numbers committed to prison for petty offences, 12,299–12,302; accounts for large number of vagrants sent to prison, 12,303–12,312; prison labour and outside competition, 12,313–12,323; finds fewer punish-

ments required where work is not monotonous, 12,342, 12,343; considers present methods of dealing with habitual offenders not deterrent, 12,324; thinks prolonged detention the best thing for many habituals, 12,325; but would distinguish the hard worker who gets occasionally drunk, gives instances, 12,326–12,335.

MACEWEN, Rev. Dr A. R.

Along with Rev. Messrs Campbell and Brown represents U.P. Presbytery of Glasgow, 530; strongly of opinion that compulsory legislation is needed to deal with habitual drunkards, 532; evidence of cruelty and offensive and dangerous conduct sufficient, 533; period of detention should be over one year, but fixed by medical advice, 534, 563–564; retreats should be provided, not left to individual or philanthropic enterprise, 535–536, reasons, 538; cost partly defrayed by local assessment and partly by Imperial Funds assisted from philanthropic agencies, 539–540; thinks public opinion favourable to proposals to deal with habitual drunkards, 542–543; actual convictions should not be pre-requisites to compulsory treatment, 544; thinks power of initiation of proceedings against habitual drunkards should be outside of relationship, 547–549, 562, 592–593; suggests police, 550–553, 556–557; and enquiry before judicial authority, 548; Legislation much needed for large class who habitually get drunk and cause annoyance to family though keeping within the law, 558–561, 570–572, 574–578, 583; not prepared to incarcerate those who drink quietly at home, 565–566, 573; maintenance of family of habitual during incarceration, 567, 591. Inadequacy of powers of Societies for Protection of Children, &c., 579–582. Powers of removal of children from parents for cruelty, 585–586; women as drunkards exceedingly common, 588–589.

M'HARDY, Mr Chas. A.

Chief Constable, Dumbartonshire, 11,661; number of arrests for petty offences, 11,664–11,668; method of disposing of drunk and incapables, 11,669–11,678; cost of transfer to prison, 11,679–11,684; tinkers fairly well behaved, 11,690; vagrants much more troublesome, 11,699–11,700; desirous of having powers of Burgh Police Act anent vagrancy and drunkenness extended to county, 11,707–11,711; thinks tinker children should be educated by authorities of parish where born, but has no practical plan to suggest, 11,714–11,724, 11,820–11,824; death of tinker children always intimated, 11,794; and buried by sanitary authorities, 11,798; thinks pedlars' certificates should be endorsed in every county, 11,726–11,730, 11,825–11,827; no shelters for tramps, 11,732; practice of giving shelter to tramps at police stations, 11,735–11,758; instances where inspector of poor refused aid, 11,760–11,764; a considerable number of vagrants are in receipt of parochial relief, 11,811–11,815; suggests taking selling of liquor out of private hands as a means of doing away with custom of treating, the cause of many becoming habitual drunkards, 11,816–11,820.

M'HARDY, R.N., Captain Hardy.

Chief Constable of Ayrshire, explains origin of Ayrshire Mendicity Society, 12,403; particulars of Society's methods, 12,409–12,422, 12,441–12,446; and extent of last year's operations, 12,423–12,436; financial results, 12,437–12,440; instances of tickets being presented by men in employment and in funds, 12,447–12,454; few *bona fide* working men found taking advantage of system, 12,456–12,461, 12,537–12,539, does not think system encourages vagrancy, 12,462, 12,463; vagrancy statistics unreliable, 12,463–12,476; particulars of operations of similar society in Dorsetshire, 12,480–12,491; attributes steady increase in arrests for vagrancy and other petty offences to the creation of police burghs in the counties, 12,492–12,495; good results following the employing of police as relieving officers in Essex, 12,496–12,499, 12,511, 12,512; feels strongly that it would be a mistake to extend powers of Burgh Police Act anent vagrancy and drunkenness to counties, and thinks present powers under various statutes sufficient, 12,518–12,524; failure of attempt in Essex to suppress vagrancy by imprisonment, 12,525.

MACKAY, Mr William.

Considers high ratio of apprehensions in Ayr due to influx of excursionists, militiamen, &c., 11,834–11,837, 11,866–11,867; previous convictions of those apprehended during 1893, showing number of habitual offenders, 11,838–11,843; illustrative cases, 11,879–11,884; considers imprisonment has little effect on habitual offenders who should be sent to a retreat, 11,843, 11,852; Local Authorities and Prison Commissioners contributing to upkeep, 11,886; practice of liberating prisoners with or without pledges, 11,845–11,849; increased penalties under Burgh Police Act rarely inflicted, 11,850, 11,851; Ayrshire pass system for relief of vagrants, &c., responsible for considerable influx of vagrants, 11,853–11,857, 11,863; which is increasing, 11,859–11,862; prostitution amongst young women too common in Ayr, 11,873, 11,874; and very difficult to deal with, 11,870; laxity of police in regard to prostitution, 11,871, 11,872.

M'KENZIE, Mr Archibald.

Ex-Bailie, Aberdeen, 7711; thinks short sentences on habitual offenders are not deterrent, 7715, 7755; and present powers of dealing with petty offences insufficient, 7717; considers public opinion favourable to increased powers of dealing with habituals, 7737, 7738; thinks they should be sent to institutions under Government control and made to work, 7717, 7747; cost to be met by Imperial funds and the contributions of friends of inmates where able, 7717, 7730; employments, 7719–7729; would give powers to magistrates or justices to commit habituals to retreats on representation of friends or neighbours, 7733–7736; would utilise existing institution so far as possible, 7761.

M'KENZIE, Rev. Mr.

One of deputation from Perthshire Committee on Vagrancy. See under Col. Williamson.

M'LAGAN, Mr.

One of deputation from Perthshire Committee on Vagrancy. See under Col. Williamson.

MACLAGAN, Sir Douglas.

Professor of Medical Jurisprudence in Edinburgh University, 5659–5661; considers present system of short sentences for habitual offenders injurious, 5662; would abolish fines, 5663; and after seven convictions within one or two years would detain as habituals in reformatory institutions for two or three years at outdoor labour, 5664–5668, 5671–5674, 5693–5695, 5718; thinks proceedings before Sheriff and medical certificates before committal to institutions unnecessary, 5673, 5692; views on connection of drunkenness and disease and treatment necessary, 5675–5677, 5696–5704; thinks medical and scientific opinion would support compulsory legislation, 5705; considers it undesirable to identify inebriety and lunacy, 5717; habitual prostitutes to be kept in separate establishment, 5708; and thinks inebriety in prostitutes an effect rather than a cause, 5720; would not interfere with vagrants unless dishonest, 5711–5711, 5723.

M'LAREN, Mr David.

Formerly connected with Edinburgh Town Council, and County Prison Board, 15,151; quotes report of Inspector of Prisons in 1847, and report of County Prison Board Committee in 1862, anent system of frequent recommittal of prisoners, 15,153; also quotes motion by the Right Hon. Lord Kinnaird in 1864, recommending committal of habitual petty offenders to poorhouses or asylums for treatment, 15,156; comparative statement of ratio of committals for years 1860–1863 in Edinburgh, Glasgow and Perth, 15,158; figures as to number of habitual offenders in Edinburgh, 16,150; quotes opinions anent deterrent effects of cropping hair of prisoners, 15,172, 15,773; thinks habituals should be detained for lengthened periods in adult reformatories, 15,177, 15,178; and favours the establishment of principle of 'habit and repute' for petty offences, 15,183.

M'MULLEN, Rev. Father John.

Estimates Catholic population of Glasgow, 10,825d.; and considers they contrast favourably as regards sobriety with Irish Catholic population of Liverpool, Manchester and London, 10,325c.–10,332; thinks the question of the housing of poor, and the want of rational amusements have to do with the prevalence of intemperance, 10,342; as also the large number of public-houses and the laxity in carrying out licensing laws, 10,347, 10,348; suggests that list of persons declared to be habitual drunkards should be supplied to publicans, and they prohibited from supplying such with drink, 10,352–10,358; after which, if not effective would give relatives power to initiate proceedings before Sheriff for committal to a retreat, 10,359; no reformatory school for Roman Catholic girls in Scotland, 10,396–10,398, 10,400.

M'NAUGHTON, M.D., JOHN.

Medical Officer of Perth Prison, and Medical Superintendent of Criminal Lunatic Asylum, 6930; considers system of short sentences on habitual offenders inadequate and demoralising, 6932-6937; would detain such for lengthened period under dietetic and medical treatment, 6940-6951, 6990; suggests twelve months as minimum period of detention, 7020; leaving maximum indefinite, 7021-7022; all undergoing period of probation prior to conditional release, 7033-7039; from 15 to 20 per cent. of insane inmates are alcoholic cases, 6953-6954; cases of cures, 6955-6962; system of liberating insane prisoners on licence, 6963-6967; thinks weak-minded petty offenders should not be sent to prison but to separate institution, 6984-6988; considers separate confinement for long periods detrimental, 6992-6994, 7010-7015, 7061-7062, 7071-7077; and that evils of association could be obviated by proper classification, 6995-7005, 7016-7017; experience of beneficial results from prolonged detention of certain cases, 7006, 7018-7019; drunkenness as a disease, 7023-7025; favours agricultural labour and laundry work for habitual drunkards, 7026-7030, 7040-7053, 7057-7060, 7063-7071; difficulties of applying system of guardians to habitual offenders and drunkards, 7031; 200 to 300 the maximum number in an institution, 7038; essence of the treatment that superintendent should know each case individually, 7038.

M'NEILL, Mr MALCOLM.

Secretary to Local Government Board speaks to Shelter Houses in Jedburgh, Selkirk, and Stirling, 5842-5844; quotes circular by the Board containing rules to obviate certain abuses of the system, 5845-5850; want of effective powers of interference, 5852; shelter accommodation in Forfarshire, &c., 5853; shelters not suggested as substitutes for casual wards but for sick and infirm poor, 5861, 5862; powers of Parochial Boards to detain pauper children very limited, 5867-5871; poorhouses getting emptier through extention of boarding-out system, 5873; improved classification of paupers desirable, 5874; and further power for detention of dissolute and restless paupers, 5875.

MACPHERSON, Mr JOHN.

Chief Constable of Perthshire, 6323; number of habituals in Perthshire small, 6326; system of short sentences for such is useless, 6327, 6497, 6503; recommends cumulative sentences, 6328, 6471; number of gipsy families and their dependants in the county, 6335; vagrant children get no education, 6337, 6396-6398; should be compulsorily educated, and sent to Industrial School, 6353, 6468, 6469, 6489; gipsies generally honest and orderly, 6333-6347, 6431-6446; advocates the prohibition of camping-out and providing of parochial shelters, 6349-6352; majority of tramps are not *bonâ fide* workmen in search of work, 6365; number of apprehensions for vagrancy, 6372, 6467; advocates provision being made for relief of *bonâ fide* workmen and aged and infirm vagrants and vagrant children, 6379-6391; strongly recommends extension to counties of power under Police Burgh Act respecting drunkenness and vagrancy, 6403, 6404; cites county Bye-laws for Prevention of Vagrancy, 6405-6414; persons liberated on pledges always cited to appear at court, 6418-6423; good results from placing certain persons charged with drunkenness under caution, 6472-6483; no steps taken to deal with vagrant children, either by School Board or police, 6484-6492.

MACRAE, Rev. DAVID.

Was with Mr Jas. Thomson, Member of Committee investigating 'Tyson' drink cure, 8464; Committee all abstainers, 8561; mode of treatment, 8467-8470, 8514-8518, 8551-8553; 20 test cases, including 5 females, selected by philanthropic agencies in Dundee, 8471-8478, 8554, 8555; duration of test, 8480; results—the speedy disappearance of drink crave, restoration of sleep and appetite, and creation of a nausea to drink, &c., 8479, 8528-8536, 8556; ultimate result—viz., only 4, including 1 female, stood firm, 8479-8497, 8511; gives details of one case thrice treated, 8498, 8499; cost of treatment, 8518-8523, 8536-8540; medicines to be given with patient's knowledge, 8552, 8553, 8577; results of experiments elsewhere, 8524, 8525; nature of ingredients of medicine, 8563-8568; qualifications of Dr Tyson, 8571-8573; considers drunkenness a physical and mental disease, 8575, 8576; the 'Tyson cure' considered as a 'faith cure,' 8578; personally considers it as a cure for drunkenness worthless, but for destroying the drink crave a valuable medicine, 8587.

MAGDALENE ASYLUMS.

Number of inmates, employment and profits therefrom, p. 555.
Government aid asked for, p. 577.
Voluntary admission to all, 991.
Period of detention, 1 to 2 years, 1014, 1222, 1287.
Compulsory powers of detention desirable, 1152, 1184.
Employed at sewing, knitting, laundry work, 1014, 1254, 1278.
One-third remain for 18 months with satisfactory results, 5249.
Situations got as laundry maids or general servants in private houses, 5612.
Seventy per cent. reformed at Lochburn, 1125.
Many cases have done well, 7568.

MAIN, Mr ALEX.

Chief Constable of Leith, 5354; considers Leith clearer of prostitution than Edinburgh, 5363, 5364; the heavier penalties enacted by Burgh Police Act not taken advantage of, 5365, 5366; present sentences for habitual drunkenness have no deterrent or reformative effect, 5376, 5434, 5435; effect of Burgh Police Act in prosecutions for vagrancy, 5382, 5383, 5387; prostitution in Leith, 5389, 5402-5410; results of suppression of brothels in Edinburgh, 5463, 5464; first offence always discharged, 5390-5392; sentences vary, maximum sometimes five, 5393-5395, 5397; but not in the least reformative, 5416; cost of transfer of prisoners to Edinburgh prison, 5413-5415; juvenile offenders largely sent to Industrial Schools through co-operation with School Board, 5421, 5455-5460; and almost invariably turn out well, 5422; Reformatory School case not so hopeful, 5424-5427, 5450-5454; undesirable to send children to prison, 5429; treatment of first offenders, large proportion of pledges forfeited, 5472-5480; Sunday hotel traffic in Leith, 5481-5484.

MARTIN, Mr JOHN.

Missionary in Edinburgh, 6235; arranged meeting in Edinburgh of about 100 drunkards to discuss best methods of treating habitual drunkards, 6235A.; when resolution favouring compulsory treatment was unanimously agreed to, 6236-6238A., 6241-6243; was also stated at meeting that the credit given by publicans and licensed grocers contributed to prevalence of habitual drunkenness, 6238.

MEARNS, Bailie DANIEL.

Member of Aberdeen Town Council, 7827; number of habitual offenders, 7829-7836; penalties for drunk and incapable, 7839-7842; drunk and disorderly, 7843-7848; prostitution, 7849-7854; vagrancy and begging, 7855-7857; would send habitual vagrants to reformatories, little good being done by sending to prison, 7857, 7866, 7939; definition of habitual drunkard, 7917, 7918; considers all habitual drunkards should be committed to retreats for periods not exceeding two or three years and put to work, 7872, 7875; the better class who can pay for their maintenance having separate accommodation and employed at congenial pursuits, 7872; cost to be borne by State, 7873; and local contributions, 7886; estimated cost for Aberdeen, 7873; retreats to be under local management, 7894-7897, 7904-7906; and Government inspection, 7885, 7886; accused persons seldom put under caution for good behaviour, 7882-7884, 7929; number of those who oscillate between prison and poorhouse, 7898, 7899, 7906-7908; personally does not convict prostitutes charged with importuning unless person importuned is a witness, 7945-7951.

MEMORIALS TO CABINET MINISTERS.

Vide Appendices C., H., I., and J.

MILLER, Mr.

One of deputation from Perthshire Committee on Vagrancy. See under Col. WILLIAMSON.

MILLER, Mr DONALD.

Compulsory Officer of Edinburgh School Board, 4469-4470; mode of dealing with defaulting parents, 4482-4488, 4516-4530; number dealt with, prosecuted, and imprisoned, 4471-4475; decreased since Free Education Act, 4497; parents addicted to drink, more frequently mothers, 4476, 4522-4523; procedure in sending children to Industrial Schools, 4473, 4477-4478, 4484-4485, 4539-4543; Crown Office restrictions on interpretation of Act, 4478, 4502-4504; resulting in increased juvenile delinquency, 4479-4481, 4486; cases sent to Reformatory Schools, 4495, 4535-4536; moral results of street vending in case of girls,

4493–4494 ; difficulties in dealing with vagrant children, 4498–4501 ; co-operation of School and Parochial Boards in disposal of children, 4505–4507 ; pantomime chidlren well cared for, 4531–4535 ; 80 per cent. of children committed to Industrial and Reformatory Schools turn out well, 4537–4538 ; scope for Day Industrial School in Edinburgh, 4543–4545.

MILLER, Miss J. F.

For thirty-two years in Scotch prison service, 1799–1800; daily average female population of Glasgow Prison 375, or 58 per cent. of total female prison population of Scotland, 1802 ; annual commitments 10,769, or 60 per cent. of total females for Scotland, 1803, 1810–1811 ; representing about 3300 individuals, 1813–1814 ; of whom about 350 are habituals, 1815 ; comparative tables for same periods in 1891 and 1894, giving analysis of previous convictions, ages, and occupations, 1806, 1837–1838, 1843–1845, 1865–1867 ; show large number of short sentences inflicted and large number of young persons imprisoned, 1807–1809, 1838, 1859–1860 ; short sentences have no deterrent effect 1816–1818, 1834 ; and only fit for renewing prisoners dissipation, 1885–1886 ; minimum period twelve months, 1888 ; classification necessary, 1819 ; recommends division into aged, docile, undisciplined, and refractory or incorrigible, 1820 ; aged, about 4 per cent., could be housed in poorhouses, 1820, 1826, 1839–1842, 1861–1865 ; the docile, about one-third, might be trained to useful labour in existing homes and shelters, 1821–1823 ; incorrigible habituals should be detained for lengthened period and put to healthy labour, 1835, 1889–1894 ; number of incorrigibles few, 1872–1874 ; women sent to prison for begging, 1850–1853 ; mostly old and fit only for poorhouse, 1854 ; females sent to shelters often return to prison, 1878–1880 ; many only kept in shelters by hope of the wages, 1882.

MILLER, Dr J. W.

Medical Officer Dundee Prison, &c. &c., 13,375 ; gives particulars of cases of weak-minded persons sent to prison, 13,376–13,403, 13,408–13,411, 13,419–13,428; and suggests that for harmless cases there should be power to detain in poorhouse on long or indefinite sentences, 13,431–13,433 ; dangerous lunatics being kept in Perth Lunatic Department, and those insane but not dangerous in ordinary asylums, 13,407, 13,408, 13,412–13,418, 13,431–13,433, 13,443–13,452 ; thinks the compulsory confinement of the small number of local habituals would be for public advantage, 13,437–13,443 ; would fix minimum period of detention at one year, leaving maximum indeterminate, 13,453–13,455 ; considers it probable that a large proportion might be cured, 13,456, 13,457 ; strongly recommends outdoor labour for both men and women, 13,458–13,460 ; considers long periods of separate confinement detrimental, 13,439–13,444 ; submits memorandum from Dundee branch of British Medical Association, 13,460.

MILNE, Mr George.

Secretary, Aberdeen Discharged Prisoners' Aid Society, 7988 ; proportion of habitual offenders in Aberdeen very large, 7991 ; memorialised Secretary for Scotland suggesting establishment of adult reformatory institutions for prolonged detention of inebriates, with recommittal on lapsing, 7991 ; suggests also the hiring-out of inmates on probation, 7999 ; present system has no deterrent effect on habituals, 7992 ; thinks those mentally deficient should be confined in poorhouses, 7997 ; would whip juvenile offenders in preference to imprisonment, 7995, 7996 ; difficulties in helping habituals after discharge, 8001, 8009.

MITCHELL, Mr Wm.

One of deputation from Perthshire Committee on Vagrancy. See under Col. Williamson.

MITCHELL, Mr William, Glasgow.

Connected with Glasgow School Board for twenty-one years, and with Juvenile Delinquency Board for twelve years, Vice-Chairman of both, 147–149 ; default officers report from 50 to 75 per cent. of default cases annually under notice, to be attributable to drunkenness of parents, but mainly in aggravated cases are parents frequenters of Police Court, 152–157, 227, 242 ; drunken mothers specially difficult to deal with, 228, 230 ; defaulting parents dealt with by Board in first instance, 152, and only after manifold dealings, by the Sheriff, 231–234, 239 ; children of habitual drunkards generally sent to Day Industrial Schools, 158–164, 212 ; procedure prior to admission, 165–168 ; parents contribute to maintenance, 168 ; minimum and maximum length of committal, 171 ; Magistrates frequently send juveniles charged with petty offences to Day Industrial Schools instead of convicting them, 177–178 ; many thus dealt with would otherwise become vagrants and beggars, 176 ; no further powers needed to deal with children of defaulting parents in Glasgow, 187 ; School Attendance Department overtaking all but a very small proportion, who escape through continual moving about, 214–219, 235–237 ; chiefly conversant with tinkers in Perthshire, 179–181 ; adults all drunkards, 183, 200 ; constantly quarrelling and responsible for large percentage of petty crimes, 208 ; their dwellings but a few sacks or old rags over upright poles, 189–190, 194, 199 ; the children destitute and degraded, absolutely neglected, no education, 182–184 ; mortality excessive through exposure, &c., 205–207 ; no moral training or teaching, 211 ; recommends Home for Inebriate parents with a probation of from six to twelve months, but if not reformed thinks easier means of separation from family desirable, 229 ; (1) regarding tinkers, suggests that Local Authority should have power to prevent landlords or tenants giving such people leave to set up their tents on their lands, 188 ; (2) the registration of all such movable dwellings under Local Authority for inspection, and the provision of refuges, 192, 195 ; with imprisonment if necessary, 225–226 ; believes moral suasion more effective than punitive measures, 257 ; would exempt caravans from such regulations, 196, 210–211.

MORRIN, Bailie David.

Magistrate of Glasgow for six years, 1630–1632 ; considers ninety per cent. of petty offences attributable to drunkenness, 1633, 1635, 1711–1716, 1728–1731 ; diversity of practice amongst Magistrates in sentencing for drunkenness, &c., 1636–1641 ; personal method with petty offenders, 1642, 1757–1764 ; difficulty of enforcing a system of cumulative sentences, 1649–1652 ; short sentences not reformative, 1653, 1723–1725, 1753 ; difficulty of defining an Habitual Drunkard so as to include only those with whom desirable to deal, 1654–1660, 1717–1719 ; considers female habituals increasing, 1720 ; habituals should be remitted to Sheriff for enquiry, 1669–1670 ; who should have power to commit to retreats those found to be habituals for periods from three to six months, and any not so dealt with to imprisonment for not exceeding sixty days, 1667–1668, 1671, 1703–1704, 1721–1722 ; retreats to be maintained by proceeds of labour and funds partly local and partly Imperial, 1672–1683, 1744–1750 ; Trades Unions and Prison Labour, 177 ; juvenile offenders, 1754–1756, 1772–1784 ; prefers whipping to imprisonment for such, 1779–1781 ; persons weak-minded and unfit for prison discipline should be sent to homes, 1735–1743 ; difficulty of convicting publicans for supplying drink to persons already under its influence, 1766 ; would restrict dealings of publicans and pawnbrokers with certified habituals, 1769–1770 ; number of prisoners in prison for importuning on certain dates, 1785–1790 ; instances case of prostitute restored to friends and doing well, 1791–1794 ; powers of Magistrates to liberate, 1796–1798 : "finish" and ether drinking, 1662–1666, 1726–1727.

MOTION, Mr James R.

Acting-Inspector of Poor for Barony Parish of Glasgow for nine years and connected with Barony Board for twenty-eight years, 246–249 ; explains system of boarding out lunatics, 253–257, and of medical relief, 261–262 ; poorhouse and hospital accommodation, 264–265 ; inmates classified, 265 ; those classed as deprave l, and consist chiefly of males with venereal disease, and females with illegitimate children, 266–274 ; details cases of males and females, 276–301 ; nothing in Scotland corresponding to English casual wards, 302–305 ; decent working-men on tramp in search of work not accommodated under Scotch Poor Law, 306 ; considers those sheltered at police offices constitutional loafers, 307–309 ; present power of detention of paupers in poorhouse unsatisfactory, 331–339 ; great deal of habitual drunkenness met with in administration of Poor Law, 319 ; considers it rather leniently dealt with by Magistrates, 322 ; thinks six convictions for drunkenness within any period should constitute an Habitual Drunkard, 321–325 ; would discriminate between inebriates of poorhouse class and working-men, 389–390 ; habituals could be economically treated in partly vacant poorhouses throughout the country, 320, 341–347 362–366 ; proceeds of labour would greatly diminish cost, 367–369 ; would fix maximum period of detention at two years, and minimum at six months, 370–373 ; which might be reduced by Magistrates on certificate by medical man, 378 ; does not connect inebriates with habitual petty thefts, 380–381 ; was connected with deputation to Germany to inspect Labour Colonies, 326 ; extract from German Penal Codes giving offences for which persons might be sent to Compulsory Labour Colonies, 327–328 ; children of paupers kept in special department and go to public schools, 356 ; children of depraved parents may be removed from parents' custody under Act of 1892, and boarded out, 331–334 ; since 1884, 488 have been so removed with good results, 336–338 ; and parents' claim for restoration of children can be opposed under The

Custody of Children Act, 1891, 386–388; poorhouse populations lowest about August and September, and highest about January and February, 348–349, caused by restless paupers, who go on tramp during spring and summer and return for winter months, 348–354; would suggest Government contribution towards expense of treatment of habituals, 391–392.

NAIRNE, L.R.C.P. and S.E., ALEX.

Was associated with Dr A. J. Currie in 'metabolic' treatment of inebriety, 11,086; connection severed through action of General Medical Council, 11,087, 11,088; opinion as to 'cure,'—its composition, administration and results, 11,089–11,152; considers it valuable as a remedy for results of intemperance, 11,089, 11,096, 11,127, 11,134; thinks it necessary that patient be aware of what he was being treated to, 11,132–11,147.

NAISMITH, M.D., F.R.C.S., W. J.

Surgeon to Ayr Prison, 12,344; has found great difficulty in private practice in dealing with cases of habitual drunkenness through want of compulsory powers, 12,347, 12,348; considers voluntary nature of present facilities unsatisfactory, 12,349–12,351; and thinks relatives of an habitual drunkard have power by petitioning Sheriff to have him confined, 12,390, 12,391; considers petty offenders are increasing due to inefficiency of system of short sentences, 12,354–12,359, 12,376; thinks sentences should be cumulative, and favours compulsory detention in adult reformatories at suitable work, 12,360–12,363, 12,379; would not differentiate workman who was habitually drunk on pay days and was convicted, 12,364, 12,365; does not hold confident views as to curing habitual drunkards, 12,366–12,369; and considers no disease known where heredity has more frightful influence, 12,371–12,373; would fix one or two months as minimum period of detention, 12,379; considers long terms of separate confinement deleterious to both mind and body, 12,380–12,383; would send epileptic and weak-minded offenders to poorhouse instead of prison, 12,384–12,387, 12,392–12,407.

NAPIER, Mr WM.

Governor Greenock Prison, 12,086; does not think imprisonment has any good effect on habitual offenders, 12,089A., 12,145; illustrative cases of weak-minded prisoners who ought to be sent to poorhouse, 12,090–12,125; would not send persons to prison for simple drunkenness, 12,130, 12,146; unless habitual, when they should be committed for from 1 month to 6 weeks, 12,130, 12,147; previous convictions should be libelled, 12,131–12,136; advocates adult reformatories for aged offenders, 12,148–12,149; prison labour and outside competition, 12,153–12,163; treatment of vagrancy in Fifeshire, formerly resulting in damages being given against chief constable, 12,169–12,180; sharp dealing with sheebeners in Greenock, 12,181–12,186; would assist honest tramps and provide shelters under police control, 12,187, 12,188, 12,201, 12,202; administration of Greenock tramp shelter, 12,190–12,197, 12,204; considers drink a factor in 90 per cent. of all crime, 12,212–12,214; begging in Rothesay, 12,215–12,222.

NEILSON, Mr GEORGE.

Procurator-Fiscal at Glasgow Police Courts, 10,549; thinks ratio of police to population partly accounts for large proportion of arrests for petty offences in Glasgow, 10,554, 10,555; as also the periodical influx of strangers from surrounding places, 10,556, 10,557; but does not think the offences set up under elaborate special Police Acts applicable to Glasgow in any way accounts for the large number of arrests, 10,560; ratio between fines and terms of imprisonment as limited by Summary Jurisdiction Act, 10,565–10,570; practice followed in Glasgow Police Courts in applying previous convictions, 10,571–10,596, 10,626–10,636, 10,754–10,769; personally is not satisfied that imprisonment is of any use for petty offenders, 10,606, 10,649; thinks Glasgow freer from open prostitution than Edinburgh, 10,605–10,611; Glasgow police and shebeening, 10,614–10,625, 10,713–10,715, 10,728; usual treatment of juvenile offenders—magistrates generally opposed to whipping, 10,638–10,649; personally favours enforcement of *parental* chastisement in preference to public whipping or imprisonment, 10,650; system of liberating on pledge in Glasgow, 10,651–10,675, 10,736–10,745; thinks proceeds of pledges, fines, &c., might fitly be applied in part to institution for treatment of offenders in Glasgow, 10,670–10,673; thinks accommodation, &c., for prisoners in police cells prior to trial might be improved, 10,680–10,690; prosecutions for using abusive language, 10,694–10,702; would favour the remitting of habitual offenders to Sheriff to be dealt with for specific offence, and afterwards committed as an habitual to adult reformatory, 10,705–10,712, 10,730; general procedure in cases of prostitution, 10,719–10,727; usually admonished for first offence, 10,718.

NICOLSON, Dr DAVID.

Physician-Superintendent Criminal Lunatic Asylum, Broadmoor, and Member of English Departmental Committee on Inebriates, 13,856; states that weak-minded convicts formerly kept in Woking Prison employed at light labour, 13,860–13,864; insane short sentenced prisoners go to County Asylums, 13,866; does not think intemperance of itself largely productive of insanity, 13,873, 13,874; no special means for mitigation of sentences of weak-minded prisoners, 13,890–13,892; percentage of cases committed during Her Majesty's pleasure where insanity is due to intemperance, 13,907–13,911; favourable results of treatment at Broadmoor, 13,893–13,896, 13,900–13,902; thinks habitual drunkenness ought to be specially treated apart from question of lunacy, 13,912; and intemperance dealt with much more stringently, 13,913; definition of habitual, 13,922, 13,923; advocates the establishment of retreats and reformatory institutions managed and controlled by State and aided from local sources, 13,875–13,877, 13,915–13,917; thinks labour of inmates would go far to meet expenditure, 13,877–13,879; thinks minimum period of detention should not be less than 12 or 18 months, 13,897; and that power of committal should be in hands of public State official after inquiry, preferably private, 13,918–13,920; annual cost of each criminal lunatic at Broadmoor, 13,881; and average personal earnings of whole, 13,882–13,885.

NICOLSON, Mr JAMES BADENOCH.

Counsel to Scotch Education Department, 13,278; quotes sections of Education Scotland Act regulating the enforcement of attendance of children at school, 13,281, 13,303; but considers the powers inapplicable to gipsy children on account of constant change of abode, &c., 13,283–13,286, 13,315; further difficulties of bringing vagrant children under provisions of Education or Industrial Schools Acts, 13,304–13,306, 13,341–13,352, 13,355–13,362; power of schoolmasters to expel dirty children, 13,289–13,291; expense of sending vagrant children to Industrial Schools prohibitive, 13,292; children of able-bodied gipsies not entitled to relief as paupers, but if detained from parents by Government authority Treasury would be responsible for maintenance, 13,296–13,298; no modern precedent for such detention, 13,301; and does not think Parliament would sanction it, 13,307–13,314, 13,373; number of tinkers in Kincardineshire, 13,318–13,327; no county bye-laws anent vagrancy, 13,329–13,331; thinks it would be advantageous to extend powers anent vagrancy and drunkenness in Burgh Police Act to counties, 13,334–13,340, 13,363–13,368; considers that School Boards have power under Education Scotland Act, 1872, to erect and maintain Industrial Schools, 13,348–13,350, 13,353, 13,354.

NIGHT ASYLUMS AND HOUSES OF REFUGE.

Edinburgh, shelters paupers too late for admission to poorhouse, 4546. No labour test, but such considered desirable, 4642, 4687.

No work test at Glasgow, 12,281.

NOTIFICATION OF HABITUAL OFFENDERS AND DRUNKARDS TO PUBLICANS OR PAWNBROKERS.

Not considered of value.

Mr J. Boyd, 520.

Would favour it.

Bailie Primrose, 989.
Rev. R. Howie, 1620–1628.
Mr D. Morrin, 1769.
Mr W. Henderson, 2193–2194.
Dr Clouston, 2939–2944.
Rev. J. D. Robertson, 6190.
Mr Kinnaird Rose, 6277.
Father M'Mullen, 10,352.
Dr Norman Kerr, 14,263.

Difficulty in enforcing.

Sir Jas. Russell, 2057.

OGILVIE, Mr GEORGE.

Member and late Chairman of Glasgow City Parochial and Lunacy Boards; population of parish, 177,000, 643; poorhouse accommodation, 607; considers about half of inmates deserving paupers, 607, 644; while a large number constantly run out and in, 607, 641; these cause great trouble; 641; Parochial Boards should have powers to apply to Sheriff or Justice of Peace to detain for a lengthened

period paupers and those regularly frequenting prisons and poorhouses, 607–608, 615 ; no such powers at present, 607 ; if pauper refused admission, a line of refusal is given and they may appeal to Sheriff to order admission and if necessary from him to Board of Supervision, 609, 633–635 ; the Board may appear by agent only and reclaim, but being very expensive this is rarely done, 609, 631 ; cites case and gives particulars, 609, 616–618 ; powers of punishment of refractory paupers, 610 ; not often enforced, 611, 650–652 ; explains system of "test wards," 613, 640 ; powers of removal of children from parents indefinite and unsatisfactory, 619–624, 644–647 ; would desire additional powers, 630, 647 ; powers to board out children, 625, 626, 636–637 ; would separate respectable, honest poor from dissolute and refractory, 649 ; thinks there are many confirmed drunkards who never come before Police Court, 653 ; cites private case, 638–639.

OPIUM AND OTHER MEDICINAL INTOXICANTS, SUCH AS COCAINE, CHLORAL, LAUDANUM, ANTIPYRIN.

Dr G. Wilson, 10,515, 10,548.
Dr Batty Tuke, 12,724.
Dr Norman Kerr, 14,225, etc.

ORPHAN HOMES OF SCOTLAND.

Period of detention, 2 years, 10,260.

PAROLE

Of habituals—conditional on good behaviour, 3928.

PATERSON, Miss.

Matron of Edinburgh Magdalene Asylum. For evidence, *see under* Mr ANDREW SCOTT.

PATERSON, Miss MARY.

Inspector under Factory Acts for Scotland, knows no provision of Factory Acts relieving from official inspection charitable institutions, where sewing, &c., is done, although it is generally presumed to be exempt, 12,645, 12,646 ; personally thinks all laundries and sewing rooms in charitable and other institutions should be inspected, 12,649, 12,663–12,668 ; and quotes sections of Act which in her opinion bears out that suggestion, 12,656–12,659 ; hours of labour in some institutions too long, 12,660.

PAUPERISM.

Fifty per cent. due to intemperance, 9925.

PAUPERS.

Half of paupers in Glasgow City Poorhouse deserving, 648.
Migratory paupers to be detained in adult reformatories, and thinks Parochial Boards would contribute, 3862, 3886.

PEDDIE, Dr ALEXR.

Gave evidence before Dalrymple Committee, and has written extensively on Habitual Drunkenness and cognate subjects, 2278–79, 2301 ; considers present legislation inadequate through want of compulsory powers, 2280–81 ; Medical Faculty unanimous as to necessity for further legislation, 2291, 2302, 2306 ; present voluntary homes inadequate, though with their restricted powers their success is remarkable, 2303 ; habitual drunkenness closely akin to insanity, but to be kept from under Lunacy Laws, 2282–2283 ; Habitual Drunkards should be committed to home on certification by medical authorities and friends, dispensing with personal appearance at judicial enquiry unless specially desired, 2286–2288, 2311–2313 ; the homes to be graded for the various classes, 2289, 2292, 2307 ; and maintained partly by contributions and proceeds of labour, and partly by Imperial and local taxation, 2290, 2292, 2293–94, 2298–2300 ; scheme at first should be experimental and enlarged as found to work, 2296 ; probable cost of buildings, 2297 ; thinks 30 per cent. might be cured, 2304.

PERIOD OF DETENTION IN RETREATS.

From 6 months to 2 years.
Mr J. R. Motion, 378.
Bailie Gulland, 2520.
Captain Christie, 2601.
Dr Clouston, 2890.

Not less than 12 months.
Mr J. Boyd, 457.
Rev. Dr A. R. MacEwen, 534.
Prof. Gairdner, 665–710.
Miss Miller, 1888.
Bailie Walcot, 2466.
Dr M'Naughton, 6940.
Lord Provost Low, 8198.
Dr Rorie, 13,585.

From 6 to 12 months.
Dr Yellowlees, 1424.

From 3 months to 2 years.
Rev. R. Pryde, 1587.

From 3 to 6 months.
Mr D. Morrin, 1667

Not less than 2 years.
Sir Jas. Russell, 1977.

Till cured.
Rev. R. Howie, 1612.

Minimum period 2 years.
Dr Peel Ritchie, 5127.

Maximum indefinite.
Mr D. Lewis, 3676.
Dr M'Naughton, 7021.

Actual period to be fixed on Medical Certificate.
Mr Motion, 378.
Prof. Blaikie, 5655.

With liberation on Parole, if suitable.
Dr Yellowlees, 1424.

One year brings about recovery.
Rev. Dr Smith, 5638.

1 to 2 years in Poorhouses or Prisons.
Major M'Cartney, 3210.

Two or 3 years at outdoor Labour.
Sir Douglas Maclagan, 5664.
Bailie Mearns, 7872.

Twelve months and longer.
Mrs Lockhart, 5734.

Two years in certain cases, and work compulsory.
Mr J. Campbell-Irons, 5899.

Maximum 2 years, with system of Probation.
Dr Urquhart, 7120, 7210.

Prolonged detention.
Dr Ogilvie Will and Col. Macaulay, 7964.

Would fix Maximum and Minimum.
Prof. M. Hay, 8039.
Dr Wilson, 10,492.

Would fix Maximum at 2 years with Parole Liberation.
Mr Tallack, 13,926.
Dr Batty Tuke, 12,693, 12,738.

Minimum, 1 year—Maximum Indefinite.
Dr J. W. Miller, 13,453.

Minimum, 12–18 months.
Dr Nicolson, 13,897.

One to 2 years in retreats.
Dr Norman Kerr, 14,169.

PHILLIPS, Mr.

One of deputation from Perthshire Committee on Vagrancy. See under Col. WILLIAMSON.

PLEDGES, LIBERATION BY.

Glasgow system explained, 397, 10,651.
None taken from prostitutes in Glasgow, 24–26.
Amount varies at discretion of police, 68, 104.
Edinburgh system explained, 2018.
Those liberated invariably appear at Court in Edinburgh, 2112–2120.
Those liberated on pledge in Perth County cited to appear, 6418–6423, but not in Perth City, 7324–7334, and rarely in Aberdeen City; not cited in Govan or Paisley, 8746, 11,327.
Few forfeited in Greenock, 9002.
Pledge and fine money might fitly be applied to retreats, 10,670.
System of pledges in Fifeshire explained, 8597, 8699.
Total number forfeited, 2627–2629.
Dundee system explained, 12,770.

POLICE BURGHS IN SCOTLAND.

Return shewing (1) year when Courts were first held, (2) year when Police Acts were adopted, (3) population, pp. 645–647.

POORHOUSES.

Vacant and utilized accommodation, p. 536.
Grouping of, p. 537.
Getting emptier owing to extension of boarding-out system, 5873.
Habitual vagrants and beggars confined, 3354–3361.
Infirm habituals to be compulsorily detained, 4343.
Mentally deficient offenders to be confined, 7997, 13,431.
Detention of restless paupers for a month, 9885.
Weak-minded prisoners, 12,090.

POOR LAW, SCOTCH.

Able-bodied working men on tramp not provided for by it, 306.

PORTER, Mr Alex.

Chief Constable of Roxburgh and Berwick, 4974; considers present methods of dealing with petty offenders useless and expensive, 4981, 4982; number of prisoners transferred to Edinburgh Prison, 4982, 4992–4995; allocation of escort expenses, 4984–4991, 4996, 4997; definition of habitual drunkards, 5011–5014, 5198–5201; suggests concerted action by magistrates in imposing full penalties on all habitual offenders, 4999–5001; with detention in institutions with object of reformation, release being conditional on good behaviour, 5011, 5019, 5020, 5146–5152, 5202; institutions to be maintained and controlled by Government, 5020, 5021, 5151, 5152, 5203–5206; power of committal to be with Sheriff, 5015–5018; census of tramps, 4977–4980; begging a great nuisance, 5026, 5137–5140; penalties for such under Prevention of Crimes Act, 1871, considered ample, 5028–5046; penalty for drunkenness under Burgh Police Act should be extended to counties, 5047–5052; powers as to disorderly conduct, &c., in counties ample, 5053–5056; vagrancy less prevalent than formerly, 5057–5066; law as to camping-out, 5067–5071, 5133–5136; special county systems in Scotland and England for relief of tramps and vagrants, 5081–5086; advocates committal of vagrant children to educational Industrial Schools, 5089–5091, 5189; typical cases of vagrants, 5092–5101; advocates system of passes for honest tramps in search of work, 5102–5108, 5141–5144, 5214–5219; existing system of shelters unsatisfactory, 5109–5132, 5161.

PREVENTION OF CRUELTY TO CHILDREN.

Attitude of the Society, p. 572.
Attitude of Local Government Board, p. 573.
Sheriff may order detention in Society's Shelters, 4773.
Poorhouses and Shelters are recognised as "Places of Safety" under the Act, 4806.

PREVIOUS CONVICTIONS.

Should not be brought to notice of magistrate till Prisoner found Guilty.

Bailie S. Chisholm, 143.
Sheriff Rutherford, 2712.

Should be libelled.

Mr J. Boyd.
Mr William Napier, 12,131.

Not considered in cases of Drunkenness in Edinburgh.

Sir James Russell, 1918.

Within previous 12 months charged and proved in Edinburgh.

Mr W. Henderson, 2129.

Glasgow practice explained.

Mr Neilson, 10,571.

Libelled and charged in Paisley.

Mr D. Sutherland, 11,401.

Libelled in all Summary cases, and if evidence adduced proved.

Mr D. Dewar, 12,845.

Opinion of Mr J. B. Balfour proving the same and observations by Mr Dewar, pp. 639–640.

PRIMROSE, Bailie John Ure.

Senior Magistrate of Glasgow, 917; thinks there should be gradation of punishments for drunkenness, &c., 920–922; definition of habitual drunkard, 924; other considerations than actual convictions should weigh, 924–928; would not include workmen who might get drunk on pay-days but who other whiles are sober and industrious, 944–947, 967; would favour their pays being administered by employer for behalf of families, and has done this with good results, 984–985; habituals should be dealt with by Sheriff or Justice of Peace, 928–931, 973; vagrancy cases pretty frequents 933–938; considers half of them more fit for Poorhouse than prison, 936; never orders 'drunks' or known them ordered to find sureties, 937; thinks such additional punishment not required and not supported by public opinion, 980–983; strongly convinced of value of special and separate treatment of habitual drunkards, 939; supported by experience of reclamation in local institutions, 939–941, 948–949; not prepared to fix periods of detention necessary to cure, 950; thinks police should have powers of initiation of steps against habituals, 942–943, 968; and in certain cases the familiar neighbours, 965, 966; personally avoids sending children to prison, and thinks fourteen years young enough, 951–952; younger ones should be sent to Reformatory or Industrial Schools, 953–954; accounts for predominance in Glasgow of apprehensions for disorderly conduct, 956–966, 975–777; Glasgow governed by more stringent laws than any other town in Scotland, 177; sentences for petty offences heavier for year or so back than formerly, 978–979; police should keep register of all apprehensions for drunkenness, &c., 986; considers present powers of dealing with publicans supplying drink to intoxicated persons ample if enforced, 987; notification of names of habitual drunkards to publicans and pawnbrokers might do good, 989.

PRISON.

Estimated saving by withdrawal of 560 prisoners, p. 644.
Estimated profit on industries in Wakefield, p. 633.
Commitments and re-commitments to prison from 1864–1893, p. 596.
Average duration of confinement from 1864–1893, p. 597.
Cost of prisoners committed four times and upwards during 1893, p. 598.
Re-commitments to, pp. 608 and 609.
The more hopeful habituals imprisoned for long periods, 3514.
With subsequent transfer to industrial homes, 3563.
Detention of habituals for 1 to 2 years, 3213.

PRISONER-PAUPERS, 7898 *et seq.*

Power to detain in poorhouses, 13,628.
Census of, p. 553.

PROCEDURE FOR TRIAL OF HABITUAL OFFENDERS.

Inquiry should be before Sheriff or J.P.

Mr J. Boyd, 417, 446.
Mr J. Taylor, 877.
Bailie Primrose, 928, 973.

Dr Yellowlees, 1403.
Mr D. Morrin, 1669.
Bailie Walcot, 2425–2432.
Sheriff Rutherford, 2835.
Mr Alexander Porter, 5015.

Before Magistrate.
Mr W. Henderson, 2171–2172.

Before Stipendary.
Rev. J. Alexander, 10,100.

Personal Appearance of Habitual might be dispensed with.
Dr A. Peddie, 2288.

Inquiry before Sheriff and medical certificate unnecessary.
Sir Douglas Maclagan, 5673.

Before Sheriff.
Sir A. Mitchell, p. 524.
Father M'Mullen, 10,359.
Mr G. Neilson, 10,705.
Mr A. Wallace, 11,058.

Before Sheriff or Magistrate.
Mr D. Dewar, 12,905.

Before judicial authority and medical tstimony.
Dr Norman Kerr, 14,249, 14,284.

PROSTITUTES AND PROSTITUTION.

Increased apprehensions for, in Glasgow, due to employment of plain clothes police, 83.
Intimately connected with drunkenness, 27, 1007, 1058.
Uselessness of penalties, 1926, 2765.
Committal to Homes desirable, 2804.
Benefit of sending to Homes doubtful, 2203, 2264.
Difficulty in getting them to enter Homes, 2410.
Reclamation of long-standing cases not hopeful, 2507.
Police evidence not quite satisfactory, 2735–2738.
Those in prison almost entirely of poorer class, 3540.
Often unjustly imprisoned, 7781.
Large proportion apprehended for other petty offences, 8962.
Complain in prison of unjust arrest, 10,114.
Suspicious similarity of police evidence in, 10,806.

PRYDE, M.A., Rev. ROBERT.

Represents Committee on Life and Work of Glasgow Presbytery, twenty-seven years a minister, 1565–1566, 1581–1582; thinks legislation for all classes of Habitual Drunkards urgent, 1568–1569; would fix minimum period of detention at three months and maximum at two years, to be determined by medical testimony, 1587–1588. Cost of maintenance to be met by local rate and proceeds of industry of inmates, aided by Government, 1570–1572, 1594; family of habitual would also need to be maintained, 1573, 1596–1597; habitual drunkenness most prevalent amongst women in lower grades of society, 1574; children of drunken parents presently largely supplied with clothing through School Board and Charity Organization Society, 1578–1580; considers public opinion would support dealing with habituals if cost not too high, 1583–1584; instances case of cure, 1589–1592.

QUARRIER, Mr WM.

Thirty years' experience in reclamation of children, 10,143; scope of James Morrison St. Home, Glasgow, 10,145–10,153, 10,237–10,244; and Bridge of Weir Homes, 10,155–10,157, 10,210–10,214; numbers annually drafted to Canada, and dispersed over kingdom, 10,157; authentic evidence shows 98 per cent. of those emigrated do well, 10,167, 10,168; usual period of detention in Homes two years, 10,260, 10,261; regards longer detention in institutions apt to do harm, 10,255–10,265; would favour indeterminate sentences for children sent to reformatory or industrial schools, 10,197–10,199, 10,294, 10,295; girls instructed in house and laundry work, and dressmaking, and some trained as assistant teachers, 10,176; boys taught shoemaking, joinering, baking, &c., 10,180; some also employed on poultry farm, which pays splendidly, 10,183–10,193; power of withholding children from dissolute parents, 10,200–10,206, 10,254; receives about 100 pauper children annually from each of Glasgow Parochial Boards, 10,228; contributions from Parochial Boards entirely voluntary, 10,230; states views on the reclamation of habitual offenders, 10,274–10,288; no classification of children in Homes, 10,296, 10,297; attaches more importance to environment than to heredity, 10,308–10,312; objects to whipping of boys above 14, which is rarely resorted to in Homes, 10,315–10,321; and thinks children should not be sent to prison, 10,316, 10,322.

QUEENSBERRY LODGE.

Complaints of forcible detention of inmates, 2852–2857.
No compulsory detention, 3084–3089. Major M'Cartney considers such power not needed there.

QUEENSLAND.

Special laws for habitual drunkards, 6250.
Bill introduced to establish inebriate asylums, 6256.

RECIDIVISM.

Return shewing extent of same in Scotland, pp. 610–613.

REFORMATORIES.

Children sentenced to detention in, should not be sent to Prison.
Mr J. Boyd, 480–482.
Mr W. Donaldson, 2650–2657.
Rev. H. C. MacKenzie, 3405, 3427.

REFORMATORY SCHOOLS ACTS.

Mode of admission, of licensing out, and of apprenticing, p. 560.

REFRACTORY HABITUALS.

Few in number, 1872.

REGISTER, SPECIAL, FOR HABITUAL OFFENDERS.

Recommended by
Bailie S. Chisholm, 70.
Mr James Taylor, 799.
Bailie Primrose, 986.

REGULATION OF BOYS AND GIRLS IN STREET VENDING.

Mr Wm. Henderson, 2198–2201.
Mr D. Miller, 4493.

REMOVAL OF PAUPER AND VAGRANT CHILDREN FROM PARENTS' CUSTODY.

Mr Bremner, 8682, 8690, 13,826.

RESTORATIVE HOMES BILL.

Analysis of same, p. 521.
Notes by Sir Arthur Mitchell, p. 523, &c.
Approves generally of Bill, 5685.

RETREATS OR ADULT REFORMATORIES.

Would have all such inspected.
Dr Yellowlees, 1385, 1521.
Sheriff Blair, 4367.
Dr Nicolson, 13,876.

Should be graded for various classes, 2289, 2292, 2307.

RETREATS OR ADULT REFORMATORIES—
Continued.

Should be under Government control, 2393, 3656, 10,063, 14,190.

Should be small, 2463.

Should be under local control, 2522, 2523, 4370.

Should be Licensed and Inspected, 2903, 2928, 14,053–14,070.

Not more than 4 in Private House, nor 50 in Institution, 2964–2976.

Government control, 5020, 7717.

Not more than 12 in one Private House, 7191.

Should be under local management and Government Inspection, 7885–7894.

Three hundred might be treated in one place, 8177.

RITCHIE, Dr PEEL.

Connected with St John's Hill Rescue and Probationary Home, 5228–5229; result not encouraging, 5232–5234; points submitted to conference of Rescue Workers, 5235; reasons for seeking powers of compulsory detention, 5240, 5251, 5259, 5294, 5339; would fix maximum period at two years, 5327–5329, 5340; chiefly employed at laundry work, 5245–5246, 5313; other occupations, 5246, 5334–5337; proportion of inmates who are inebriates, 5252, 5286–5290; analysis of their ages, 5324; about one-third remain for full term of eighteen months, 5249–5250, 5321; and with them results more satisfactory, 5261; the others repeatedly come back, 5260; supervision after discharge unsatisfactory, 5264; no classification of inmates, 5307–5311; Home nearly self-supporting, 5275; some cases sent to Home from Police Courts, 5278–5279, 5315–5316; investigation as to formation of palate of inmates, 5290–5292.

ROBERTSON, Mr ALEXANDER.

Agent for Edinburgh Discharged Prisoners' Aid Society, 6014; does not take charge of gratuities earned in prison by ordinary prisoners, 6026–6032; nature of help given, 6033–6046; average amount, 6061–6071; habitual offenders form large percentage of those helped, 6084–6087; results of Society's work, 6088–6092, 6096–6099; the disbursing of prisoners' gratuities would lengthen period of Society's supervision, 6293–6295.

ROBERTSON, M.A., D.Sc., Rev. J. D.

Represents Edinburgh Presbytery of U.P. Church, 6184; results of inquiries by circular within Presbytery bound distinctly favourable to increased powers of dealing with habitual inebriates, 6185–6188; thinks the law as to adulteration of drink should be more stringently enforced, and the sale of liquor to children prohibited, 6189; that publicans who supply drink to persons known to have been convicted frequently of drunkenness should forfeit licence, and that a reduction in the number of licences should be effected, 6190; institutions for reclamation of inebriates, to be aided by Government grant and voluntary contributions, 6191; treatment of inmates to be elaborately graded, 6192; thinks public opinion favourable to such proposals, 6194.

ROGERS, Mr HENRY.

Assistant Inspector of Reformatory and Industrial Schools, 14,697; gives list of Scotch Schools and their population, 14,698–14,703; with subsequent history of Reformatory school cases showing large percentage of Scotch Protestant Girls whose whereabouts are given as unknown, 14,704, 14,705; considers this reflects seriously on management of Glasgow and Dalry Schools especially, 14,706–14,709; system of checking returns of subsequent history of scholars, 14,710–14,718; percentage of reclamations, 14,710, 14,719–14,728; average annual cost of maintenance, 14,741–14,745; total Government contributions in England and Scotland, with amounts recovered from parents, 14,749–14,760; liability of Parochial Boards for children sent to Industrial Schools by them, and of School Boards for children sent to Day Industrial Schools, 14,761–14,767, 14,869–14,871; subsequent history of children discharged from Industrial Schools, 14,772–14,781; cost of maintenance, 14,782–14,793; inspection of schools very comprehensive, 14,794–14,797; educational state—English Code used, 14,798–14,813, 14,873; cases of children refused by schools on account of physical infirmity, considers separate institutions required for such, 14,814–14,820, 14,845–14,856; corporal punishment for breach of rules, 14,832; would like to see more Day Industrial Schools in Scotland, 14,876; proportion of boys in Reformatories in Scotland greater than in England, 14,877, 14,878; thinks liberation of boys on licence not used sufficiently in Scotland, 14,882–14,884; considers it disastrous to keep boys longer in Reformatory Schools than needful, 14,883, 14,886–14,889; difficulty of disposing of children sentenced to Reformatory Schools prior to removal, 14,890–14,895; some authorities complain that the abolition of the previous term of imprisonment on such has had bad effects, 14,896.

RORIE, Dr JAMES.

Physician-Superintendent of Dundee Royal Lunatic Asylum, 13,577; considers 16 to 18 per cent. of cases of insanity due to drink, 13,580, 13,615, 13,616; does not consider asylum or lunatic ward of poorhouse proper places for treatment of inebriates, 13,581, 13,619, 13,625; objections, 13,626; but considers it desirable that there should be power to detain in the poorhouse paupers who move between it and the prison, 13,628–13,630; thinks there ought to be public institutions for detention of inebriates on similar lines to Lunacy Acts as well as private houses specially licensed, 13,586, 13,623, 13,627; minimum period of detention not to be less than twelve months, 13,585; would have special institution for treatment of police habituals and vicious class of insane, 13,592, 13,593; institutions to be maintained by public rates, 13,587; thinks Parochial Authorities too prone to discharge insane persons from lunatic wards of poorhouses, 13,595–13,600; is not sanguine of the results of prolonged detention of dipsomaniacs in institutions, 13,603, 13,618; system of liberation of pauper insane on probation, 13,606–13,611; personally has found administration of bitter tonics very beneficial in some cases of dipsomania, 13,612, 13,613, 13,621, 13,622; various forms of drug drinking, 13,631–13,633; procedure on committal of lunatic to asylum at instance of Fiscal, 13,634–13,637; thinks inquiry before Sheriff prior to committal of habitual should be private, but would grant public inquiry inquiry if desired, 13,638, 13,629.

ROSE, Mr W. KINNAIRD.

Member of Scottish and Queensland Bars, 6244; appointed Commissioner in Australia to inquire into treatment of prisoners and convicts, 6245; sentences for petty offences much alike in both countries, 6248; special laws in Queensland dealing with habitual drunkards, 6250–6253D.; and licensing system, 6253I.–6253K.; restrictions on pawnbrokers in dealing with habituals, 6277; number of habitual offenders, 6253K., 6255, 6258; bill introduced into Parliament to establish inebriate asylums, 6256, 6274–6274A.; system of gratuities to prisoners recommended as means of ensuring supervision after discharge, 6259–6261; work of Prison Gate Brigade of Salvation Army in Queensland, 6262–6264, 6275; proportion of police to population in Colony, 6272, 6273; treatment of juvenile offenders in Queensland, 6281–6284; strongly approves of inebriate retreats, 6285; where inmates could be put to work, 6289, 6290.

ROSS, M.A., Rev. D. M.

Represents Dundee Presbytery of Free Church, 13,461; returns sent in by whole of ministers show 87 habitual drunkards, mostly non-crimininal, known to them in their pastoral work, 13,462; thinks 90 per cent. of them too poor to pay for treatment in Inebriate Retreats, 13,471; which considers should be maintained by the State, 13,472; relatives paying where able, 13,485; all members of Presbytery approve of compulsory detention of habitual drunkards, 13,475; and think any interested party or relative should have power to initiate proceedings for committal, 13,486, 13,487; thinks power of compulsory detention would deter many from becoming habituals, 13,489; and that law regarding the supplying of liquor to persons already intoxicated should be more strictly enforced, 13,490–13,495; considers public opinion in Dundee favours more stringent measures in dealing with habitual offenders, 13,497–13,499; personally thinks that women preponderate as habitual drunkards, 13,500–13,503; and knows that a large number of workmen get drunk on pay-days who do not become habituals, 13,504–13,511.

RUSSELL, Sir JAMES A.

Difference in arrests for petty offences between Glasgow and Edinburgh accounted for, 1903–1914, 2024; system of liberation on pledge, 2018–19; great disparity in sentences imposed for particular offences by Sheriffs and Magistrates, 1917, 1926; resulting in many pleading not guilty where Magistrate is known to be severe, and asking adjournment, 1917; previous convictions for drunkenness not considered, 1918–1921; uselessness of penalties inflicted

on prostitutes, 1926–1931 ; great care exercised in apprehending prostitutes, 1932–1935, 1995–1998, 2030–2031, 2046–2051 ; persons importuned seldom appear, 2029–2031 ; not very many beggars in Edinburgh, 1948 ; tramp, received into Night Asylum and House of Refuges 1936–1944 ; very few sheltered at police office, 1938 ; thinks parochial authorities should deal with beggars, 1949 ; details cases of habitual offenders, 1945–1946 ; considers habitual drunkards as semi-lunatics, and would detain such compulsorily at public cost, generally for not less than two years, but for life if needed, 1950–1957, 1976–1978, 1984–1992, 2010–2014, 2041–2045, 2052–2056 ; difficulty of dealing with workmen who get drunk at paytime but otherwise sober, 1979 ; would favour wages being handed over to wives, if trustworthy, 1980–1981 ; would raise age for committal to reformatory schools as a check on juvenile delinquency, 1958–1959, 1966–1975 ; whipping as a punishment for juveniles unpopular and imprisonment undesirable, 1960–1964, 1975, 1993–1994, 2038–2040 ; drunkards who do not come before Police Court often dealt with through Society for Prevention of Cruelty to Children and Association for Improving Condition of the Poor, 2000–2009, 2020–2023 ; difficulty of restricting pawnbrokers in their dealing with habituals, and of convicting publicans of supplying drink to persons under its influence, 2057–58.

RUTHERFURD, Sheriff.

Explains arrangement under which Sheriff-Substitutes and Magistrates preside alternately in Edinburgh Police Court, 2702–2709 ; and justifies system of remanding prisoners pleading *not guilty*, 2715, 2778 ; and of sentencing those pleading guilty without evidence of accusers, 2720–2721A ; charging of previous convictions in police cases, 2710–2714, 2790–2796 ; personal attitude towards petty offences, especially importuning for prostitution, 2722–2728, 2781–2785 ; fears as to police action against prostitutes, 2735–2738, 2783 ; better class prostitutes rarely prosecuted, 2735, 2740, 2833A ; considers sentences of fourteen or thirty days for importuning oppressive, not reformatory, and liable to reduction by High Court, 2729–2734, 2765–2766, 2808 ; committal of these women to homes desirable, 2804–2805 ; maximum penalties for drunkenness and disorderly conduct in local and general Police Acts, 2744–2752 ; punishment of juvenile offenders, 2753–2754, 2797–2799, 2806–2807, 2841–2843 ; imprisonment for such undesirable, 2755–2756, 2797, 2812–2814 ; whipping more satisfactory, 2757–2762, 2798–2799 ; parents might be put under security for child's conduct, 2800–2801 ; and age for whipping should be raised to sixteen years, 2828 ; police sentence for drunkenness not reformatory, 2768, 2846 ; would favour establishing retreats for habitual drunkards, 2773, 2827 ; where compulsory detention for long periods might be tried, 2776 ; enquiry before Sheriff should precede all committals to retreats, as under Lunacy Laws, 2824, 2835–2840, 2850–2851 ; number of habituals in Edinburgh, 2849 ; complaints of forcible detention of inmates of Queensberry Lodge, 2852–2857.

RUTLEDGE, Mr JOHN.

Governor, Aberdeen Prison, 7762 ; number of prisoners previously in Reformatory Schools, 7770,7771 ; thinks short imprisonment often effective with first offenders, but of no use on habituals, 7772, 7779 and 7803, 7804 ; considers whipping of juveniles ought to be done by parents, 7773, 7781–7813 ; many females prefer prison to rescue homes, 7777, 7790 ; females often unjustly imprisoned on charges of importuning, 7781–7785, 7808–7810, 7816–7820 ; gratuities of prisoners disbursed through Discharged Prisoners' Aid Society, 7792 ; recommends long sentences for adult habituals and treatment in reformatories for juveniles, 7805–7808 ; results of Reformatory Schools not so favourable as could be desired, 7771, 7821.

SALVATION ARMY EFFORTS TO REFORM HABITUAL OFFENDERS, 14,297–15,183.

SAUNDERS, Mr DAVID H.

Merchant, Dundee, quotes details of experiment by Berlin Municipality in dealing with habitual criminals, 13,642 ; gives statistics of defaulting school children in Dundee, and quotes accounts of Berlin system of dealing with orphan children, 13,642 ; recommends (1) prolonged detention of habitual drunkards at hard work in open air, (2) breaking of parental tie where abused, and making cruelty to children severely punishable, and the restoration of parental rights the inducement for well-doing ; (3) boarding out with suitable parties, children so taken ; (4) more drastic method of dealing with one-roomed and insanitary dwellings ; (5) the more liberal and special equipment of schools where half-timers and neglected children are trained ; and (6) localities having power to control granting of liquor licences 13,642.

SCHOOL BOARDS.

Drunken habits account for 50 to 75 per cent. of defaulters.
Mr W. Mitchell, 152.

SCOTCH BURGHS POLICE ACT.

Heavier penalties of Act not taken advantage of, 5365.

Clauses anent Vagrancy should be extended to Counties.
Lord Kincairney, 5938.

SCOTT, Mr ANDREW.

Assistant Secretary to Edinburgh Magdalene Asylum, 5485–5487 ; inmates usually brought by missionaries, 5532 ; kept for eighteen months and employed chiefly at washing, 5486, 5492–5494 ; profit on work, 5491, 5518–5519 ; amount paid to workers, 5503–5508 ; no power of compulsory detention, 5499 ; and such only desirable for worst class, 5605–5608 ; re-admissions, 5509, 5537–5540 ; supervision after discharge, 5512–5517, 5542 ; few admit having been in prison, 5531, 5535, 5556, 5595–5597 ; no classification, 5562–5564, 5604 ; religious instruction, 5522–5523, 5552–5555 ; amusements, 5565–5581 ; no restrictions on visits by friends, 5590–5593 ; considers drink a considerable factor in lives of inmates, 5608–5610 ; situations got for inmates as laundry-maids or general servants in private houses, 5612–5614 ; a number retained as servants in Home, 5622–5624.

SCOTT, Lieut. A. L.

Captain-Superintendent 'Mars' Training Ship, 8206 ; boys mainly committed under Sec. 14 of Industrial Schools Act ; cites several sections *in extenso*, 8208–8215 ; Government grants for boys committed under different sections of Act, 8216 ; physical requirements, height, &c., 8345–8348, 8365–8367 ; results of training, 8224, 8225 ; number of boys sent to sea, &c., 8233–8238 ; mostly on Norwegian vessels, 8370–8374 ; system of training, 8241–8261 ; educational statistics, 8261–8271 ; cost of maintenance and sources of revenue, 8272–8293 ; Glasgow does not contribute, 8290, 8291 ; advantages of training, 8294–8299 ; percentage of relapses, 8301–8307 ; punishment for misconduct, 8313–8320 ; dearth of sailors in navy and mercantile marine, 8356–8359 ; powers of detention, 8360–8364.

SENTENCES.

Have no deterrent effect, 784, 1212, 1653, 1816, 2346, 2561, 2768, 3529, 5889, 6327, 7221, 10,088, 12,324.

Should be cumulative, 784.

Dangers of cumulative system, 2369.

Maximum penalties rarely inflicted, 2121.

Short sentences undeterrent, 3529, 5889, 7715, 7804, 8379.

Neither deterrent nor reformative, 5376.

Shorter sentences injurious, 5662.

Repetition of short sentences hurtful, 13,218.

Sharper sentences at early stage of career advocated by
Bailie J. Walcot, 2372–2383.
Mr W. Geddes, 13,219.

Six months after three or four convictions Advocated, 2606.

Long sentences frequently effective, 3531.

Cumulative recommended.
Mr John M'Pherson, 6328.

Progressive and cumulative.
Mr Tallack, 13,926.

SEPARATE CONFINEMENT FOR LONG PERIODS.

Does not believe has any bad effect.
Lieut.-Col. Campbell, 6896.

Considers it detrimental, 6904.
Dr M'Naughton, 6992, 7010.

SERVITUDE, PENAL.

Not deterrent on account of association.

Lieut.-Col. Campbell, 6798.

SHELTERS FOR TRAMPS.

Mr M'Neill.—Promote vagrancy; are not a substitute for English casual wards; should only receive sick and infirm; are much abused, 5845–5861.

Lord Kincairney.—Resting places for *bonâ fide* should be provided, 5990.

Mr Strang.—Men hired out from Glasgow Charity Organization Society's Shelter, and paid full wage after deducting keep, 9453.

SIBBALD, M.D., F.R.C.P., JOHN.

Commissioner in Lunacy for Scotland, 6197; powers of detention exercised by guardians of lunatics privately boarded-out, 6198–6209; supervision and visitation of boarded-out patients, 6210–6214; cost of boarding-out pauper lunatics, 6215; houses licensed for two, three, and four, 6217; no inspection by Board of Lunacy of incipient cases under a six months' certificate, 6230–6232, 6232–6234; proportion of cost of maintenance paid by Government, 6225–6227; does not think boarding-out system could be applied to habitual inebriates, 6219; proclivity for vice or intemperance unfits, 6222; 2500 boarded in private house, 6232.

SINCLAIR, Mr ROBERT W.

Secretary of Magdalen Institution and Lochburn Home, 990–992; moral reclamation of fallen women primary object of homes, 1070; teaching habits of industry secondary consideration, 1087–1088; homes are entirely unsectarian though Protestant, 1071–1074, 1202, 1174–1176. Fallen women not above thirty years received, 993; mostly on voluntary application, 991; Magistrates send some which, as a rule, are unsatisfactory, 994, 1003–1004; compulsory powers for detention of such are desirable, 1152, 1184; inmates in probationary home are instructed in sewing as test of sincerity, 992, 996–997; after which they are sent to Lochburn Home and kept till expiry of two years, and employed at laundry work and sewing, 1014–1017; annual receptions about 220, 1114; mostly prostitutes addicted to drink, 1007–1008, 1043–1052, 1058–1060, 1158–1159; which is often hereditarily acquired, 1166–1167; fallen and unfallen not separated, 1012–1013, 1020, 1090–1092, 1117; no compulsory powers of detention, 1053; incentives to remain, 1024–1038, 1053–1057; no money given while in home, 1030, 1033–1034; profits on working, 1064–1065, 1178; no friction with outside industries, 1196; no alcohol allowed, 1078; religious instruction, 1072–1076; privileges, 1094; entertainments, 1076, 1101–1103; from fifteen to twenty-five per cent. leave voluntarily or are dismissed, 1021–1022; about 70 per cent. turn out well, 1125, 1157; gross average earnings per inmate, 1180; average premium paid inmates, 1179; the matron corresponds with discharged inmates, 1209; short sentences given by Magistrates to fallen girls do great harm, 1212.

SMALL, Mr JAMES.

Police Sergeant, Pitlochry, concurs that begging is very prevalent there, 6688; though complaints are seldom lodged, 6689, 6690.

SMITH, D.D., Rev. JOHN.

Special missionary experience in Edinburgh, 5627; results of temperance work, 5628; the need for power of compulsory detention of habituals, 5629–5630, 5640; testified by meeting of reformed drunkards, 5635; Municipalities should provide retreats on lines of German Labour Colonies, 5632–5633, 5649–5651; would require conclusive and unbiassed evidence before competent authority before committal to Retreat, 5637; considers one year's enforced abstinence from drink as likely to bring about recovery, 5638; and would distinguish between Habitual and occasional Drunkards, 5643.

STACEY, Miss AGATHA.

Member of Board of Guardians, Birmingham, and Hon. Secretary of Homes for Feeble-minded Women, &c., &c., 15,186, 15,187; states objects and scope of Homes, 15,192–15,201, 15,218, 15,219–15,223; sources of revenue and cost of maintenance, 15,202–15,207; industries carried on, 15,209–15,211; and how goods are disposed of, 15,224–15,226, 15,282–15,286; number of inmates having drunken parents, 15,216; percentage of illegitimate girls in Homes, 15,259; the children of inmates not taken in, 15,270–15,276; thinks inmates improve both morally and intellectually in Homes, 15,260–15,263; analysis of those casewho left Home, 15,217; operations of similar Homes elsewhere, 15,266, 15,267, 15,281; thinks the want of powers of detention in workhouse a serious default in Poor Law System, 15,227, 15,228; very few really respectable poor avail themselves of casual ward, 15,230; means of relieving able-bodied persons by work outwith casual wards, 15,240–15,258; pauper children housed in Cottage Homes, 15,277–15,280.

STATISTICS.

Percentage to population in England, Scotland, and Ireland by Col. M'Hardy, p. 512.

Returns of apprehensions for offences and crimes in Cities and Burghs, p. 533, etc.

Details of offences of Habituals in Glasgow, Dundee, and Edinburgh, pp. 587-594.

Return of persons convicted three times and upwards during 1893 for five specific petty offences, pp. 614 and 615.

Returns of Reformatory and Industrial School Pupils in Prison during 1894 and their previous prison history, pp. 624, 625, and 626.

STEVENSON, Miss LOUISA.

Member of Edinburgh Parochial Board for ten years, 2999–3000; experience of vagrancy, 3001–3005, 3011–3013, 3029–3031; power of retention of pauper children given under Custody of Children Act, 1891, practically useless, 3006–3007, 3018–3019, 3049; proposed amendments, 3008, 3014, 3024, 3025, 3027–3028, 3032–3034, 3044, 3047–3048, 3053–3055; Parochial Boards should also have power to detain paupers, 3010; children often claimed by parents whenever able to earn wages, 3035; vagrant children not dealt with under Industrial Schools Act, 3036–3043; proportion of vagrants apprehended, 3055–3058.

STEWART, Mr.

One of deputation from Perthshire Committee on Vagrancy See under Col. WILLIAMSON.

STORY, Mr DANIEL F.

Chairman, Edinburgh City Parochial Board, 3932; considers compulsory detention the only cure for vagrancy, 3933; and that laws as to begging should be strictly enforced in counties, 3934, 3944; thinks Parochial Boards would agree to set aside poorhouse accommodation for treatment of habituals, 3942, 3943.

STRANG, Mr JOHN TRAQUAIR.

Secretary Glasgow Charity Organization Society, 9375; explains scope and working of labour yard where temporary employment is given to men out of work, 9377, 9418–9444, 9500–9515, 9589–9591; and of industrial shelter recently started where food and lodging are given in exchange for a certain amount of labour next morning, 9380, 9384–9399, 9411–9417, 9445–9452; numbers dealt with in each, 9419, 9420, 9394, 9411–9413; average earnings in labour yards, 9431, 9436; in shelter all earned about 6s. per week, is placed to men's credit and paid on leaving, unless forfeited, 9448, 9449; men also hired out from shelter, and paid full wage after deducting keep, 9453–9456; no shelter for women, who are employed at sewing and by ladies auxiliary, 9400, 9487, 9492–9495, 9607–9609; a large number of Irish and American tramps sent home by Society, 9460–9466, 9596–9606; total annual applications for relief, 9467; general character and condition of applicants, 9556–9576, 9592–9596; about half the number connected with children's clothing scheme, 9468; scope of that scheme, 9531–9537; of the remainder about two-thirds refuse work, 9468, 9577; disposal of others, 9469–9484; drunkenness cause of majority of applications, 9530; disapproves of children being sent to prison, 9546; thinks they should be treated in separate

institution, 9547; society co-operates with Discharged Prisoners' Aid Society, 9586–9588; Glasgow Police and begging and vagrancy, 9612–9615; difficulty in getting greater variety of work, 9625–9634; advocates the sending to prison for lengthened period habitual beggars and tramps, 9521–9523, 9638–9641.

STREET VENDING.

Mr D. Miller.—Effect on young girls bad, 4493.

SURETIES.

Useless to seek such from habitual offenders, 75.
Never enforced in Glasgow, 411.
Often imposed in Edinburgh with good results, 2324–2325.
Useful in certain cases of drunkenness, 6472–6483.
After second conviction £10, and not to offend for 6 months, &c.

SUTHERLAND, Mr Donald.

Chief Constable of Paisley, 11,304; thinks smallness of ratio of arrests due to exceptionally good behaviour of Paisley community, 11,307–11,315, 11,378, 11,416–11,418; disposal of drunk and incapables prior to Burgh Police Act, 11,316–11,318; penalties presently imposed, 11,319–11,354; pledges taken, 11,327–11,329, 11,335–11,338; total amount, 11,419–11,424; illustrative cases of habitual offenders, 11,354–11,359; does not think increased powers under Burgh Police Act have decreased number of drunkards, 11,360–11,365; nor leniency shown increased the number, 11,414, 11,415; special section of Act dealing with habitual drunkards not enforced, 11,366–11,368; petty offenders not arrested unless unavoidable, 11,371–11,378; difficulty of dealing with beggars, 11,369, 11,370; penalties usually severe, 11,379, 11,380; very few prostitutes and no brothels in Paisley, 11,382–11,392; proceedings against publicans for supplying liquor to drunk persons, 11,393, 11,394; and against shebeeners, 11,395–11,399; previous convictions in cases of petty offences, 11,401–11,404; number of first offenders, 11,405, 11,406; ratio of police to population, 11,407–11,413.

SUTHERLAND, Mr Robert.

Removing Officer, Barony Parochial Board sent by Inspector with Jane M'Polland, referred to in Mr Motions' evidence, 594; gives information regarding her, 596–606.

TAIT, Rev. W.

One of deputation from Perthshire Committee on Vagrancy. See under Col. Williamson.

TALLACK, Mr Wm.

Secretary Howard Association, 13,928; thinks it universally admitted that system of constantly repeated short sentences for habitual offenders is a failure, 13,926; advocates system of progressive sentences, fortnightly cumulation for disorderliness and longer for drunkenness, maximum to be two years with conditional liberation, 13,926–13,931; says system of progressive detention partly in force in other countries, 13,932; particulars of such foreign institutions, 14,009, 14,010; financial results, 13,938, 13,942; says that long imprisonment combined with work in Labour Colonies has resulted in diminution of arrests for vagabondage by 41 per cent. in ten years, 13,942; describes German system of prison labour, 13,944–13,946; attaches great importance to separation of prisoners, 13,947; considers many prisons in Scotland and England too comfortable, and should have some deterrent element to prevent their becoming attractive, 13,949, 14,003–14,005; advocates treadmill or whip for incorrigible ruffianly offenders, 13,950–13,960, 14,000–14,002, 14,006, 14,011–14,022; results of long sentences on tramps in State of Connecticut reported good, 13,959; but personally would prefer system of liberation on probation, 13,961; advocates providing test labour at piece work for unemployed, as at Birmingham, 13,966; thinks cure of intemperance would go a great way to cure vagrancy, 13,977, 13,978; juvenile offenders should be treated separately from adults, 13,979; parents being made responsible for them where possible, and system of liberating on probation more utilized 13,980–13,986; working of such a system in Massachusetts and Australian Colonies, 13,985–13,989; control of London apprentices by City Chamberlain's Court, 13,989–13,991; approves of solitary confinement as generally a better punishment than whipping for juveniles, 13,994–13,999.

TASMANIA.

Act regulating the sale of liquor, p. 622.

TAYLOR, Mr James.

For thirty-six years in prison service, Governor of Barlinnie Prison for six years, 736, 737, 742, 854; majority of commitments are for drunkenness, 739, 754–755, 761; great increase in commitments to prison statistics, 744–747; this due to the shortening of sentences, 748–750; thinks about half of those sentenced go to prison, 751–752; daily average population of Barlinnie, about 700–756; analysis of their offences and sentences, 757–764; cost of transit to and from city, 765–767; number of re-committals, 771, 775–781; 10 in one year the highest, 821; thinks first committal has often a salutary effect, 768–770, 910; but on habituals present sentences have no salutary effect, 896–899, 911–912; suggests graduation of punishment as means of diminishing commitments, 784, 798, 881–883; work of Discharged Prisoners' Aid Society, 792–797, 874; police should keep register of apprehensions for drunkenness, &c., 799–802; would give alternative of fine in all cases of drunkenness, 803–805; number of prisoners previously in Poorhouses, Reformatory, and Industrial Schools, and in penal servitude, 806–809; proportions of married and single, 810–812; prisoners' own statements as to drinking habits, 813–818; juveniles in prison, greatly reduced since 1882, their ages and sentences, 822–835; juvenile drunkards, 836–839; separation of juveniles, 840–841; disapproves of imprisoning very young people, and thinks 16 years young enough, 842–843; younger ones should be whipped or sent to Reformatory or Industrial Schools, 844; whipping effective with many, 845–851; vagrancy and begging not prevalent in Glasgow, 852–853; relatively more prevalent in Ayr, where drunkenness much the same as Glasgow, 852–857; old and infirm beggars should be sent to poorhouse instead of prison, 858–864; definition of habitual drunkard, 865–867, 876; number of such in Barlinnie Prison and in Scotland, 868–870; seclusion as a cure for drunkenness, 871–873, 876, 907–909, 913; persons charged as habituals should be remitted to Sheriff or Justices of Peace, 877–880; women much more frequently convicted of drunkenness than men, 884–888; bearing of Summary Jurisdiction Act on the sentences for petty offences, 889–890; many habitual drunkards come to prison unfit for prison discipline, 891–895; petty theft as a concomitant of drunkenness most frequent with women, 900–902; enquiry into antecedents of alleged habituals should be open, and evidence taken from members of families, 880, 903–906.

TEMPLE, Jun., Mr Jas. G.

Newspaper reporter and had considerable experience of Police Court proceedings in Glasgow, 10,770; considers teetotal magistrates severest in cases of drunkenness, 10,773; thinks drunkenness increasing amongst young women, 10,779, 10,788; sees many before courts 16 years old, 10,780, women charged with importuning rarely plead guilty; 10,802, 10,803; suspicious similarity of police evidence in cases of prostitution, 10,806–10,810; treatment of drunk and incapables on reception, 10,817–10,819; verbatim report of police court proceedings on specified date showing disparity in sentences, nature of evidence and method of submitting previous convictions, 10,827–10,900.

THOMSON, Mr Alex.

Governor of Maxwelltown Prison, explains nature of prison employments and system of marks, 12,006–12,024; and considers that by persistent efforts the laziest prisoner can be made perform at least the required task, 12,008, 12,076–12,085; punishments imposed for idleness, 12,025–12,030; compares the suitability of different kinds of work, 12,032–12,046; suggests washing, &c., and sackmaking for female prisoners, 12,047–12,061; considers long periods of solitary confinement detrimental to health, 12,067–12,075.

THOMSON, Mr James.

Was with Rev. David Macrae a Member of Committee investigating Tyson drink cure in Dundee, 8464. For evidence see under Rev. David Macrae.

TINKERS.

Adults all drunkards and quarrelsome.
Mr W. Mitchell, 183–208.

Dwellings a few sticks and sacks.
Mr W. Mitchell, 189–199.

Registration and inspection of all Movable Dwellings advocated.
Mr W. Mitchell, 192–195.

Children totally uneducated.
Mr W. Mitchell, 182.
Mr John M'Pherson, 6484–6492.
Major D. F. Gordon, 7660.

Infantile mortality high.
Mr W. Mitchell, 205.

Generally honest and orderly, 6333, 6550.

Honest, but beggars and drunkards, 7257.

Wick School-Board on education of children, p. 606.

The Registrar-General on registration of births, p. 628.

TODD, Mr Wm.

Secretary, Edinburgh Total Abstinence Society, 6155; thinks the law against supplying drink to drunken persons is not enforced, 6158; number of individuals pledged by Society, 6162; and percentage of relapses, 6163; nature of various pledges, 6172–6178; experience of 'Tyson' cure for drunkenness, 6179–6182.

TRAMPS AND TRAMP SHELTERS.

Shelter houses for such strongly disapproved of, 4067.

Increases vagrancy, 4068.

No means of keeping deserving tramps, 4158.

System of passes for honest tramps, 5102.

Existing system unsatisfactory, 5109.

Parochial Shelters advocated, 6349, 6352.

Majority not bonâ fide, 6365.

Shelter accommodation insufficient, 7500, 7562.

German system, 9677.

Lodging-Houses should be provided for honest tramps, 6623.

Habitual tramps should be sent to Prison for a lengthened time, 9521, 9638.

Sheltered in Police stations in Renfrew, 11,735.

Would provide such under Police control, 12,187.

Shelters suggested for bonâ fide tramps, 8447, 13,784.

Effect of long sentences in Connecticut, 13,959.

TREATMENT OF HABITUAL OFFENDERS.

Present methods useless and not reformative.
Bailie S. Chisholm, 79.
Mr W. Henderson, 2202.
Bailie Walcot, 2367.
Captain Christie, 2608.
Mr Alexander Porter, 4981.

Suggested Methods.
Medical and dietetic treatment for long periods, and outdoor and laundry work.
Dr M'Naughton, 6940–6951, 7026.
Medical observation and treatment.
Dr Urquhart, 7146.

TRESPASS ACT, 1865.

Landlords and tenants should prohibit tinkers camping out.
Mr W. Mitchell, 188.

TUKE, M.D., F.R.C.P., J. Batty.

Physician in Edinburgh, other qualifications, 12,669–12,674; connection between lunacy and habitual drunkenness, 12,675; present means of dealing with habitual drunkards entirely inadequate, 12,678; would amend the definition of habitual drunkard of Inebriates Act, 12,679–12,681, 12,726–12,728; suggests in addition to present voluntary facilities, legal process before Sheriff at instance of interested parties for the committal of habituals to a retreat:—Sheriff to be assisted by assessors and medical testimony to be adduced, 12,682–12,692, 12,729–12,731, 12,749–12,751; would fix maximum period of detention at two years, with earlier liberation on parole if thought proper, 12,693, 12,694, 12,737; would expect from 10 to 15 per cent. of recoveries, 12,697–12,700; curators to be appointed on estates of habituals, and habituals liable to re-committal without new trial, if lapsing within one year, 12,701–12,703, 12,738–12,740; does not favour the treating of drunkards in lunatic asylums, 12,704–12,706, 12,741; has no faith in the treatment of inebriates by drugs, 12,709–12,712; no disease so thoroughly hereditary as drinking, 12,714; would have inebriate retreats under inspection to obviate illegal detention, 12,720–12,723, 12,732, 12,733.

UNEMPLOYED.
Labour test advocated, 13,966.
Result of introduction of test in Glasgow, p. 642.

UNITED STATES OF AMERICA.

North Carolina. — Treatment of inebriates in State Hospitals, p. 619.

New York State.—Sketch of Elmira Reformatory and its methods of dealing with young felons, p. 619.

Elmira Reformatory. — Commission of inquiry as to allegations against the management and decision of the Governor of New York State, p. 599–606.

Massachusetts.—The State Reformatory conducted on the *indeterminate, sentence* plan, p. 619. Its Girls' Industrial School p. 620. Boston Home of Industry and Drunkenness, p. 620. Inebriate Home, San Francisco, p. 621.

Ohio and Minnesota.—Methods of treating drunkards, p. 620. The law in relation to the 'probation system' and the punishment of drunkards, p. 644.

URQUHART, Dr Alex. Reid.

Physician Superintendent of Murray's Royal Asylum, 7078; attempts to deal with habitual drunkards who voluntarily submit to control have accomplished nothing, 7081; boarding-out in private houses preferable to sending to present institutions, 7084–7086; proportion of habitual drunkards admitted to asylum, 7095–7098; classification, 7099, 7204; and diseases they suffered from, 7105, 7188; powers of detention over voluntary and insane patients, 7110–7115, 7148–7156, 7163; would fix maximum period of detention at 2 years with system of probation, 7120, 7210, 7211; outdoor employment for men and women desirable, 7130–7133; other occupations, 7137, 7138, 7164–7168; rarity of real dipsomania, 7141; police habituals should be sent to reformatories for medical observation and treatment and boarded-out if desirable, 7146, 7156, 7157; the initiation of proceedings against habituals should be open to friends or public officials, 7178; medical testimony also desirable, 7179; drunkards should be kept separate from insane, 7189, 7190; and not more than twelve treated in any one house, 7191; imprisonment not calculated to cure habitual drinking, 7206; treatment at Elmira, 7213–7216.

UTILIZATION OF VACANT POORHOUSE ACCOMMODATION FOR HABITUAL OFFENDERS AND POOR INEBRIATES.

Recommended, 320, 341, 2464, 2504, 2962, 3889, 3942, 3892, 5899.
Does not recommend, 3664.

VAGRANCY AND VAGRANTS.

No casual wards for such in Glasgow, 45.
Sheltered by police in Glasgow, 45.
Children not dealt with under Industrial Schools Act, 3036.
Able-bodied feign disablement to get relief, 3838.
Compulsory detention only cure, 3933.
Recommends State-endowed school for children, 4060.
May be dealt with under Section V. of Prevention of Crimes Act and Prevention of Cruelty to Children Act (Lord Kincairney), 5947.
Bye-laws in Perthshire for prevention, 6405–6414.
Children should be sent to industrial schools, 7687.
Habitual vagrants to adult reformatories, 7857.
Petty offences more common among, 8693.
Ayrshire Mendicity Society does not encourage, 12,462.
Imprisonment failed in Essex to suppress it, 12,525.
School Boards not concerned about children, 13,144.
The different Acts *re* such, *vide* Prof. Dove Wilson's App. XXI., p. 557.
Laws of Foreign Countries, p. 557.
Translation of the Belgian Law (Dr J. F. Sutherland), p. 564.
Experience in Ayrshire, p. 576.

VOLUNTARY SYSTEM.

Voluntary admission to retreats inadequate, 6748, 2303.
Accomplished nothing, 7081.

WALCOT, Bailie JOHN.

Magistrate of Edinburgh since 1885, 2314–2316; brought the question of habitual offenders before Convention of Burghs several times, 2318; a Committee of which sent questions thereanent to Police, Prisons, and Reformatory Institutions, 2319; some considered present powers ample if used, 2321; which include imprisonment and sureties for good behaviour, 2322–2323; sureties often imposed with good results, 2324–2325; details, 2326–2335; a few considered long imprisonments desirable, 2336; while one advocated whipping, 2337; whipping of juveniles regarded by Authorities as a deterrent, 2342; though personally has a prejudice against it, 2493, 2497; the majority, however, considered present system of short sentences mischievous, and that sentences should be cumulative, and that special Reformatories under proper management are desirable, 2346–2349; dangers of system of cumulative sentences, 2369; personally considers present treatment of habitual offenders a failure, 2367, 2477–2478; number of habituals increasing, 2350; functions of Police and Burgh Courts, 2351–2358; certain classes plead not guilty to avoid severe Magistrates, instances case, 2359–2362; previous convictions in cases of drunkenness, 2363–2366; maximum penalty for drunkenness, 2322, 2358, 2382, 2438, 2467, 2472; suggests putting stigma upon drunkenness, 2370–2371; and sharp sentences at early stage of career, 2372–2383, 2437–2444, 2476; would also deprive of right of voting, 2384–2387; and require heavy recognisances, 2388–2392, 2448–2450; reformatories for habituals should be under Government control and inmates classified, 2393–2394, 2433, 2445–2447, 2498–2499; details and arrangements subservient to end of reformation, 2402, 2461–2462; small institutions preferable to large, 2463; poorhouses could be utilized, 2464, 2504; without associating habituals and deserving poor, 2465, 2500–2503; Municipalities and Government to share cost of maintenance, 2434–2437, 2458–2459; present disposal of juvenile offenders, 2405–2409, 2483–2486, 2494–2496; large increase in number, 2411–2414, 2482, 2487–2492; difficulty in getting fallen women to enter homes, 2410, 2416, 2505–2506; case of Jane Lovey or Kirk, 2394–2401; difficulty in defining an Habitual Drunkard, 2421–2424, 2509; would have medical as well as police evidence, and regular process of enquiry before committing habitual, 2425–2432, 2514; minimum period of detention twelve months, 2466.

WALKER, Miss.

Formerly in charge of Dairy at Oldmill Reformatory, and now engaged at poultry-farming, 13,645; thinks poultry-farming and dairy work suitable employment for women and girls in connection with Reformatory Institutions, 13,646, 13,647, 13,674–13,675; gives details as to relative proportions of hens to size of 'runs,' number of persons needed and duties to be performed, &c., &c., 13,650–13,665, 13,676–13,686, 13,703–13,742; financial results, 13,666–13,672; considers about half the boys discharged from Oldmill Reformatory have done well, 13,687–13,695; number received who had previously been in Industrial School, 13,697–13,701.

WALLACE, Mr ANDREW.

Inspector of Poor for Govan Combination Parish, 11,029–thinks pauperism is not increasing, 11,030; though number of lunatic poor largely increased, 11,031; thinks decrease in pauperism due to strict administration of Poor Law, and to operations of charitable institutions, 11,036, 11,037; and that 40 per cent. of pauper lunacy due to drink, 11,038; 11,045; enormous cost of pauperism due to intemperance and other misconduct, 11,046–11,056; considers drink traffic should be put down, 11,057; and habitual drunkards sent by Sheriff on application of Fiscal, Inspector of Poor or relatives, to a home at own expense if in funds, or to institution provided by State, where they could maintain themselves by labour, 11,058–11,061, 11,068–11,075; thinks Parochial Boards should have power to keep children if parents are unfit guardians, 11,063–11,066; strongly in favour of lash for habitual offenders, 11,076–11,078; and the stricter enforcement of public-house regulations, 11,079–11,082.

WATT, MARGARET.

Convict in Glasgow Prison undergoing third sentence of penal servitude, 9743; personally prefers separate confinement, but thinks majority of prisoners prefer associated confinement, 9736, 9839; states that after her first imprisonment she didn't much care though she never was out of it, 9753; most of female convicts in Perth Prison started with a considerable number of short sentences, 9777; does not think imprisonment ever does good, 9778; personal objections to association, 9786–9797, 9841; would prefer putting in her whole term to being liberated on licence, 9817, 9832; so many are hunted by police, 9817, 9820; though most convicts are very anxious to get out as soon as possible, 9818.

WHIPPING. See JUVENILE OFFENDERS.

WILL, M.D., F.R.S.E., J. C. OGILVIE.

Aberdeen Prison Surgeon, 7954; thinks it impossible to distinguish the pure inebriate from one liable to variety of offences through inebriety, 7956, 7968; prisoners convicted of graver offences rarely habitual drunkards, 7975–7977; imprisonment has little deterrent effect, 7957; inebriety as a disease and its treatment, 7959–7964; considers so-called 'gold' and other cures utterly useless, 7961, 7974; and that the only remedy is prolonged detention, 7964, 7968, 7973; not hopeful of reformation of inebriates, 7977, 7978.

WILLIAMSON, Col.

Member of Perthshire Committee on Vagrancy, 6546; estimates number of tinkers in county, 6549; thinks them generally honest and orderly, 6550, 6617; their children devoid of education, 6553–6557; thinks the parents should be made locate themselves definitely, homes provided for them, and children educated either at public school or separately, expense to fall on counties or Imperial funds, 6558–6584, 6653, 6656, 6659; difficulty in sending such children to public schools, 6605, 9635, 6640; tinker children usually registered as illegitimate, 6606–6616; thinks lodging-houses should be provided for *bona fide* cases of persons seeking work, 6623–6627; ratio of apprehensions amongst gipsies, 6649.

WILSON, M.B., C.M., GEORGE R.

Long associated with treatment of drunkenness, 10,401; number admitted voluntarily to Mavisbank Asylum, 10,403; no power of compulsory detention, but in some cases an effective financial check on early leaving, 10,409–10,411; voluntary patients usually come under compulsion from friends, 10,487–10,490; no voluntary patient stayed over six months, 10,428; advantages and drawbacks of treating inebriates in lunatic asylums, 10,419–10,421; 10,473; employed at gardening, joinering, &c., 10,426, 10,427, 10,447–10,451; no alcohol allowed, 10,432; considers so-called drink cures frauds, 10,435; treatment by suggestion, 10,436, 10,437, 10,453, 10,454, 10,500–10,502; powers of Lunacy Commissioners over voluntary patients, 10,464–10,469, 10,481, 10,482; thinks dipsomania relatively commoner amongst women, 10,476; thinks compulsory powers of detention for habitual offenders most desirable and hopeful, 10,491, 10,495–10,499; and would fix maximum period of detention leaving intervening periods to medical option, 10,492–10,494; thinks from 15 to 20 per cent. of insanity of Scotland directly due to drink, 10,503, 10,504, 10,509; heredity and drunkenness, 10,505–10,506A., 10,510–10,514; the opium, ether, chloral and cocaine habit, with illustrative examples, 10,515–10,548.

WOMEN.

Drunkenness among, more Common than among Men.

Mr Jas. Taylor, 884.
Bailie Gulland, 2517–2518.
Mr R. C. Gray, 4944.

WRIGHT, Mr R. Patrick.

Professor of Agriculture in Glasgow and West of Scotland Technical College, and one of Committee appointed by Association for Improving Condition of the People to inquire into and report on labour colonies, 9644, 9645; particulars of German system of labour colonies, 9647; admission on voluntary application, 9651, 9656; many discharged prisoners employed, 9709A.; and about 90 per cent. of those employed are there through drink, 9709A.; no power of compulsory detention, 9669; German system of shelters for tramps, 9677–9680; no labour colonies for women, 9676, 9681; suggests female habituals should be employed at market gardening and poultry farming, &c., in separate colony, 9707, 9708, 9713, 9721, 9732; profits of poultry farming, 9722; relief afforded by system of labour colonies much cheaper and more satisfactory than present system in Glasgow and elsewhere, 9734, 9735.

WYNESS, Mr Thomas.

Chief Constable of Aberdeen, 7439; accounts for low ratio and increased number of apprehensions, 7443, 7444, 7527, 7619; persons released on pledge and who do not appear rarely proceeded against, 7449, 7553–7557; imprisonment not deterrent, 7476; and does not think increased penalties would do much good, 7457; cases of habitual offenders, 7458–7465; definition of habitual offender, 7468, 7633; would have them sent to adult reformatories in country, where they could maintain themselves by work, cost of institutions to be borne by imperial funds, 7468–7470, 7534, 7609–7611, 7639; number of habituals, 7444, 7466, 7583–7588, 7586, 7587; increased severity has not mitigated the evil, 7589, 7590; usual sentence for prostitution, 7478–7491; prostitutes warned before apprehension, 7627–7631; number of men prosecuted for importuning, 7626, 7643–7646; penalties for vagrancy, 7492–7495; magistrates over indulgent, 7496, 7497; shelter accommodation for tramps, &c., insufficient, 7500–7511, 7562–7567; homes for fallen women, 7512; many cases have done well, 7568, 7569, 7594A.–7596; convictions against publicans for supplying drink to intoxicated persons, 7518–7526; number of persons drunk when apprehended, 7544; mostly women, 7572; petty thefts and drunkenness, 7546, 7547; majority of first offenders for drunkenness don't come back, 7604–7606; First Offenders Act not applied to petty offenders, 7602; would give initiative against habituals to friends if necessary, 7634; total amount of pledges recovered, 7647.

YELLOWLEES, Dr David.

Is of opinion that the law as it at present stands in regard to Habitual Drunkards is useless and inoperative-1344–1345, 1515; no licensed retreats for Habitual Drunkards in Scotland, 1345; several unlicensed, 1346, 1351, 1392–1393; not under inspection, 1358; and otherwise unsatisfactory, 1350; would have all retreats inspected, 1385–1388, 1397, 1521–1525; views on drunkenness as a vice and a disease, 1353–1358, 1360–1362, 1442–1443; its hereditary tendencies, 1359, 1508–1513; *delirium tremens* and lunacy, 1365–1368; system of voluntary admission to Scottish Asylums, 1363; no compulsory power of detention, 1364; admission of such cases often undesirable, 1364, 1432–1436; powers of detention in asylums of epileptics, 1536–1541; and cases of incipient insanity, 1548–1560; not sanguine of the effects of prolonged confinement as means of curing drunkenness, 1490; most hopeful in cases of voluntary incarceration, 1369–1375, 1409–10, 1478–1481, 1490–1493; difficulty of fixing periods of detention, 1459–1460; would send every habitual to a retreat, 1461; guardianship of friends unsatisfactory, 1462; considers generally that minimum period should not be less than six months, and in some cases twelve months, 1422–1423, 1452, 1455; with liberation after six months, conditional on subsequent good behaviour, 1424, 1453, 1455-1516–1518; and confinement for life if necessary, 1456–1458; seclusion should be supplemented by congenial and educative occupations and suitable moral environment, 1467–1476, 1519–1520, 1522–1524; American cures useless, 1494, 1534–1535; definition and classification of Habitual Drunkards, 1530–1533, 1376–1378, 1527–1530. I. In case of voluntary applicants, would dispense with restrictions as to appearance before Justices, &c., 1379–1385; favours lunacy patients being boarded out singly, 1434–1438, 1542; and thinks system might be advantageously adopted with certain Habitual Drunkards after probationary period in retreat, 1463–1466, 1542–1546. II. Friends of Habitual Drunkards should have power of initiating proceedings for compulsory detention, and Sheriff's power of commitment to retreats, 1395–1396, 1446–1449; *curator bonis* to be appointed as in Lunacy, 1398–1399, 1439. III. Police habituals to be dealt with by Sheriff, 1403, 1409–1410, 1413; and sent to retreats rather than asylums, 1404–1409; burden of maintenance partly local and partly Imperial, 1411, 1420–1421, 1414–1418, 1426–1433, 1477; tendency to tippling among women of better class greater than formerly, 1450–1451, 1437; and demands legislation, 1488–1490; fewer recoveries from habitual inebriety than from lunacy, 1861–1862.

YOUNG, Mr Archd. A.

Interim Assessor at Glasgow Central Police Court, 12,435; general duties, 12,544–12,546; application of previous convictions in police court cases, 12,549–12,555; 12,606–12,617; more female habitual offenders than males, 12,556, 12,637–12,641; about one-third of male drunk and incapables brought before courts on Mondays do not belong to Glasgow, 12,557–12,561; which largely accounts for Glasgow's high ratio of arrests, 12,562–12,566; does not think Glasgow police officious or unduly interfering, 12,568–12,571; not many respectable working men come before courts habitually, 12,573–12,578; usual treatment of prostitutes, 12,582–12,590, 12,600–12,605; thinks infirm beggars should be committed to care of paro chial authorities with powers of detention, 12,590, 12,591; sentences on habitual offenders more severe of recent years, 12,592, 12,593; not however perceptibly diminishing number of arrests, 12,594, 12,595; no fixed time allowed prisoners to obtain payment of fine before going to prison, 12,618–12,623; time occupied on Mondays in disposing of cases, 12,625–12,636.

69

NEILL & COMPANY, EDINBURGH PRINTERS FOR HER MAJESTY'S STATIONERY OFFICE.

K - 4 DEC 1970